SENATE—*Wednesday, September 21, 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 JOHN B. BREAUX, a Senator from the State of Louisiana.

The PRESIDING OFFICER. This morning's prayer will be offered by our guest chaplain, the Reverend Spyridon C. Papademetriou, of St. Matthew's Greek Orthodox Church from Reading, PA.

PRAYER

The Reverend Spyridon C. Papademetriou offered the following prayer:

Let us pray:

Almighty and everlasting God, Father of all people everywhere, we bow in humble gratitude for the multitude of Thy mercies so richly showered upon us.

We are grateful for this great Nation, conceived in liberty and dedicated to equality and justice for all. Our fathers trusted in Thee in the past; we beseech Thee, now and always, to strengthen our faith, too. Give our leaders clear vision to see Thy will as their duty, and inspire them with the might of Thy wisdom. Teach us that "righteousness exalts a nation."

Let us see clearly and follow faithfully the ideals that belong to our peace and the peace of the whole world for the sake of Thy kingdom on Earth as it is in Heaven. For Thou art our God, a God of love, mercy, and compassion, and to Thee we ascribe glory, to the Father, the Son, and the Holy Spirit, now and forever and ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN B. BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Nevada, under the previous order, was to be recognized to speak for up to 15 minutes. He is not here.

Mr. DECONCINI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I am going to speak for 5 minutes or so under the order, but I would be glad to yield to the Senator from Rhode Island if he wants to make a statement.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Arizona very much.

WELCOME TO REVEREND PAPADEMETRIOU

Mr. CHAFEE. Mr. President, I wish to say how proud we are to welcome here Father Papademetriou, who gave the invocation. He is from St. Matthew's Greek Orthodox Church. He is somebody whom I have known over the years, and we are very proud he gave the invocation. I think all who followed that invocation clearly, with the praise for our great Nation, know how lucky we are, how blessed we are in this country. These are sentiments we all share, and I want to congratulate Father Papademetriou.

I thank the Senator from Arizona very much.

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

Mr. DECONCINI. Mr. President, I join with my friend from Rhode Island in complimenting our guest chaplain this morning, and certainly our esteemed Chaplain, who has been with us for a long time, almost as long as I have been here, for his constant efforts in our behalf. We appreciate that even though we may not say it often enough. I know this Senator does.

PRESIDENT CLINTON'S LEADERSHIP IN HAITI

Mr. DECONCINI. Mr. President, I rise to congratulate the President of the United States on the tremendous leadership he has demonstrated in Haiti. President Clinton's decision to put together a multinational force authorized by U.N. Resolution 940 to restore the democratically elected Government of Haiti, in conjunction with a final diplomatic effort carried out by former President Carter, General Powell, and our distinguished colleague, Senator NUNN, was the decisive impetus which finally led the military rulers in Haiti to agree to step down and turn over power to the legitimately elected officials.

While I believe the President made a clear and compelling case for the use of force, I did not relish the use of military force for an invasion, and I was gravely concerned about the potential loss of American lives in such an endeavor. No one wants to place our military men and women in harm's way, but the diplomatic options had been exhausted. I am deeply grateful that the President made one last diplomatic step to peacefully restore the elected President of Haiti, which will assist the Haitian people to build democratic institutions and rebuild their economy.

Surely, there will be tense moments ahead, and Haiti's future is, indeed, uncertain. The military leaders who have agreed to step aside have broken many commitments time and time again. The most infamous one was the July 1993 Governors Island agreement where they had agreed, and then failed to honor their commitment, to restore the democratically elected Government of Father Aristide. Surely, this agreement will have to be watched and monitored carefully. We do not know if the military rulers will honor their commitment they have just made to leave no later than October 15.

I am cautiously optimistic, however, that the transfer of power will occur, and I do believe it can occur and will occur. The men and women in our Armed Forces also deserve the strongest praise for what has been a highly successful operation to date. If President Clinton had not balanced power with diplomacy, there would be no end in sight to General Cedras' hold on power and the reign of terror they have inflicted on the Haitian people. It was the President's leadership which allowed U.S. troops to go in not forcefully but peacefully to ensure the transition.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Incredibly, some Republicans continue to take political aim at the President even though it is President Clinton who has achieved the objective set forth by former President Bush. That objective, shared by both Presidents and now on its way toward implementation, is the restoration to power of the democratically elected Haitian President and the end of a reign of terror close to American shores.

These gentlemen who are leaving power certainly have records that are anything but democratic. They have reigned with brute power and force. They have permitted their own thugs and gangs to administer their own justice to anyone who has opposed them.

I think it is important that we understand that President Aristide, as many political officeholders, including this one and, I daresay, most in this body, often said things that might be misinterpreted or actually were said in the manner they were said because of the frustration and the anger that builds up sometimes in political office. Mr. Aristide did do that when he was President, but such remarks do not justify throwing out a constitution and a freely elected President. There is a rule of law. There is a rule of order. There is a constitution. These should have been respected.

Mr. Aristide, since he was deposed and recently on a number of occasions, has stepped up and said there will be no retaliation, at least from him, and he will do all he can with his supporters to see that there will not be retaliation. But you can understand why there might be retaliation. Imagine if you saw your daughter, your wife, your son, or your father raped, murdered, body washed up on the beach and you knew who committed that crime. You might have a hard time, even under the Judeo-Christian belief, turning the other cheek and not taking some retaliatory action. It is difficult for people to do that, as we have seen in many other parts of the world.

So we need leadership now, and Mr. Aristide has demonstrated that he is prepared to lead.

President Clinton demonstrated that he would use force. But he did not just take a poll, lick his finger and put it up in the air to see which direction the political wind was blowing. He showed great leadership by taking action after the years of failed attempts to get the military leaders to leave power.

I watched the debate here prior to the deployment of U.S. troops, and it really bothers me to see so much partisanship relating to this issue and to the President.

As they continue to assail the President's policy in Haiti, I would urge my Republican colleagues to ponder the following statements made to representatives of the Organization of American States:

> The test we face is clear to defend democracy; to stand united as a community of democracies; to make clear that the assault on Haiti's constitutional government has no legitimacy and will not succeed.
>
> Let the coup plotters in Haiti—and any who dream of copying them know this: This hemisphere is united to defend democracy.

I am not quoting the U.S. Ambassador to the OAS, Hattie Babbitt. Nor am I quoting U.N. Ambassador Albright, nor Secretary Christopher. No, the man I am quoting is former Secretary of State James Baker. This clever architect of the international coalition arrayed against Iraq made these remarks during an October 1991 address to the OAS. If this hemisphere was "united to defend democracy" in 1991, I would ask my colleagues, what has changed in 1994? Nothing, I would argue. Nothing but politics.

It was President Bush who said in September 1991 that the coup "constitute[d] an unusual and extraordinary threat to the national security, foreign policy and economy of the United States." If that statement by President Bush was true in 1991, and this Senator believes that it was, then the statements made and the recent actions taken by President Clinton are a logical and correct extension of those remarks. After 3 years of negotiations and other peaceful attempts to get General Cedras and the others to step aside, it was time to bring an end to the terror and impoverishment which the military thugs were perpetuating against the Haitian people.

Had President Bush been elected in 1992, would we have seen all this opposition to this policy? I rather doubt it.

Those military leaders, led by Gen. Raoul Cedras and Lt. Col. Michel Francois, overthrew the popularly elected Government of President Aristide, who was supported by almost 70 percent of the population at the ballot box, with 12 different candidates monitored by international observers who concluded it had been a fair election.

That election culminated years of struggle by the Haitian people on the road to achieving a functioning democracy. It was snuffed out overnight by the military coup which showed complete and utter contempt for the will of the people. President Clinton's difficult decision to use force to oust the military leader came after 3 years of our Government's extraordinary attempts, in concert with the OAS and United Nations, to achieve a peaceful restoration of the democratically elected Government in that nation. Those efforts were met with lies, broken promises, and an arrogant disregard by Cedras and his groups for the will of the people of Haiti and the diplomatic efforts of the international community.

It was President Clinton's leadership in deciding after all diplomatic efforts had failed that the time to take decisive action had finally come. The threat of force coupled with our successful diplomatic efforts will allow for the peaceful transfer of power to Haiti's democratically elected officials. We owe President Clinton as well as President Carter, General Powell, and Senator NUNN our deep gratitude for their success in getting the military leaders to give up their illegitimate hold on power, thereby avoiding the bloodshed that surely would have occurred had an invasion force landed and taken over that island nation.

Our military people were prepared, as always. They stepped up and did what they were instructed to do. They were prepared to carry out the mission, and they are prepared to follow the Commander in Chief.

Some I am sorry to say, continue to question why we are in Haiti at all. Last Thursday night President Clinton clearly outlined United States interests in Haiti: They encompass: First, The preservation of democracy in the hemisphere; second, the restoration of human rights; and third, the end of the Haitian exodus to America's shores. To those who say that these are not U.S. vital interests, I argue to the contrary. I believe that albeit unpopular, President Clinton has made a clear and concerning case for a military presence in the wake of 3 years of failed negotiations.

Just think if we did not support democracy in the other countries, in Guatemala, Nicaragua, El Salvador, Argentina, Peru, Bolivia, and Mexico, where would we be today? We would have a difficult time in this hemisphere. There are only two countries that do not have elected democratic leaders in the southern hemisphere—Cuba and Haiti.

During debate in this Chamber last week, my Republican colleagues claimed that the President was motivated solely by a desire to bolster his sagging opinion poll numbers through a Haitian invasion. If any politics are being played in this debate, it is by the Republicans who are trying to score cheap political points. The blatant hypocrisy displayed in the 180-degree turn made by some Republicans in attempting to tie the hands of a Democratic occupant of the White House—after they argued that the hands of the last two Republican occupants should remain unfettered—is dizzying. Their clamoring for the President to come to Congress for authorization of military action was a mere technicality to the fierce defenders of Republican Presidential prerogative just a few short years ago. Perhaps they did not recall the words of Senator DOLE, the Republican leader, on December 20, 1989, during the Panama invasion:

> I think my own view is the President of the United States has to make the final decision.

He also said during that debate,

> * * * the primary thing is not pleasing all Members of Congress, it's protecting the American lives in that area and restoring democracy. You can't please every Member of

Congress, whatever you do, though I think in this case it should be almost unanimous.

Similarly, Senator DOLE, when speaking of the failed coup attempt against Noriega said,

A good part of what went wrong * * * did not happen last weekend. It started happening many years ago when Congress first decided to start telling the President how he ought to manage a crisis.

If that is the case, I would ask my friend from Kansas why he and his colleagues continue to be telling the President how to manage the situation in Haiti.

Three years ago, then-Secretary of State Baker decried the military coup in Haiti. "This junta is illegitimate," he charged. "It has no standing in the democratic community. Until President Aristide's government is restored," Baker added, "this junta will be treated as a pariah throughout the hemisphere—without assistance, without friends, and without a future." President Clinton has begun to achieve what was sought by the Bush administration—to assist in the restoration of the legitimately elected President of Haiti and the building of democratic institutions in that country.

Mr. President, it is my hope that our military mission will bring back a democratically elected government to Haiti, that we will indeed insist on the rule of law, that we will indeed insist, if necessary, that the military in Haiti be replaced and disarmed, that we will not stand by once we have the forces in place to do what is right to ensure the transition to democracy, and to help ensure that there is no retaliation against any Haitian, including those in the political camp of Mr. Cedras, and those in political support of President Aristide or any other political party. It is time to do the right thing here and not let violence reign, and allow the transition to democracy to occur.

I thank the Chair. I thank my friend from Iowa.

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

Mr. GRASSLEY. Thank you, Mr. President.

THE SUNSHINE IN LITIGATION ACT OF 1994

Mr. GRASSLEY. Mr. President, back in June of this year, we were debating a bill called the product liability law. We did not pass that bill because we did not have enough time or enough votes to stop the filibuster. The distinguished Senator from Wisconsin offered an amendment to that bill entitled "The Sunshine in Litigation Act of 1994."

The purpose of that amendment was to alter the requirements of rule 26(c) of the Federal Rules of Civil Procedure, with regard to the issuance of protective orders and the sealing of court records.

The effect of the amendment by Senator KOHL, in my opinion, was to severely limit the Federal courts' authority to issue protective orders, or limit access to court records. The courts would be required to make particularized findings that such orders would not restrict the disclosure of information relevant to the protection of public health and safety.

There were other limitations on the powers of the courts. But, suffice it to say, the amendment, in my judgment, constituted a major change in the Federal rules. Most significantly, it circumvented the established process contained in the Rules Enabling Act.

My remarks today are geared more toward the way that Senator KOHL's amendment circumvents a process, rather than the substance of his amendment.

As part of that process, Congress delegated to the judiciary the drafting of proposed changes to the Federal rules. The U.S. Judicial Conference first issues its proposed change—that is the way the process normally works—and then the Supreme Court either approves or rejects the proposal to amend the rule. Eventually, the proposed rules come to the Congress subject to our veto.

During the debate on Senator KOHL's amendment, I and several of my colleagues pointed out that we should not lightly disregard the process that has served us well. We emphasized in that debate that the Judicial Conference was in the process of studying the effects of protective orders to determine what if any changes needed to be made in rule 26(c).

In response to our argument, Senator KOHL stated that the Judicial Conference had been considering this matter for 4 years and had not recommended any change. And then he likened it to, in his words, "waiting for Godot." I am here to announce that Godot will soon arrive. I predicted that back during the June debate.

In a letter to Senator KOHL and other members of the Judiciary Committee dated August 25 of this year, Judge Patrick Higginbotham noted that the Advisory Committee on Civil Rules will meet on October 20–22 this year. At that meeting, they will reconsider amendments to rule 26(c) of the Federal Rules of Civil Procedure.

Judge Higginbotham stated: "It is expected that the committee will complete its work and approve amendments to rule 26(c) at its October meeting."

I ask unanimous consent that Judge Higginbotham's letter be printed in the RECORD following my statement.

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

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I raise this subject today because we did discuss this in June. Senator KOHL's amendment did not go through and even the bill did not go through. But tomorrow the Subcommittee on Courts and Administrative Practices has scheduled a markup of Senator KOHL's bill to amend rule 26(c). I am ranking Republican on that subcommittee. Senator HEFLIN is the Democrat chair.

I remind my colleagues that in the 60 years since the Rules Enabling Act, Congress has never bypassed the process it set up for amending the Federal rules. That process is now almost complete. I urge my colleagues on the subcommittee, and Congress as a whole, to allow the process to continue. I think unless we do that, we set a very dangerous precedent for future amendments to the rules, and we are going to politicize the whole process needlessly. Congress does have a bite at the apple through the veto process.

I ask unanimous consent to have printed at the end of my statement a letter that I received the other day from Prof. Arthur Miller of Harvard Law School.

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

(See exhibit 2.)

Mr. GRASSLEY. Mr. President, I asked Professor Miller to review the proposed amendments to 26(c), and he was kind enough to respond. I will summarize his conclusions:

He strongly urges Congress to adhere to the established process of allowing the Judicial Conference to study, analyze, and ultimately recommend changes to the Federal rules.

With respect to the substance of the proposed changes to rule 26(c) offered by the Senator from Wisconsin, the professor believes that they are unnecessary, that they are counterproductive, and that they will only hinder the Federal courts in the expeditious handling of the cases that it has before them.

As one of our country's foremost scholars on civil procedure, Harvard Professor Miller's analysis merits close consideration by Members of the Senate.

EXHIBIT 1

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE OF THE JUDICIAL CONFERENCE OF THE UNITED STATES,

Washington, DC, August 25, 1994.

Hon. HERB KOHL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KOHL: Thank you for your letter of August 11, 1994, containing revisions to and additional information on S. 1404, your bill on the disclosure of litigation materials. The Advisory Committee on Civil Rules will meet in Tucson, Arizona on October 20–22, 1994, and will reconsider proposed amendments to Rule 26(c) of the Federal Rules of Civil Procedure. The committee will have before it your letter and enclosed materials.

The preliminary draft of proposed amendments to Rule 26(c), which was published for

public comment for six months in October 1993, was deferred for further study by the committee at its April 1994 meeting. Potential problems were identified and improvements were suggested from the public and bar. The committee also believed that the results of a pending Federal Judicial Center survey of several district courts on the use of protective orders would provide helpful empirical data on current practices. We are assured that this study will be completed in September in time for the committee's consideration in October.

I emphasize that the advisory committee continues to refine the proposed amendments to address the concerns raised by the public comments and by your bill. We are studying several alternatives. It is expected that the committee will complete its work and approve amendments to Rule 26(c) at its October meeting. The Judicial Conference's Standing Committee on the Rules of Practice and Procedure is meeting on January 12–15, 1995, and we hope it will in turn send the rule on its way.

This meticulous drafting process assures the best possible rule amendment and fulfills the Congressional purpose and intent underlying the Rules Enabling Act. It ensures that all persons affected by the proposed amendments have been provided ample opportunity to express their views for the consideration of the rules committees, the Judicial Conference, and the Supreme Court. Congress will then have the benefit of the cumulative experiences of these bodies and the knowledge derived from public comments when it reviews rules amendments that have been submitted to it in accordance with the Act.

The committee is keenly interested in your views and in continuing our productive interchange. I will keep you apprised of the committee's work on this rule.

Sincerely yours,

PATRICK E. HIGGINBOTHAM.

EXHIBIT 2

HARVARD LAW SCHOOL,
Cambridge, MA, September 16, 1994.

Senator CHARLES E. GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: Thank you for requesting my views on proposed legislation S. 1404 and Amendment No. 1930 to S. 687, introduced by Senator Kohl specifically to limit the use of protective orders, under Rule 26(c) of the Federal Rules of Civil Procedure, and confidentiality agreements in the federal courts. These bills touch on important societal interests, such as public access to the courts and promoting public health and safety, issues that I have studied and written on extensively in recent years.[1] However, the legislation is not likely to promote either of these laudable goals because it proceeds from an erroneous premise, which is, that protective order practice is having a deleterious effect on public welfare. In my experience, it is not.

Let me start, however, by discussing one transcendent issue that obscures all others I could discuss concerning these bills: in my view, pursuit of Senator Kohl's legislation does violence to the federal court rulemaking process that Congress itself created in Section 2072 of Title 28 of the United States Code. Under that process, Congress deferred its participation until after all of the pertinent research, analysis, and deliberation had been completed by the United States Judicial Conference, and until after the United States Supreme Court had placed its imprimatur on, or rejected, a proposal to amend a federal rule. Senator Kohl's request for congressional action now, without the benefits that flow from adhering to the process, could compromise the quality and reliability of congressional deliberations, in addition to undermining the integrity of the rulemaking process.

One such important benefit would be the availability of hard data that will better inform the rulemaking and legislative process on this important subject. Right now the Federal Judicial Center is conducting the only empirical study undertaken to date dealing with protective orders. I understand that the results of the study, which examines actual practice in five federal district courts, will be submitted to the Advisory Committee on Civil Rules of the United States Judicial Conference by the end of this month. The Advisory Committee then will make a recommendation for action in this area at its October 20–21 meeting.

Respect for the rulemaking process and the potential value of having the results of the professional and meticulous research that will be available in a few short weeks argues persuasively in favor of deferring congressional action, at a minimum, until the Advisory Committee puts forth its final recommendation, or, more appropriately, until any proposed rule reaches Congress for review as part of the regular rulemaking process prescribed in the Rules Enabling Act.

Yet even at that juncture I would not endorse enactment of either form of the presently proposed legislation, for a variety of reasons. The promise of confidentiality is an essential tool for encouraging full disclosure and encouraging settlement in civil litigation. Its use should be left to the discretion of the federal district judges, subject to review by the federal appellate courts.

My own research, discussions with federal judges, and a review of the recent cases satisfy me that, under the current rules, if a court believes certain information should be made public, the court will deny or set aside a protective order.[2] Thus, the current rule formulation accomplishes the very result the proponents of the legislation purportedly want. Consequently, in my view, no legislation or amendment of Rule 26(c), is desirable or necessary.

I. RESPECT FOR THE PROCESS COUNSELS CONGRESSIONAL CAUTION

Over time, the statutorily prescribed procedure for amending the Federal Rules of Civil Procedure, set forth in the Rules Enabling Act, has been carefully crafted and refined under the painstaking direction of this very Subcommittee. Indeed, some very substantial changes were made to the rulemaking process during the last decade, increasing public participation and imposing greater structure on the deliberative process.[3] Congress also has given the Judicial Conference and its research arm, the Federal Judicial Center, the necessary resources to supplement existing expertise about the courts, all in order to study the need for possible rule changes, and to craft the delicate balance essential to fairness and effectiveness. Once developed in the Advisory Committee, the proposed civil rules and rule amendments are acted on by the Judicial Conference, promulgated by the Supreme Court, and come before the House and the Senate for acceptance, amendment, or rejection.

The Rules Enabling Act vests authority in the Chief Justice of the United States to appoint members to the rulemaking committees of the Judicial Conference, specifying that members shall include sitting judges, academics, and practitioners. Over the years, the membership rosters have included distinguished jurists, noted scholars, and highly skilled senior trial attorneys, in recognition of the fact that these types of individuals are in the best position to determine whether any rule changes are appropriate, and if so, what those changes should be and whether they will work. The Committee's work is aided by the work of a Reporter, usually a recognized and respected academic who has specialized in the procedure of the federal courts.[4]

Moreover, while the public has ample opportunity to participate in the rulemaking process, in the end, an Advisory Committee decision about the content of the rules is not subject to political dynamics. The absence of special interest group pressures is of great import here, precisely because of the partisan rhetoric that has so heated the public debate on protective orders. Therefore it is of the greatest significance that the Judicial Conference, through the Advisory Committee, is taking action on the very issue that S. 1404 and Amendment No. 1930 concern. Since neutrality is a paramount attribute of the civil rules, the objective, dispassionate decisions made by the Advisory Committee should be sought and then given the greatest possible deference.

Also emphasizing the importance of following the Rules Enabling Act process are requests from both the Department of Justice and the Chairman of the Rules Advisory Committee to defer action on this legislation. The Department requested deferral to allow it to conclude its own study of the civil justice system.[5] The Chairman of the Advisory Committee suggested that Senator Kohl defer to the rulemaking process and await the availability of the empirical data from the Federal Judicial Center study before considering what, if any, action might be appropriate,[6] reiterating that view only last month.[7] Action in the face of these expressions of restraint, and without reference to empirical data that will soon be available to inform the legislative process, faces a significant risk of producing legislation inconsistent with any rule that might be, or might have been, crafted through the rulemaking process. Consequently, it would be prudent to defer legislative action until the legislation process also can be informed by the facts.

II. THE LIKELY ADVERSE EFFECT OF THE LEGISLATION ON THE FEDERAL COURTS

Civil dispute resolution traditionally has been a private process, although admittedly conducted through public resources. It would be well to remember that until the Federal Rules of Civil procedure there was virtually no discovery in civil litigation—no discovery at all. Thus, any notion of public access to the private elements of civil litigation, such as discovery, is a myth. It was not even a possibility prior to the Federal Rules. As then-Judge Scalia once wrote, to accept a tradition of access to prejudgment or discovery records, "one would have to accept that the court, writing in the days before photostatic copying, envisioned the passing around of documentary exhibits . . . or the manual copying of all of them." *In re Reporters Comm. for Freedom of the Press*, 773 F.2d 1325, 1334–35 n.7 (D.C. Cir. 1985). Indeed, even as recently as 1970, litigants were required to show "good cause" in order to obtain documentary discovery from an opponent.

In the process of creating the Federal Rules; it was decided that in order to maximize the probability of resolving disputes on

Footnotes at the end of letter.

their merits, to reach truth and justice to avoid trial by surprise, we should give all litigants access to all relevant data. That is what discovery is—giving all litigants the ability to find out that which relates to their disputes. The writers of the rule made that process wide open to assure equal and full access to the data. However, the intended beneficiaries of those access rights were the litigants and the litigants only; the drafters of the discovery rules had no plans for increasing general public access rights, particularly as to private information.

Thus, the writers of the rules recognized that there must be a counter-balancing element to broad disclosure. If we are going to allow wide open discovery, we must protect people against abuse, against harassment, against intrusion, against loss of valuable commercial and proprietary data that may result from that process. That is what rule 26(c) is all about. The so-called secrecy order, much maligned by some, is really a privacy order.

Alteration of the protective order structure under Rule 26(c), may, in accord with the law of unintended consequences, dramatically shift the role of the federal courts in our society in a way that may not be desirable. If we alter the balance and reduce the ability of people to protect their privacy and confidentiality in civil litigation, we run the risk of very deleterious side effects in our civil justice system.

A victim of sexual harassment may forego a legitimate claim rather than face unlimited public intrusion into highly intimate aspects of her life. Corporate litigants forced to produce confidential proprietary information may resist discovery entirely, stymieing quick resolution of a dispute or an attempt to vindicate an important national policy—for example, under the antitrust or securities laws—and raising costs for all involved, including taxpayers, rather than risk disclosure of trade secrets to competitors through open court files. The courts, already strained by criminal dockets and decades-long discovery processes, would be forced to delay new, meritorious cases clamoring for resolution.

Further, this grand discovery regime operates largely on a voluntary basis, extra-judicially, so that busy federal judges can adjudicate the merits and not arbitrate petty discovery fracases. Without the voluntary aspect of discovery, we would produce enormous confrontation, protraction, and expense in the discovery process. If people could not voluntarily agree on confidentiality during discovery, which is what most protective orders are—agreements between the parties to disclose voluntarily under the assumption that the data disclosed is to be used for this case and no case or purpose other than this one—litigants would be given an incentive to engage in trench warfare not to reveal the proprietary, the important, or the private.

Both of Senator Kohl's legislative provisions would undo the voluntary nature of the current discovery system, requiring significant judicial involvement whenever privacy and confidentiality concerns arose. In S. 1404, subsection (a)(1) of proposed section 1659 would require particularized findings of fact by the judge before any protective order could issue under Rule 26(c) to keep information confidential. Amendment No. 1930, Section (b), would impose a similar requirement for particularized findings, but it also would establish a multi-step analysis and balancing process that is likely to require an evidentiary hearing to resolve. Private ordering of the discovery process, and thereby the expedited exchange of information, would be impossible under either provision.

It always must be remembered that during discovery, the lawsuit, the claims of injury, and the various defenses are remarkably fluid. As discovery progresses, claims will be refined and narrowed, defenses will be winnowed or dropped altogether, and the overall lawsuit will acquire a shape that often is very different from that with which it began. During discovery there is no objective, knowable truth with regard to the ultimate merits of either side of the case. Each side relies and proceeds entirely on the basis of its allegations, which are not yet proved. Thus, it defies logic and basic fairness to penalize a litigant during this phase of litigation by mandating public disclosure of potentially irrelevant information in which a litigant may have a privacy or property interest based solely on bald, unsupported allegations. *Cowley* v. *Pulsifer*, 137 Mass. 392, 394 (1884) (Holmes, J.). Yet, that is what the proposed legislation apparently would require.

Both S. 1404 and Amendment No. 1930 have the potential to retard the rate of settlement of civil cases by requiring renewed findings by the judge, at the time of final judgment, in order to maintain confidentiality once the litigation has concluded. Many litigants would prefer, if they could not assure themselves of the return of their proprietary data and their private information, to fight it out rather than abandon what they believe to be very important data or to have the opportunity to tell their story in context. If we undermine the availability and effectiveness of consensual protective orders, and consequently reduce the likelihood of settlement agreements, the federal judiciary, faced with cases of enormous complexity and a criminal docket that boggles the mind, would be additionally burdened in an unacceptable way.

III. RESTRICTIONS ON PROTECTIVE ORDER PRACTICE ARE UNNECESSARY

As I suggested earlier, Senator Kohl's legislation is based on at least two entirely undemonstrated and probably erroneous beliefs. The first is that protective orders are concealing vital information from the public about defective products or environmental hazards. The second is that restricting the use of protective orders and other confidentiality devices in litigation will make information about defective products and hazards more readily available to the public. Both have been rejected repeatedly and convincingly by a number of sources over the last few years.

As for the first, there simply does not appear to be any difficulty with protective order practice in the federal courts that requires legislative intervention into a rulemaking tradition—courts are not concealing information about defective products and environmental hazards in situations in which there is no other source of information available to the public. In the individual anecdotal incidents I have reviewed, information about alleged defects or hazards invariably was available to the public from a variety of sources. Often the public information, usually in the form of media stories, was available long before any litigation was even commenced.[8]

Not surprisingly, the same holds true even for the anecdotes Senator Kohl used to claim that this legislation was needed. An elderly couple, the Schmidts, testified about the tragic loss of their son in 1985, which allegedly occurred because protective orders kept them from learning about a vehicle defect. According to a letter from the vehicle manufacturer to Senator Kohl, however, starting as early as 1977 there was a "mailing to more than 20 million owners . . ., a three-day public meeting . . ., a report by the General Accounting Office, a certified class action, eleven reported appellate court decisions, . . . two Congressional hearings, . . . 25 public trials," and literally hundreds of stories in the electronic and printed media.[9] Given this deluge of information, it strikes me as highly unlikely that the Schmidts' failure to learn about the alleged defect resulted from the use of protective orders.

But even if it did, restricting the use of protective orders in litigation does not necessarily mean that more or better information will be made available to the public. Courts are not equipped to disseminate information publicly, nor are they qualified to determine what information would be most helpful if disseminated. More to the point, however, a litigant intent on concealing proof of liability or civil wrongdoing can withhold "smoking gun" documents just as easily with or without protective orders. In fact, protective orders are entirely irrelevant to whether essential information will be produced in discovery in the first place.

In the routine case, information about an alleged harmful product or dangerous situation becomes public as soon as a lawsuit is filed, if not earlier. Initial pleadings invariably are open to the public, and when an issue of public import is involved, the plaintiff's lawyer often issues a press release describing the litigation. But focusing on the courts as a primary source of public information about matters of public health or safety ignores more appropriate sources of such information, such as administrative and executive agencies that are responsible for protecting the consuming public. If there is a dearth of public information, efforts to eliminate it would be better directed toward improving the functioning of regulatory agencies than toward the courts and protective orders.

In conclusion, in my view, the Senate should take no independent, further action on Senator Kohl's legislation at this time. Instead, deference should be given to the rulemaking process, with respect for the scholarship, legal experience, and dedication of those who make it work. The Advisory Committee's work on the protective order rule, informed by a lengthy period of public comment and empirical research data, deserves serious consideration by Congress before Congress intervenes with alternatives of its own. If I may be of further service, please do not hesitate to contact me.

Pursuant to your suggestion, I am sending a copy of this letter to Senator Howell Heflin, the Chairman of the Subcommittee.

Sincerely yours,

ARTHUR R. MILLER,
Bruce Bromley, Professor of Law.

FOOTNOTES

[1] See, e.g., Arthur R. Miller, *Confidentiality, Protective Orders, and Public Access to the Courts*, 105 Harv. L. Rev.

[2] See e.g., *Pansy* v. *Borough of Stroudsburg*, 23 F.3d 772 (3d Cir. 1994); *Laucadia, Inc. V. Applied Extrusion Technologies, Inc.*, 998 F.2d 157 (3d Cir. 1993); S.E.C. V. *Van Waeyenberghe*, 990 F.2d 845 (5th Cir. 1993); *Pocono Artesian Waters Co.* V. *Leffler Systgems*, 1994 WL 26281 (E.D. Pas. 1994).

[3] See, e.g., Judicial Improvements and Access to Justice Act, Pub. L. No. 100-702, §403, 102 Stat. 4642 (1988); David D. Siegel, Commentary on 1988 Revision, Annotation to 28 U.S.C.A. §2073 (West Supp. 1994); H.R. Rep. No. 422, 99th Cong., 1st Sess. (1985).

[4] I have had the honor of having served at the request of Chief Justices Burger and Rehnquist as the Reporter and as a member of the Advisory Committee.

[5] See April 18, 1994, Letter to the Honorable Howell Heflin from Assistant Attorney General Sheila F. Anthony, Office of Legislative Affairs, Department of Justice.

[6] May 12, 1994, Letter to Senator Herb Kohl from Judge Patrick E. Higginbotham, Chair, Advisory Committee on Civil Rules, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

[7] August 25, 1994, Letter to Senator Herb Kohl from Judge Patrick E. Higginbotham, Chair, Advisory Committee on Civil Rules, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

[8] See, e.g., Miller, supra note 1, at 480-82 (discussing facts behind most common anecdotes).

[9] May 6, 1994, Letter to the Honorable Herb Kohl from Richard L. Manetta, Assistant General Counsel, Ford Motor Company.

HAITI

Mr. GRASSLEY. Mr. President, I will simply make a statement in regard to what Senator DECONCINI had to say. I am not going to take exception to anything he said. But he did say that the debate maybe has become very political. As one Republican who has spoken out against the President's actions in Haiti, I think I have some credentials to speak and have those remarks reviewed as nonpolitical, because in January 1991, when this body debated giving President Bush permission to use military action in the Persian Gulf war, I was one of only two Republicans who opposed President Bush's action because I felt that other processes should be used. I was opposing a Republican President, and I am a Republican.

I have stated that military troops in Haiti should be used when American life is in danger or when the national security interests of our country are at stake. The military should be used as a last resort, and for those reasons. I do not think Haiti is a threat to the national security of our country. And because Haiti is not a threat to the national security of our country, I do not think Haiti, from that standpoint—not the Haitian people—is worth one drop of American blood.

I feel that there is a chance, even under the more peaceful conditions under which our people have gone into Haiti, in a less militaristic environment—still in those conditions—there is threat to American life. I think we should be very cautious when we put our American troops in such a situation.

I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

CONFERENCE AGREEMENT ON THE URUGUAY ROUND

Mr. MOYNIHAN. Mr. President, I rise today to bring good news to the Senate on a matter of great importance. Last evening the Committee on Finance reached agreement with the House Ways and Means Committee in its conference on legislation to implement the Uruguay round of Multilateral Trade Negotiations and approve the World Trade Organization. This is indeed good news for the Senate, for the President, and for the United States. To meet our international commitments, the Senate must consider the Uruguay round legislation before it adjourns this year. With this agreement, I am confident that we will do just that.

I would note, most importantly, that we have achieved a bipartisan agreement, with great assistance from the ranking member of the Finance Committee, the senior Senator from Oregon, and with the unanimous support of the Senate conferees. Matters relating to international trade continue to be handled in the best bipartisan traditions of the Finance Committee.

The Uruguay round is a momentous trade agreement, the largest, most comprehensive trade agreement in history—one that was 7 years in the making. With this agreement, foreign tariffs on U.S. manufactured exports will be cut by one-third, the largest reduction in history. Indeed, the Treasury Department estimates that the Uruguay round will reduce world tariffs by nearly $750 million over the next 10 years. This will prove to be, in practical effect, the world's largest sales tax cut—a boon to American exporters and consumers alike.

We will have new rules to protect the intellectual property of U.S. entrepreneurs, one of the greatest strengths of this country. Trade in services, which encompasses 60 percent of our economy and 70 percent of our jobs, will for the first time be subject to internationally agreed rules. The agriculture sector will also be brought under international rules, to the great advantage of American exporters. And we also will benefit from the strengthening of dispute settlement rules, which more often work to our advantage than to our detriment.

Indeed, this agreement is historic, for with the creation of the World Trade Organization the United States finally makes good on the vision of our postwar leaders. They sought the establishment of an International Trade Organization. It was denied, by the Committee on Finance in large part. We now have the opportunity at long last to finish the work of the 1944 Bretton Woods accord. And with the World Trade Organization we will have the basis for a sounder and more prosperous world trading system.

The legislation to implement the Uruguay round, once submitted by the President, is considered under fast track procedures and is thus unamenable. But, Mr. President, I can assure the Senate that the committee has taken great care in constructing this legislation. The committee met six times in public markup sessions from mid-July to the beginning of August. In those meetings we formulated our recommendations to the President regarding the provisions of the legislation. And between this week and last we worked to reach agreement with the Ways and Means Committee on those recommendations, just as we would with any other legislation.

The conference reached overwhelming agreement. We began with over 100 differences between our recommendations. Once we had completed our work, only four issues remained in disagreement—and on these, we agreed to disagree. None of them is essential to implement the Uruguay round. The disposition of them is important to individual Members, of course, myself included. But the conference was in complete agreement on all changes in law necessary to bring the United States into conformity with our commitments in the Uruguay round.

Mr. President, it is my expectation that President Clinton will submit this legislation to the Congress early next week. I would expect the House to act expeditiously, and hope the Senate will do likewise. I look forward to bringing this legislation to the Members of the Senate.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, perhaps a little pop quiz would be in order. 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 Tuesday, September 20, the Federal debt stood—down to the penny—at $4,683,866,175,111.68 meaning that every man, woman and child in America owes $17,965.74 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.

HONORING THE LATE HARRY NALTCHAYAN

Mr. DURENBERGER. Mr. President, man's quest to capture time has taken many forms over the ages. Over the last century, the frozen music known as photography has been a major art seeking to capture forever what once was—and thus to show us to ourselves.

Harry Naltchayan, who died last week, shared with a whole city—indeed, with the whole world—his irrepressible joy in the magic of his craft. It takes more than just pointing a camera to capture a reality for all time—you have to have an insight into people that tells you what's really important. Only if you truly understand

people can you hope to make a picture that will last—one that will have a resonance in your own heart and the hearts of others.

Harry had this gift.

From the moment I first met him 16 years ago—he asked "May I make a picture?"—I have loved Harry. I mourn his passing—and yet I know that his body of work will live forever.

I ask unanimous consent that Martha Sherrill's appreciation of Harry Naltchayan in last Saturday's Washington Post be included in the RECORD at the conclusion of my remarks.

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

[From the Washington Post, Sept. 17, 1994]

THE PHOTOGRAPHER WHO MADE US SMILE

(By Martha Sherrill)

If you went to a party with Harry, the world smiled at you. The grumpiest people. The worst people. The self-serious and pompous, the mean, the petty, the self-righteous, the overworldly, the indicted. People caught sight of Harry Naltchayan—with his elegant clothes and inelegant cameras—and their faces lifted, their shoulders relaxed. They seemed lighter, easier-going, relieved from something. They seemed able to shake off the flop-sweats of some higher office and the dreary burden of the social occasion, as though the atmosphere around Harry were made of laughing gas or ether. Harry was a tonic. He was a miracle. He generated so many good feelings he was like a proximity bomb of life and spirit and affection.

It's so unlike him to be dead.

Harry Naltchayan was best known as the ever-present society photographer for The Washington Post, in fact, the society photographer in Washington from the days when such things mattered greatly until yesterday, when he died of a heart attack. But he was also as remarkable as the people he shot.

It wasn't just Harry's camera that made people smile, or the hope that his artful pictures might grace the front of the style section the next morning, immortalizing their importance, endowing, exaggerating a moment in time, the champagne forever bubbling in flutes, the salmon forever smoked on the platter, the Scotch forever splashing in tumblers. People smiled at Harry Naltchayan because when you looked at that smile you couldn't not smile yourself.

Because, besides being blithe, debonair and beautiful, Harry Naltchayan was also a human being—a busy newsguy who always asked about your family, who cheerfully remembered the names of presidential aides four administrations away, who loved his job, who seemed to care about everybody, who never hid his feelings behind his camera, and who always tried to use the most flattering picture.

And soon enough, around Harry, important people would find themselves becoming human beings too. Around Harry, they began touching, hugging, mugging, vamping, kissing, and turning their perfectly coiffed but now slightly sweaty heads toward his camera lens. Why not be happy? It was a party! So there they were, Melvin Laird and Cap Weinberger—smiling! Jody Powell and Bud McFarlane—smiling! Mike Deaver and Ralph Nader—smiling! Nixon and Ford and Carter and Reagan and Bush and Clinton smiled too, and silly Cabinet secretaries and chiefs of staff, dusty ambassadors and Washington waxworks, the new people, the old people, the soon to be famous and the already forgotten.

Harry was the opening act. The party reporter was the closer. One-two punch. "He had an incredible way of making people relax," remember Sally Quinn. "For me it was great, because Harry would come in and soften them up—and then I would move in for the kill."

I didn't come to know Harry until the summer of 1989, when we covered the 70th birthday party of Malcolm Forbes together in Morocco. I remember being somewhat in a panic, nervous and new at covering parties, new at covering anything, and mesmerized by Harry. On the plane to Tangier, I kept hearing his chuckle in the back row, kept turning around to look at him, smiling hugely, chatting it up with Mort Zuckerman and Katharine Graham, and making friends so fast I started feeling like an imposter. Who was this guy?

It was in Tangier that I came to see what Harry was all about. He looked after me. He interviewed people in all sorts of languages. He dragged me over to meet Henry Kissinger. He passed along hilarious gossip. He also bought me cigarettes, in the middle of the night, when I was on deadline.

He noticed everything, overheard everything. Harry often knew the news, and the news sources, far better than the reporters. "He could drive you crazy while you were conducting a ticklish interview by reminding the subject when last the two of them had met," says writer Ken Ringle. "Sometimes it would break a train of questions you were trying to follow and screw things up. But other times he would prompt an on-the-record comment you could never have gotten."

He had a continental accent, perfect manners and perpetual tan. His hair was white. His shoulders were straight and broad. It was as if he'd come from another time, another planet, a place where people treated each other like friends, like family, not mere names in the news to be ignored and discarded when the news changed.

Because nobody ever became a nobody to Harry. Sure he knew that nothing lasted, especially in Washington. But in a town where today's bigwig was tomorrow's third-rate lobbyist, Harry made friends and kept them. On one assignment, he confided to writer Elizabeth Kastor that he frequently took pictures of people with no intention of printing them—sometimes shooting away with no film in his camera.

Why?

"It makes them feel good."

NINA SHEPHERD

Mr. SASSER. Mr. President, one of the pleasures of serving in the U.S. Congress comes in working with talented and dedicated staff. These staff people contribute so much to the effective functioning of our Government. These men and women are on the job night and day to ensure that the people's business gets done—but they receive little public recognition.

One such person, Mr. President, is CBO's analyst for veterans affairs, Nina Shepherd. Ms. Shepherd will be retiring on September 30, of this year. She will be sorely missed. Nina began working for CBO on November 21, 1976. At the time, CBO was housed in the mouse infested FBI warehouse. Rather than finding this particularly distressing, Nina chose to befriend the mice and would leave a trash can of lettuce and other goodies for them on a nightly basis. Her pets eventually yielded to the current quarters in which CBO finds itself. While Nina still lacks a window, she does have a lovely pea green carpet and some of the finest Government-issued antiques that the taxpayers dollars can buy. All of this is simply to say that Nina has always shown a talent for making the best of things. She saw CBO through its infancy and thanks to her patience and competence, has helped give that institution the wonderful reputation it enjoys today.

The focus of Nina's hard work has been for the House and Senate Committees on Veterans' Affairs. She knows and understands the issues that face those committees. But she has also been of great assistance to the Budget Committee. The road between compassion for our veterans and Federal budgetary restraint is often a bumpy one. Nina has managed to follow that road with a level of honesty and integrity that has earned her the respect of the Congress and the Veterans Administration. Recently, for example, Nina did a major study to suggest alternatives for veterans housing programs. Some of her ideas were put to good use to save taxpayers dollars, but more importantly, her ideas are cited by Veterans Committee staff as the basis for the continued viability of these housing programs.

In addition to the high quality of her work, Ms. Shepherd brings much joy to her work. She has always been there for her colleagues, whether as a teacher or as a friend. It is true that we will miss her for her skills, her competence, and her efficiency. But just as much, we will miss those outrageous stories, that wonderful laugh and that extra bit of strength on a hard day. Nina, we wish you the best of luck. We will miss you.

Mr. DOMENICI. Mr. President, I want to join the chairman of the Budget Committee in wishing Ms. Shepherd well. She has always provided expert assistance to us on veterans issues and I know we speak for all our Budget Committee staff as well when we thank her for a job well done.

WELFARE REFORM

Mr. LAUTENBERG. Mr. President, with the end of the 103d Congress nearing, it seems clear that we will adjourn without enacting welfare reform. The administration and Senator MOYNIHAN laid a solid foundation for reforming our welfare system: One that offers support but requires people to work; one that keeps families together and encourages self-sufficiency and responsibility. These were the values I

learned growing up in a poor, immigrant home in New Jersey. Unfortunately, the erosion of these values and our inability to provide decent jobs for all our citizens have turned our welfare system into a self-perpetuating cycle.

We should make welfare reform a top priority in the next Congress. Our welfare system is a mess. It hurts those it is supposed to help. It costs too much and does too little. Instead of moving people out of poverty, it often keeps them in poverty: it encourages dependency, stifles initiative, and becomes a way of life.

More than 63 percent of all welfare recipients will be on welfare for more than 2 years throughout their lifetimes; 25 percent will be on the rolls for more than 8 years. For most of the people who get jobs and leave the rolls, employment tends to be temporary. Wages are too low and jobs are seasonal or sporadic: the net result is that after a period of employment, people return to the rolls. That is a sign of systemic failure. Welfare is no longer a temporary helping hand in difficult times. It is not achieving the goal of making people independent and self-sufficient.

Mr. President, we need to reform the welfare system to move welfare recipients into real jobs. Welfare began as a temporary, transitional program; it was supposed to be a helping hand, not a long-term income support program. The only way for welfare recipients to get a foothold in our economic and social mainstream is to get a job.

In today's economy, however, low-skilled jobs that pay an above welfare wage are not that easy to find. Ironically enough, we face a situation in which work is often not economically worthwhile: you get more on welfare than you do from a no-benefits, minimum wage job.

We need to address the health care, job training, and educational needs of welfare recipients to provide the incentives and skills to move them into the work force. We began this process in 1988 by enacting the JOBS Program in the Family Support Act, which I supported. Unfortunately, the JOBS Program was not fully funded by many States and many welfare recipients are on waiting lists—waiting to get job training and remain on the welfare rolls instead of on payrolls. Welfare recipients will leave the rolls permanently when they get a job. The way to get a good job is to have good job skills—job training and welfare go hand in hand.

Just as important is teaching the discipline and responsibility which come in a job. That is why there should be a limit in the amount of time one can be on welfare. A consensus has developed to set a time limit on welfare, after which recipients must take a job: one in the private sector if that is available, or one in the public sector if that is the last resort. This has to be an essential element of any reform strategy.

Welfare reform should also require that parents take responsibility for their kids. Let me give you an example of what I mean. Right now, women living below the poverty level only receive 43 percent of the court-ordered child support they are supposed to get Fathers are shifting the burden of caring for their children to the State and the taxpayers. That is unacceptable and unjustified. We must be more aggressive in tracking down noncustodial parents and making them pay child support.

Mr. President, welfare reform should move people off the welfare rolls into jobs; it should provide incentives to work and to keep families together. It should emphasize personal responsibility and initiative. If we enact universal health care, provide jobs and job training, enforce our child support law, and require work, fewer children will grow up in poverty and in single parent families. Welfare reform should steer recipients into productive jobs and help install a work ethic. Such reform can break the cycle of poverty and dependence that engulf too many of our children growing up in welfare families today.

IN MEMORY OF HARRY NALTCHAYAN

Mr. WARNER. Mr. President, I would like to take a moment to mark the passing of a longtime Virginian, a man who was known by many of us in the Congress. I am referring to the unexpected death last Friday, September 16, of Harry Naltchayan, who served for 35 years as a news photographer for the Washington Post.

Harry conducted himself as a professional—always on the alert for a telling or eye-catching photograph. His hallmark was quality, not "the trashy, sensational shot." His work, as it would appear in the next day's Washington Post, often had considerable artistry to it, too—the mark of the award-winning veteran he was.

At the same time, one would never mistake Harry for a hardened, cynical journalist. His class and his touch of Old World charm wouldn't allow it. I suspect that Harry simply loved people. Clearly they loved him, for few tried to duck out of his focal plane.

A typical encounter with him—on the White House driveway, or at a Senate stakeout, or at a black-tie social function—always involved a big smile and a big hello. It is not surprising that as the Washington Post's obituary noted, he showed a particular talent for portraits.

Mr. Naltchayan, who was of Armenian ancestry, was born and raised in Beirut. he came to the United States in 1958. As a photographer, he covered every administration since President Eisenhower's. By the time of his death, he won the praise of his peers many times, including four first place awards from the White House News Photographers Association.

Mr. President, I appreciate this opportunity to express my condolences to Mr. Naltchayan's wife, Elizabeth of Annandale, and to his two daughters and two sons. I join many in saying we will miss Harry—the kind of person we fortunately meet in Washington, from time to time, who makes public service a richer, more rewarding and memorable experience. If Harry was there, one felt important

TRIBUTE TO CLYDE BARBOUR

Mr. McCONNELL. Mr. President, I rise today to recognize a brilliant Kentucky entrepreneur, Clyde Barbour, who passed away August 9, 1994. Mr. Barbour owned a chain of grocery stores in Maysville, Kentucky, and Aberdeen and Ripley, Ohio, and was involved with many other business and real estate endeavors in northern Kentucky and Ohio.

Mr. Barbour opened his first grocery store in 1960 in Maysville. He took great pride in saying his business career began at the age of 10 by hauling groceries home for customers. He was paid 10 cents per load. Today his four stores are known as Clyde's Super-Valu and are being managed by his sons.

The citizens of Maysville and the surrounding area will forever remember Mr. Barbour as a great supporter and promoter of the community. In 1983, Mr. Barbour was responsible for the first Maysville Exposition and Trade Fair. The 4-day event included appearances by several well-known performers, as well as prominent State and local officials. The purpose of the exposition was to promote Maysville's businesses and their products. More than 85,000 people came to the first event at Mr. Barbour's tobacco warehouse, and three more fairs followed.

Mr. Barbour enjoyed watching the growth of Maysville, and spent much of his time and money promoting new developments that would lead to more jobs and improved economic stability for the community. Mr. Barbour also had a hand in numerous local projects, including the Meadowview Regional Hospital, the YMCA, an industrial park, and development of a new bridge over the Ohio River.

On Friday, August 12, 1994, at a small funeral home in Maysville, friends and family gathered in great numbers to pay their last respects to Clyde Barbour. The funeral will be remembered as one of the largest in recent history. Mr. Barbour died at the age of 63 and is survived by 1 sister, 2 brothers, 2 daughters, 7 sons, and 12 grandchildren.

The citizens of Maysville are forever indebted to Clyde Barbour for his civic

involvement and his efforts to improve the region. Mr. Barbour was a friend to all of Maysville and will be missed.

Mr. President, please include my comments and the following article from the Kentucky Post in today's RECORD.

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

[From the Kentucky Post, Aug. 18, 1994]

NO ONE LOVED MAYSVILLE MORE THAN CLYDE BARBOUR

(By Jack Hicks)

MAYSVILLE.—Not everyone who lives in Maysville and neighboring Aberdeen, Ohio, turned out to pay their respects to Clyde Barbour.

It just seemed like they did. The scene at Trinity United Methodist Church resembled a state funeral Thursday as about 1,000 area residents passed by the casket of the popular grocer and entrepreneur.

Funeral directors said it may have been the largest crowd ever to attend a visitation in Mason County. Another large crowd is expected for the funeral today.

At times the line of mourners spilled out of the church and stretched for more than half a block. Entrance and exit lines were set up to keep the crowd moving. Flower arrangements were everywhere, overflowing into the vestibule and front porch.

"If anyone ever deserved this, he did," said Georgia Flora, a longtime friend.

The community's esteem for Barbour, who died Tuesday at age 63, was based on his record as a successful businessman, but mostly for his civic involvement and commitment to Maysville.

"You can't drive through Maysville without seeing something that he had something to do with," said Barbour's nephew, Jim Barbour.

Meadowview Regional Hospital. The YMCA. An industrial park and the beginnings of a new bridge over the Ohio River. Each one had Clyde Barbour's help one way or another.

"He was the most powerful man around here at getting something done," said Barbour's son-in-law, Bob Sapp.

David Cartmell described Barbour as "the king of promoters."

"He was the only person around here who did any promoting," Cartmell said. "He did all right for himself, and then he helped others."

Maysville City Manager Dennis Redmond said, "He was more pleased at the progress in this community than he was by his own success. I truly believe that."

Barbour was a successful businessman. He operated four supermarkets—two in Maysville and one each in Aberdeen and Ripley, Ohio—and owned or was associated with various other business and real estate endeavors.

His empire began with a little red wagon when Barbour was 12 years old.

Mildred Trisler recalls Barbour waiting outside a grocery store with the wagon and taking people's purchases home or to their cars for 25 cents. Money earned with the wagon eventually helped Barbour buy his first grocery.

Barbour drew attention to himself and to Maysville by his promotions. The best known was his Expo in 1983, when he attracted thousands of visitors to a tobacco warehouse he owned. Entertainers such as the Beach Boys and Charlie Daniels performed, and business people were able to display the area's products. Three other Expos followed.

"He gave the people of this county the opportunity to see things they never had a chance to see before," said haberdasher Omer Case.

The Expos cost Barbour a great deal of money, friends and relatives said, but he felt doing something for his community was worth it.

Barbour was known as a soft touch when people were in need. When a Maysville area team was playing in a state tournament, he delighted in hosting hometown fans with lavish parties.

Other than his community and his businesses, Barbour didn't have too many hobbies. He did enjoy stock car racing, and he had tickets for a big race in Indianapolis last weekend. Too ill to attend, he watched it on television two days before his death.

"He wanted to keep going to see that race," Sapp said. "His favorite driver, Jeff Gordon won, and he said to me, 'What do you think of my boy?'"

With his stores, promotions and up-front efforts for the community, Barbour was one of the Maysville area's most familiar figures.

"Everybody knew Clyde, and everybody is going to miss him," Jim Barbour said.

IN TRIBUTE TO JOHN BALDINI

Ms. MOSELEY-BRAUN. Mr. President, Mr. John L. Baldini, of Bloomington, IL, passed away last Monday evening, September 19, 1994. His life is one of legend in central Illinois, and it is only right to pay tribute to him here in the U.S. Senate.

After graduating from Trinity High School in 1936, John attended Illinois State Normal University. He served in the Army Air Corps in World War II from 1941 to 1945, where he met his wife, Virginia Frye, and was awarded the Croix de Guerre by the French Government for his service. He served on the Illinois State University Alumni Board for 12 years and, appropriately, recently received the Central Catholic High School Distinguished Alumni Award. The life of John Baldini is so much more than where he has been and what he has been awarded, however, it is about the way he personally touched so many people's lives.

For more than 50 years, John owned and operated the Lucca Grill, a small restaurant on the corner of Market and Main Streets in Bloomington. It is in this venerable establishment that he met, spoke, and laughed with patrons from around the State of Illinois, and from across our country who were looking to share good pizza and a cold drink in a warm and friendly atmosphere.

It is impossible to mention the name of John Baldini without mentioning his contributions to the Democratic Party. Indeed, many people in central Illinois considered John the "grand old man" of the Democratic Party, and his strong and steady support for our party throughout the years could certainly justify that moniker. He was McLean County Democratic Party chairman for 12 years, a Democratic precinct committeeman from 1948 to 1992, and served on the Democratic State Central Committee for 12 years. He was recently honored for 50 years service to the McLean County Democratic Party.

More than anything, John influenced today's young and old politicians alike with his wise political advice. Perhaps the best way to understand his legacy to the Democratic Party is to ask the men and women of central Illinois who are involved in politics whether John Baldini influenced their lives or careers in some manner, whether he offered them keen insight or served as a role model. I am certain that nearly everyone would answer "yes."

As immersed in politics and the Democratic Party as he was, John was not a partisan man. The people who came to Lucca Grill throughout the years knew that they would always be welcome, no matter what their political affiliation. When asked about whether Lucca Grill was the Democratic bastion of central Illinois, John responded, "I never thought of it as being the Democratic headquarters. I'd look around and there'd be two Democrats at the bar and the rest of 'em are Republicans." He could argue with anyone on a political level, but at the same time have great respect for the individual. It is unfortunate that this important trait, embodied by John Baldini, is diminishing in today's political arena.

John's involvement in his community and his dedication to his family—his wife, Virginia, his son John, his two daughters, Mary Olson and Christine Briggs, his foster daughter Elaine McFarlane, and his 10 grandchildren—is a model for all of us to follow. I am sure his family, the patrons and staff at Lucca Grill, and all the rest of us who have been touched by John will miss him. However, we can be sure that our world is a better place, and that we all are better people, for having known him.

STATEMENT UNDER THE VIOLENT CRIME REDUCTION TRUST FUND

Mr. SASSER. Mr. President, on behalf of the Committee on the Budget, under section 310001(f)(2) of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, I hereby submit allocations of new budget authority and outlays for fiscal year 1995 from the violent crime reduction trust fund to the Senate Committee on Appropriations.

The Violent Crime Control and Law Enforcement Act of 1994, which the President signed into law last week, establishes a violent crime reduction trust fund. Section 310001(f) of that Act requires budget authority and outlays from the trust fund to be separated from all other budget authority and

outlays in the allocations of spending authority to the Appropriations Committees made under section 602(a) of the Congressional Budget Act of 1974.

To implement the new producers in fiscal year 1995, section 310001(f)(2) of the Violent Crime Control and Law Enforcement Act directs the chairmen of the Senate and House Budget Committees to submit revised allocations to the Appropriations Committees under section 602(a) of the Budget Act, reflecting creation of the violent crime reduction trust fund.

Section 310001(f) of the Violent Crime Control and Law Enforcement Act of 1993 states:

(f) ALLOCATION AND SUBALLOCATION OF AMOUNTS IN THE FUND.—

(1) IN GENERAL.—Section 602(a) of the Congressional Budget Act of 1974 is amended—

(A) in paragraph (1)(A) by striking "and" at the end of clause (ii), by striking the semicolon and inserting a comma at the end of clause (iii), and by adding after clause (iii) the following:

"(iv) new budget authority from the Violent Crime Reduction Trust Fund;";

(B) in paragraph (2) by striking "and" at the end of subparagraph (B) and by adding after subparagraph (C) the following:

"(D) new budget authority from the Violent Crime Reduction Trust Fund; and

"(E) outlays from the Violent Crime Reduction Trust Fund;"; and

(C) by adding at the end the following new paragraph:

"(4) NO DOUBLE COUNTING.—Amounts allocated among committees under clause (iv) or (v) of paragraph (1)(A) or under subparagraph (D) or (E) of paragraph (2) shall not be included within any other allocation under that paragraph.".

(2) FISCAL YEAR 1995.—The chairman of the Committee on the Budget shall submit to the House of Representatives or the Senate, as the case may be, appropriately revised allocations under clauses (iv) and (v) of paragraph (1)(A) or subparagraphs (D) and (E) of paragraph (2) of section 602(a) of the Congressional Budget Act of 1974 for fiscal year 1995 to carry out subsection (b)(1).

The chairman of the House Budget Committee submitted allocations under this section on September 13. Those allocations appear at pages H9155 and H9156 of the CONGRESSIONAL RECORD of that date.

Accordingly, I hereby submit the following revised spending allocations to the Senate Appropriations Committee for fiscal year 1995. These allocations are identical to the allocations now in effect, except that the amounts specified by the Violent Crime Control and Law Enforcement Act have been moved from the general allocations to the new special allocations of budget authority and outlays from the violent crime reduction trust fund.

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

REVISED 602(a) ALLOCATIONS PURSUANT TO SECTION 310001(f) OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994 (PUBLIC LAW 103–322)

[In millions of dollars]

	Budget authority	Outlays
Spending for general purposes excluding crime:		
Discretionary	$508,736	$540,276
Mandatory	274,185	265,398
Subtotal, general purposes	782,921	805,674
Violent Crime Reduction Trust Fund	2,423	703
Total allocations for general purposes and crime	785,344	806,377

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair announces that morning business is now closed.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Senate Resolution 259, which the clerk will now report.

The legislative clerk read as follows:

A resolution (S. Res. 259) commending the President and the special delegation to Haiti and supporting the United States Armed Forces in Haiti.

The Senate resumed the consideration of the resolution.

The ACTING PRESIDENT pro tempore. Who yields time under the agreement?

Mr. McCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. McCAIN. Mr. President, first of all, I rise in support of the resolution. I think it is a fair one and one that is especially deserved by the participants who went to Haiti under very difficult, if not unprecedented, conditions in the face of an American invasion and came out with an agreement that prevented an invasion which would clearly have cost the lives of some young Americans and young Haitians.

I believe that this resolution commending the efforts of the President in sending them is certainly appropriate. I believe that it is important that we express our support for the men and women of the United States Armed Forces in Haiti. We know that we can count on them to perform their duties with professional excellence and dedicated patriotism.

We also support the departure from power of the de facto Government in Haiti and the Haitian efforts to achieve national reconciliation, democracy, and rule of law.

Also it supports lifting without delay United States unilateral economic sanctions on Haiti and lifting without delay economic sanctions imposed pursuant to U.N. resolutions in accordance with such resolutions and, perhaps most importantly, a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

Mr. President, I want to point out again that all of us are deeply appreciative of the efforts of President Clinton in sending that very impressive delegation to Haiti, and we enormously appreciate the fact that an invasion was prevented.

I do not claim to have greater or even lesser, for that matter, an intelligence quotient than the other Members of this body or members of the administration, but I have been clear in my opposition to this now occupation of Haiti. One of the arguments that I used for the past several months when this possibility became a likelihood and then became a reality was that we would have enormous difficulty in figuring out exactly what the role of the men and women of the U.S. Armed Forces mission was and is.

Mr. President, I refer to this morning's two leading national newspapers. There is the Washington Post headline "Haitian Police Attack Crowd; U.S. Troops Watch"—U.S. troops watch—and the New York Times headline "Haitian Police Crush Rally as American Troops Watch."

This morning I watched the American general, General Shelton, on television, who told the American people in response to a question from the ABC news anchor that he would "talk to General Cedras about this today," he would talk to General Cedras about this problem today, and he will await orders and instructions from our Government as to what the U.S. military role is in its attempt to prevent this kind of bloodshed.

Mr. President, we are placing our military people basically in an untenable position because if we go out and disarm the police and the militia there—and I understand we have now a wonderful buyback program that was articulated by the Chairman of the Joint Chiefs of Staff yesterday—then what is to prevent the pro-Aristide mobs from engaging in retribution against the police, and how do our young men and women in the military differentiate between those who are causing problems and those who are defending themselves?

The fact is what we are about to see is a classic example of what we call

"mission creep" because, obviously, the American people are outraged to see—not to mention soldiers themselves—and to sit there and observe a couple of people being brutally murdered before their very eyes and them under instructions not able to do anything about it.

Mr. President, we are in a serious situation. We are in a situation again not unlike Somalia where clearly there are no instructions to our men and women in the military which have any meaning unless we intend to get into the business of policing Haiti, which I think is a daunting, if not impossible, task.

Let me say a few words about President Aristide. This morning and last night there has been I think justified complaints that President Aristide has not expressed his gratitude. In fact, the silence from President Aristide himself has been almost deafening and in light of the fact that the American people and Members of Congress believed that this entire effort was made on his behalf with the expenditure of American blood and treasure and he has failed to express one word of appreciation for that.

I believe that Mr. Aristide is ungrateful. I believe he should come out and express his appreciation for what is being done on his behalf. But I also would point out that Mr. Aristide was not in on the details of the Carter mission and I think it is somewhat understandable that he should express or feel some displeasure over certain portions of the agreement, including the failure to force Cedras and company from the country, including perhaps most importantly, the declaration that a general amnesty will be declared.

I certainly do believe that Mr. Aristide's task will be dramatically complicated if the military leaders, Cedras, et al., are allowed to remain in Haiti and, of course, if there is a general amnesty, it will be somewhat difficult to call to account those who have engaged in the heinous and barbaric crimes which the President of the United States described so graphically to the American people the other night.

Mr. President, I, like all Americans, support this resolution. We support the efforts that President Carter, Senator NUNN, and General Powell made that prevented an invasion. But I would also suggest and remind my colleagues that if there had been an invasion, I and others predicted that it would be very easy and there would be a minimal loss of life although there would have been a loss of life and every single life is precious, but at least if there had been an all-out military invasion, we would have clearly defined who the enemy was and is. It would have been people who were wearing the uniform of the de facto Haitian Government Army and police. Instead we now find ourselves in the rather bizarre situation when General Shelton was asked on television what he intended to do about the brutalities that have continued to be perpetrated by the Haitian police and military, he said he was going to talk to General Cedras about it.

It is almost surreal that the individual that was described by the President of the United States to the American people as one of the most heinous butchers, war criminals, in the history of this hemisphere now is going to be consulted by our military leaders in order to try to bring about a halt to this mob violence.

Now, again, I want to return to my fundamental point. I do not know how you disarm all these Haitians. I do not know how you defuse the blood feuds that have been going on for centuries. I do not know how we take sides in this civil unrest that will be part and parcel of this transitional period.

The best scenario, obviously, is that everybody lays down their arms and everybody heeds the words of President Aristide at the White House the other day—no vengeance, no revenge. I do not think that is the case. And the ultimate result of all of this is that the American military, not unlike Somalia, only exaggerated by many factors, find themselves in the classic problem of mission creep and intervening in what is fundamentally a civil disorder without, frankly, the wherewithal but more importantly the ability to discriminate between who is good and who is bad and who is committing what atrocities and who is not.

Along those lines of human rights abuses, I have asked the White House and the State Department to give us information concerning Mr. Cherubin, who is now in Guantanamo recruiting Haitians to be part of the new Haitian police force. There are allegations that that individual had engaged in human rights violations. There are allegations which are well-known to this body concerning President Aristide.

The fact is that we need to know whether there is going to be true observance of human rights by the new Aristide regime or will there be a return to some of the activities, which are well documented outside the CIA, of abuses that took place under President Aristide's administration.

I predict, Mr. President, that Mr. Aristide, sometime within the next 24 to 48 hours, will come out in support of what is being done—I do not think he has any choice—what has been done by the Carter mission. I do not think he has any choice. I think his $50,000 a month lobbyist, Mr. Michael Barnes, former Member of Congress, will prevail on him to do so. And I think that that is appropriate. In fact, it is way too late.

I think the American people do not understand why President Aristide has not already extended his gratitude. At the same time, although I think he should express gratitude, I can understand some of his reservations about the agreement that was made.

I would also like to point out one other aspect of this whole situation which again borders on Orwellian. We are now occupying a country with 15,000 American troops. At the same time, we are maintaining an embargo which clearly hurts all Haitians, especially poor Haitians. Why in the world we cannot lift this embargo, which was part of the agreement that President Carter made with the military leaders, present military leaders of Haiti, is beyond me.

I also watched a television program last night where Haitian human rights activists and another individual, in fact, Mr. Barnes, the lobbyist for President Aristide, said there would be no amnesty in Haiti; that the Parliament would not pass such an amnesty decree because of the feelings that the Parliament understandably would have about the human rights violations and the gross abuses that have been perpetrated by the Cedras' regime.

So there is a lot that is unclear, Mr. President. There is a great deal of confusion. This whole situation is incredibly murky, especially as to what the exact mission of the men and women of our Armed Forces is in Haiti. We have seen that clearly and graphically demonstrated by the headlines in this morning's Washington Post and New York Times and other media reports. And, Mr. President, what it argues for is an early withdrawal of the United States troops from Haiti.

Right now, I understand the plan is they would stay until February 1996 and then a multinational force would take over, and half that contingent would be American military people, only it would be a U.N. military force rather than U.S.

Mr. President, the American people's patience is not that great. I would suggest that within the next week or two, at least before we go out of session, that the United States Senate consider, in conjunction with the administration, in cooperation with the administration, a resolution calling for a date certain for the withdrawal of the United States troops from Haiti. I look forward to doing that with the cooperation of the President of the United States and the Secretary of State. But I think that this body would pass a resolution calling for a date certain for withdrawal of U.S. troops with or without the agreement of the administration.

Mr. President, I note the presence of my friend from Connecticut and I yield the floor at this time.

The ACTING PRESIDENT pro tempore. The Senator yields the floor.

The Chair recognizes the Senator from Connecticut [Mr. DODD].

Mr. DODD. Thank you, Mr. President.

Mr. President, I yield myself such time as I may consume, and I will not take a great deal of time. I presume others would like to be heard on the resolution.

Let me, first of all, commend the distinguished majority leader and the minority leader for reaching an agreement on this resolution. These matters are never easy, and particularly given a situation where there is obviously some serious division within this Chamber, reflected, I suspected, by some serious concerns among the American people, as to exactly what is occurring in Haiti and why it is occurring and how long we are going to be there and whether or not the desired goals of all of us are going to be achieved.

So this resolution, while it may not be satisfactory to absolutely everyone, I believe, as accurately as possible, given the politics of the situation, it is about as good as we could expect and I commend them, therefore, for their efforts and will myself support this resolution.

My colleague in Arizona has stepped off the floor for a minute, but let me pick up quickly on the last point that the distinguished Senator from Arizona made about the length of time that United States forces would be committed to Haiti. While certainly no absolute date has been set, for obvious reasons, it would be a significant restraint on our ability, the ability of our forces, to function to all of the sudden be given a sort of drop-dead date by which all the things they must do must be done.

So I hope that any resolutions that deal with a time certain would certainly take into consideration the concerns of the military, our military, and their desires to get the job done. I think oftentimes, when we in this body start trying to dictate exactly how our military ought to perform and under what time constraints, we make it far more difficult for them to get the job done.

Now, as to the timing, there is, I think, a misunderstanding that should be cleared up. The discussions in the Governors Island agreement talked about forces, both United States and other forces, but primarily other forces, leaving Haiti no later than February 1996. In fact, the presence of U.S. forces by that time should be at an absolute minimum, if any, at all.

It is, I think, the anticipated goal of those who are involved in this operation today that the presence of United States forces could, if everything goes fairly well, be out of Haiti within 4 months.

The idea of February 1996 does not relate necessarily to the presence of a significant U.S. military presence. U.S. forces will, obviously, be a part of that. But I think the strong desire is to have it be a very small amount of forces, the body and the bulk of responsibility resting with the U.N. and international forces; the bulk of U.S. forces being drawn down as quickly as possible and, as I say, as I understand it, hopefully within a 4- or 5-month, possibly 6-month, timeframe.

My colleague from Arizona, who has now returned here, is certainly someone who appreciates and understands, having been personally involved as this body a number of years ago was setting limitations on what the military could do. He will appreciate the fact I think we all want to get them out of there as quickly as possible. Ideally, they would be leaving today if it was possible to do so.

I have always been a little bit hesitant about the good intentions of this body when we start saying next Friday at 3 o'clock you have to be gone. When you let your adversaries know that, that becomes an advantage for your opponents. If they know exactly when you have to leave because you have been told to do so, that gives them an advantage I hope we would not give them. So my hope is, here, we can all agree they ought to leave as quickly as possible. Get the job done, but be careful about trying to be so restraining in those time elements that it makes it difficult for them to complete their missions.

Let me share, if I can, a few thoughts generally on this situation. I would like to join with others in, first of all, offering my significant praise for President Clinton in all of this. It is a very difficult job. It is easy enough for Members of Congress. We get up and give speeches and offer resolutions and we offer amendments and bills. Then we pack off and can go about our business—held, to some degree, responsible for the remarks we make in this Chamber and elsewhere. But the President of the United States is the Commander in Chief. The Harry Truman expression that "the buck stops here" applies to anyone who sits in that office. There is an awesome burden, an awesome burden, that anyone who has ever sat in that office assumes, when it comes to committing U.S. forces and conducting the foreign policy of this Nation. It is about as lonely a job as there is in the world, to be the President of the United States, given the fact situations you are dealing with.

It is, in my view, unfair in many ways for Members of Congress to run around and start dictating what they would do, Monday morning quarterbacks—this town has so many of them you could not put together a football team with anything but quarterbacks when it comes to trying to do business. Everyone will second-guess you. Everyone will tell you what you should have done. Everyone will tell you how they would have done it differently. But at the end of the day, when those decisions get made, it is the President of the United States, certainly within the memory of everyone in this country—we have seen the immediate two predecessors of the present occupant of that office face similar situations, lonely decisions—at the end of the day it is not your advisers, it is not the Secretary of State, it is not the National Security Council, not the Speaker of the House or majority leader or chairmen of committees. They can give you their advice. They can give you their counsel. They can tell you what they think you ought to do. But at the end of the day, when the doors close and you are there, it is your pen and your decision which commits forces and makes the final choices.

At the end of that you are the one, ultimately, as the President of the United States, who bears the responsibility, who either receives the praise for a job well done or the unending criticism if it does not go well. As has been said over and over again, victories have 1,000 fathers, defeat is an orphan. If this situation had not worked out well over the last several days, believe me you would be getting a lot of different reactions about President Clinton's decisions over the past number of weeks trying to ultimately come up with some answers on how we might solve this problem.

A lot has been said about the mission that went to Haiti. I certainly commend them. But it was the President of the United States who made the tough decision to commit our forces. It was the President of the United States who made the decision to send this delegation down to try to resolve the problem diplomatically. It was a classic example of the use of power, force in one hand and diplomacy in the other. I think both of those hands contributed to the accord, or the agreement, that was reached the other night which has brought us to the position we are in today.

Awkward as it is, difficult as it is, confusing and murky as it is, with a lot of problems over the next several weeks as to how this matter will ultimately be resolved, I think General Powell said it about as well as anyone has in the last several days. As we discuss all of the various options and the difficulties and the problems, do not forget this: That on Sunday night at midnight when the decision was made to send those planes from Fort Bragg back, the lives of young Americans and the lives of young Haitians were spared and we were not involved in an aggressive military invasion, facing resistance, however anemic it may have been. I do not think anyone would stand here today and tell you that we were going to be able to do this without the loss of American lives. There was a very real and strong possibility—I would go so far, Mr. President, as to say almost a guarantee—that we would have lost young Americans in that effort. It takes a special kind of courage

to be willing to try once again to reach a diplomatic or political solution.

So, while everyone else is receiving their kudos for the great success over the last weekend, it was the President of the United States who had the power and the right to say, "No one is backing down. I have made the final call. We are sending the troops in." It was only the President who could make the decision to actually threaten the use of force, the military power, to try to deal with the situation.

I agree with my colleague from Arizona. I think a military invasion would have worked fairly easily with a minimum loss of life. You would have a different situation on the ground today. But, frankly, I would trade that for the situation on the ground today, for the result that we achieved as a result of the Carter mission, being able to come to an agreement which I think is a good one.

Again, you have to put these things in context. Would I have written it differently? Sure. Would President Aristide have written it differently? I promise you he would have. Would other people here have written something different than what these three negotiators did? I almost guarantee it. But here are three people sitting down in a chaotic situation, dealing with a military command, a head of police who would not even show up, a President who is basically a puppet, in my view, in the country, trying to get someone who would make the final call dealing with wives and children in living rooms and kitchens, in military headquarters, national palaces—all within a space of 30 hours.

They came up with an agreement that basically achieves, in my view, several very important goals and lays out a framework for us to, hopefully, achieve the others. It says that by October 15 the crowd that ripped and stole democracy—a fledgling democracy in a poor, difficult country—have to leave, have to leave power. That is not insignificant. That, in my view, is the nub, if you will. Without that commitment, then everything else would be up in the air.

Would I like them to leave? Sure. Would I like them to have left yesterday? Absolutely. But that is not the point. The point is that President Carter, Colin Powell, and SAM NUNN did the best job under the circumstances, avoided the bloodshed of young Americans and young Haitians, and achieved, in my view, a very important set of goals. So my hope is, here, as we analyze as Members of Congress and put in commas and dot i's and cross t's and want to add words and so forth, that we would step back and appreciate the circumstances they were operating under and appreciate, if I can say so, the determination and the decision by the President of the United States, the only President we have right now, this President, making a decision, a difficult one, to send in the forces that brought the people to the table and that also sent this mission to go down one last time to achieve the desired results.

With that having been said, I can also understand why there is some disappointment that President Aristide has not jumped for joy over their effort. But I think it is important to point out that President Aristide is not just a casual bystander in all of this. He is not an academic sitting around deciding whether or not this particular agreement meets some ideal of perfection. He was the individual elected—whether anyone in this Chamber likes it or not—by 70 percent of the people in that country in the most free and most fair election ever held in that nation. He was chosen by the people of that nation. Within a few months of assuming office, assuming that Presidency, that democratic election was ripped out of the hands of the Haitian people and, in a brutal coup d'etat arranged and orchestrated by General Cedras, he was thrown out of the country.

You can describe it any way you want. You can talk about these people as being greatly concerned about the constitutional processes of Haiti. But the fact of the matter is these are the individuals who caused the problem we are facing today. Had there not been that coup we would not be in the position we are in today, I do not believe.

And so when President Aristide says that he is not enthusiastic about the possibility that General Cedras may not go, or that these individuals are being called names that he finds unbelievable—and for obvious reason—this is a man who was sitting in a room while the Haitian military sat around in his presence and decided with almost a flip of a coin whether or not he would live or die, literally debated whether or not to execute him or not while he was standing there. Is there any wonder, by any reasonable, thinking individual, that this person might be a little bit concerned about whether or not this agreement is a great one when we are sitting around and talking about an individual, General Cedras, as if he were some military hero, some reasonable, thoughtful person?

I do not fault him for that at all. I think he is more concerned, quite frankly, with a lot of the rhetoric associated with the agreement than the specific provisions of the agreement. I am confident that he will endorse it and support it, but, again, I appreciate and understand some of his reluctance.

Let me also point out, Mr. President, that President Aristide has signed other agreements with this same crowd. Back with the Governors Island accord, he put his name on a paper along with General Cedras that said General Cedras was going to leave October 15, 1993, a year ago, the very date he is being asked to leave now. October 15 came and went, and General Cedras is still there.

Where I come from, if a person makes an agreement with me and then breaks it and then I am asked to sign another agreement with him, I am a little reluctant. I am sometimes doubtful about whether or not those individuals are going to live up to those agreements. Maybe I am unique in that regard, but I do not fault President Aristide for being, again, a little dubious about whether or not these guys are going to live up to an agreement when, frankly, the very one we negotiated with General Cedras at Governors Island a year ago was violently broken again.

So here is an individual who is the head of a coup, breaks the civilian government elected by the people of that country, violates an agreement that we helped put together at Governors Island, sits back and watches the brutalization of his own people—and if you did not believe the rhetoric before, turn on your television right now. Tune in CNN. Here they are—they do not even care if the world watches what they do—clubbing innocent people who show up merely to applaud the arrival of some people who may save their lives. So if you did not believe President Aristide about the problems in his country and human rights, turn on your local TV station.

So, again, is it any doubt that maybe this individual is a little bit concerned about whether or not this agreement with these people is something that may not quite work? I do not fault him for that. I may be the only one here who does not, but I do not fault him for that.

My hope is, again, that he will be supportive, and I am confident he will. I can tell you, Mr. President, firsthand, having spoken with him in the last couple of days, that he is deeply grateful that no one lost their life, deeply grateful that a diplomatic solution was able to be arrived at. He would have liked it to have been a bit stronger and a bit better. I do not for a second believe he is not appreciative. In fact, I can tell you that he is deeply appreciative of President Clinton's commitment to try to resolve this problem.

We have also heard that this is an issue that has little or no value to us in this country. I take issue with that. I do not disagree with my colleagues who will point out that this situation does not compare with other fact situations where the use of military force has been required. It is not as clear as having vital economic interests jeopardized, or vital strategic interests like the Panama Canal jeopardized, or where missiles or weapons have been pointed at us.

It is true Haiti does not pose a military threat to the United States, does not pose, in my view, a military threat

even to the Dominican Republic, the country with whom they share the Island of Hispaniola. But, Mr. President, I do think it ought to be a matter of deep national concern that with a nation that is within 125 miles or so of our borders, we have an absolute tidal wave of humanity prepared to pour out of that country. They are not going to Venezuela. They are not going to Colombia. They are not going to Spain or Mexico. They are coming to one place: They are coming here.

We have 100,000 refugees from Haiti and the Dominican Republic. We have 15,000 in Guantanamo. We have hundreds and thousands of others who have left over the last year or so to escape the brutality, and literally hundreds and thousands more who, every night on the island country of Haiti, move from house to house, hiding in fear because of what we saw on our television screens last evening.

If this effort collapses, if this military crowd retains power and they are able to continue the reign of terror, in my view, of the 7 million people left in this tiny country, there will be several hundred thousand who will get into any vehicle possible, including a wash tub, if necessary, to escape the violence of their land—and who could fault them—knowing full well that they face great danger and a high probability of the loss of life by getting in these rickety crafts to escape Haiti. But they cannot sit any longer and watch their families, their own lives, placed in jeopardy.

It costs us today $20 million a month to take care of and accommodate these refugees. Expand those numbers beyond 14,000 or 15,000, and who is going to pay that bill? Maybe others do not think that is a national interest. I do. Were this nation 10,000 miles away, not posing that kind of a problem, I suppose you might try to come up with some different situation or different proposal. But the proximity of this country and the potential for literally a tidal wave, as I said, of humanity arriving on our shores, placing great pressures on limited resources in this country, I think, is a legitimate reason for us to try to take some action and do something about this problem.

I do not consider this to be an issue where there is no interest. Obviously, democracy is critically important and it is in our interest to promote and advance democracy wherever we can. That has been a stated goal of every administration as far back as I can remember, Mr. President.

I was disappointed the other day to hear some former high-ranking officials say that it is not our business to necessarily promote democracy and it is not that important to us if other nations do not have democratic governments. I think it is directly in our interest. We have been able to establish and prove that we do far better, our interests are far better protected when we have nations around the globe that have embraced democratic values and have chosen democracy over totalitarianism or authoritarianism.

So it is in our direct interest to try to support and promote democratic governments wherever we can, but particularly I would say, Mr. President, in our own hemisphere, where today—I know the Presiding Officer and my colleague from Arizona, because I have heard him speak about this, take note of this fact—for the first time in the Western Hemisphere, we have more democratic governments today than at any point in the 500-year modern history of the Americas. That is not an insignificant achievement, and the previous administration, in my view, deserves a great deal of credit for helping advance the democratic gains—the Bush administration. And I think this administration is trying to advance those same principles.

Again, maybe I am considered too idealistic because I think the right of people to choose their own governments and to participate freely in the decisionmaking process of their nations is something that we ought to be willing to stand up for. I believe those rights should not be limited only to those who can afford it, or only those who live in nations where we have a strategic interest.

If you are poor, you care just as much about your right to be heard. Those people we saw yesterday being bludgeoned and shot in front of the international media, they care just as much as you and I do about whether or not they have the right to speak freely and to criticize their government and to choose their leadership.

We ought to learn that in this country. Democracy and the desire to be free is not limited by the economic conditions under which one lives. This country has a longstanding tradition of fighting for that, and we ought never be ashamed of that or embarrassed about it. I commend, again, President Clinton for living up to that tradition of his predecessors who occupied that office, despite the resounding, unfortunately, bipartisan criticism of him sitting in that Oval Office making that decision.

Some Member of this Chamber may be sitting in that office one day, and they will know what it is like to have to make those decisions. I hope that they will look back and remember that President Clinton stood alone, unfortunately—too alone, in my view—during the difficult decisionmaking process.

So, Mr. President, I hope that in the next few days and weeks, we can at least come together to try to support the stated goals of the resolution that is before us; and that is to secure the departure of this military government that is engaging in the brutality we witnessed on our television screens over the last 24 hours. Whether you like or do not like President Aristide is not our business. The people of that country chose him. He has a right to go back and complete his term, and we ought to be supportive of that.

Does he have a perfect record? Would he get elected in Connecticut, Arizona, or Texas? I do not know. Probably not. But Haiti is not Connecticut, Arizona or Texas. It is a different place. We ought to appreciate and understand that instead of trying to decide whether or not the Haitian people were correct in selecting him. They did. And a very important element in this whole process is that he be allowed to go back.

My hope is that our military leaders there will start talking with the retired or exiled ministers, the parliamentary leaders of the civilian government elected under President Aristide, and send a very clear message that that is the legitimate Government of Haiti.

My hope is that President Aristide goes back as soon as practicable. I think it is important that he be in his country. As soon as we are told that it is safe and secure for him to go back, I think he ought to. I do not think he ought to be sitting in an apartment in Washington trying to negotiate with people in Haiti. He ought to be back in his own country trying to resolve the problem by building a coalition that would allow him to complete his term and to achieve the desired parliamentary election this fall and then the Presidential elections of next year.

I commend him, by the way, for what I thought was a brilliant speech at the White House last Friday, where he firmly committed to support the choice of a new President in Haiti in 1995. I think very appropriately and accurately he said the test of a democracy is not the first free election but the second one. I think there is a lot of merit and wisdom in that statement. And the commitment he made to that approach I think deserves repetition and support in this body.

So, Mr. President, these will not be easy days in the next few weeks. There will be a lot of pictures on our TV screens that are going to cause Americans great concern. But as you watch them, remember that these young men and women I think are our best ambassadors, our best emissaries. Those kids down there have an intuitive sense about what is right or wrong and some of them sitting on that wall last night in Port-au-Prince said it well: We ought to be given a chance to try to protect these people, to give this new government a chance to get back on its feet—the civilian government—and then to get out of the place as quickly as we can and let the international community fulfill those obligations and functions. And hopefully the establishment of a new police and new military leadership in Haiti, supporting

and backing a civilian Government chosen by the people of that country, will be achieved.

That is a tall order, but I think it is worthy of our support. I do not think we ought to duck from it. I do not think we ought to be ashamed about it. I think we ought to be proud of it. That is our tradition. That is our history. That is what makes our country, Mr. President, different from any other place on the face of this Earth. We were born in revolution. We appreciate the struggles of other people to achieve freedom. That has been our 200-year legacy. We ought not, in 1994, as we approach the 21st century, shrink from that history, shrink from that tradition, shrink from that commitment.

My hope is that this resolution will be resoundingly supported but, more importantly, in the coming days we will find common ground on this issue and get behind this President and get behind our military forces in Haiti and make it possible for them to get the job done, not to be carping, not to be sitting back and going through it detail by detail trying to tear this apart. We ought not give any comfort, any comfort whatsoever, to General Cedras and his crowd. They are the ones who created the problem. They are the ones who have to go. We ought to be sitting together finding ways to come to a common understanding and common level of support that we can all achieve to be a part of the victory that could be democracy restored in Haiti.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I consume.

I would like to begin by saying I appreciate the very articulate and passionate defense of the present policy by my friend from Connecticut, who is extremely well informed on all of these issues.

I would like to make a couple of very brief comments.

First of all, on the subject of Mr. Aristide expressing his gratitude to my colleague from Connecticut, I hope he will give him a call soon and tell him to express that same gratitude publicly because I think the American people are confused and some frustrated by the fact that President Aristide has remained silent overall at least as far as this aspect of the Haitian situation is concerned.

As far as leaving the country is concerned, President Carter said yesterday it would be a violation of international law to force General Cedras from the country. I am not familiar with that aspect of international law, but it is hard for me to understand, if General Cedras and other military leaders remain in Haiti, how we can get some kind of political stability in that country.

The statements of President Carter and Senator NUNN on the aspect of the military leaders not leaving the country were that was something they could not address, the issue of them leaving the country was not something that they could have gotten agreement on. I believe those people have to leave the country, and I think the President needs to make that clear.

As far as the President standing alone is concerned, I believe even my friend from Connecticut would agree that any President of the United States must get the support of the American people before committing us to a military enterprise.

One of the reasons why I was in strong opposition to an invasion and now the occupation is because there are many lessons that we have learned throughout history, especially in the Vietnam war, one of which is we cannot embark on one of these enterprises without the support of the American people. I feel that that support right now is extremely tenuous, and the American people are somewhat confused when they hear the President of the United States one night say that these are blood-thirsty, murdering rapists who must leave now and then they are described by others as honorable people who deserve an honorable retirement, et cetera, et cetera. The American people are understandably confused by that.

Finally, Mr. President, I hope that we will disarm the police. I hope we will not see a picture on the front page of the New York Times: A coconut vender lay in the street yesterday after a Haitian police officer clubbed him to death near the docks in Port-au-Prince. I hope that stops. I hope that General Shelton talks to General Cedras today, as he said. I hope that General Shalikashvili, Chairman of our Joint Chiefs of Staff, comes up with something more innovative than a buy-back program of weapons in Haiti.

But the problem is, who do you disarm, and what happens if you disarm that policeman? Would then the Aristide followers necklace that person? It is a murky, mission-creep situation, Mr. President, which is fraught with every kind of danger, which does not have the overwhelming support of the American people.

This situation is eerily reminiscent of the way we went into Beirut, where we were welcomed; the way we went into Somalia, where we were welcomed; yes, even the way we went into Vietnam back in 1965, and we were welcomed.

We have to complete this mission. We cannot get our men and women involved in some kind of civil strife. We have to get out as quickly as possible. One of the best ways of doing that is to clearly define our role and mission, clearly define what our American military people are supposed to be doing and clearly define when that mission is completed, and get out as quickly as possible.

Mr. President, I yield such time as he may consume to the Senator from Texas, [Mr. GRAMM].

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank our dear colleague from Arizona for yielding.

Mr. President, I would like to start by explaining the position I took as this crisis developed. I would then like then to talk about where we are and my feelings as to what we should do. I would like to talk about the problems we face and my perception of where they came from and how we might deal with them. And then I wish to say just a little bit about this sense-of-the-Senate resolution, which is basically a fig-leaf other than the final three lines.

First of all, Mr. President, I oppose American involvement in Haiti not because terrible things are not happening there and not because terrible wrongs are not being done. The world is full of wrongs. I oppose American military involvement because I do not believe that we can right every wrong in the world. When we risk the lives of our young people, when we may have to look their parents and family in the face and say your son or daughter died in a foreign land, we must be absolutely certain we can tell their loved ones what they died for. It is not enough that it be for a noble sacrifice, because when Americans are sent somewhere and serve bravely it is always a noble sacrifice. We must be absolutely certain we can say with good conscience that we changed something for the better.

As virtually every American knows, we have invaded Haiti before. We have never had trouble getting into Haiti. We have always had trouble getting out. The last time we sent in the Marines we were there for 19 years. Was anything permanently different when we left compared to before we came? I would say it is obvious that the problem we have today is living proof the answer to that is no. Invading Haiti has never been a fulfilling experience for us because, fundamentally, we have not been able to make any permanent changes there.

So I opposed the invasion. I also oppose the occupation. I never thought we were going to incur heavy casualties in the invasion because I have supreme confidence in the capability of the American military. I have always been worried that in an occupation scenario, American soldiers are going to be ready targets for terrorist violence, no matter which side the terrorists are on in this conflict. I do not believe we have a vital interest in Haiti that is worth the loss of American lives.

I am not going to get into a battle about who is right in Haiti and who is

wrong. The plain truth is, both sides look bad. We have all heard about the military atrocities. We have all heard about the terrible things done by the military dictatorship. But I remind my colleagues that in Aristide we have a person who Newsweek magazine refers to as an "anti-American Marxist demagog." That is a quote. We have a person who calls capitalism "poison." That is a quote. We have a person who has endorsed mob violence.

Granted, he has a right as President to advocate policies he is for and to talk about policies he is against. But I am a little bit confused how the White House can talk about promoting economic development yet use American military power to reimpose into power someone who calls capitalism a "disease." If there is another path to sustained economic growth other than free enterprise and capitalism, nobody in the world has yet discovered it.

The reason I do not want to get into an argument about who is right and who is wrong in Haiti is because the discussion would be totally unproductive. The point is, no matter who is right and who is wrong, our intervention is not going to change the situation. We do not have any vital interests in Haiti, in my humble opinion, for which it would be worth risking American lives.

My primary concern today is the well-being of American service men and women in Haiti. My number one goal is to see that we protect our military personnel, that we do everything we can to assure that they have the weapons and the support they need, that we do everything we can to protect their safety, and that we bring them home as quickly as we can. That is why the last three sentences of this resolution are the only sentences that have any real meaning to me, and I suspect they are the only sentences that will have any meaning to the American people. Those sentences say that we support a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

If the American people could speak with one voice, this is what they would say.

It is proper that we congratulate our negotiating team that went to Haiti and who by talking prevented Americans from dying in an invasion. I certainly congratulate the three people who carried out that mission. Whatever we think of the agreement they made, to the degree that they saved one American life, I am not going to criticize what they did. But I think the real congratulations ought to go to the American people.

I think, quite frankly, that the real hero in this whole episode is the American public because the American public knew that President Clinton had not defined the vital national interests in Haiti. They made it very clear that they did not support the President's policy. The American people sensed in their wisdom that the President did not have a complete plan. He had a plan to get into Haiti, but he did not have a very clear plan as to what he was going to do after he got into Haiti, and he did not have a very good plan as to how he was going to get out. I think the events of the last few days have proven once again that the American people are very wise.

I believe the President was forced to change his policy and call off the invasion and try negotiation because the American people did not support his policy. So if we are going to congratulate anybody, we ought to congratulate the American people.

In terms of refugees and the problems they have caused us, I simply would like to remind people that it was President Clinton who as a candidate made a political issue out of President Bush's policy to stop the flow of Haitian refugees by returning them home immediately. Unlike President Bush, President Clinton was going to allow them the opportunity to get into the country. Needless to say, when he took public office, what did he expect to happen?

So after President Clinton had sought political advantage by promising that he was going to stop returning Haitian refugees immediately, when he took his hand off the Bible, they started coming in record numbers. That was a crisis created by the Clinton policy. And now we are asking Americans to go to Haiti and to risk their lives to deal with a problem it seems to me the President created.

So where do we go from here? First of all, I have very grave doubts that when this whole episode is over we will be able to completely separate the good guys from the bad guys and have a happy solution.

I am going to support our troops in Haiti, and I am going to do everything I can to protect them and to bring them home as quickly as possible. I did not support the invasion. I do not support the occupation. If we stay in Haiti long enough, if we get deeply enough involved in this conflict, Americans are going to die in Haiti. We know that with certainty. Whatever we can do to hasten the day we bring our soldiers home is what I want to do. I do not want to do anything that could encourage people in Haiti who might attack or harm our people. I want to do everything I can to support our people. I want to protect them with a massive use of American military power if we have to do it. But I want to bring them home as quickly as we possibly can.

I am hopeful that the President will declare victory and bring our troops home soon, or he will soon realize that his policy was a lot more specific on how we get into Haiti than it is on what we are going to do now we are there, and it is almost nonexistent as to how we are going to get our troops out.

This resolution says that we support a prompt and orderly withdrawal of United States Armed Forces from Haiti. I hope the President will take this resolution to heart. If the President does in Haiti what he did in Somalia, if he risks American lives in nation building, then ultimately this Congress is going to come back and we are going to set a date for withdrawal. We are not going to allow American lives to be expended in Haiti where we do not have a vital national interest if we can possibly prevent it.

So I congratulate the American people for calling off the invasion. They did it, not the politicians. They said "no," and Bill Clinton responded by sending a team of negotiators, who were able to work out an imperfect deal—maybe even an unworkable deal. But at least Americans did not die in an invasion, and since I do not believe we have an interest worth dying for there, I am happy that occurred. I wish we were not occupying Haiti. I hope the day comes quickly when we leave.

My primary interest today—and it will be until all Americans are home—is their safety. Whatever we have to do to make them safe, I want to do it. I will certainly support the President in protecting our people. But I do not support his policy.

If I vote for this resolution, I am not voting to congratulate the President for creating a crisis and then getting us knee deep into it. If I vote for this resolution, I am voting for it because of the last three lines that say: "We support a prompt and orderly withdrawal of United States Armed Forces from Haiti." I hope it comes soon, but if it does not, we will be back on the floor of the Senate, and we are going to be voting on a specific date for terminating American military involvement.

I yield the floor.

Mr. DODD. Mr. President, I yield 15 minutes to the Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. Mr. President, I thank the Senator from Connecticut for his wisdom and leadership on what I think is a very difficult question.

Mr. President, I would prefer not to put my remarks in any kind of a political party, partisan context, because I do not think the important questions before us should be viewed in that light. It is interesting that after the news came Sunday night that President Carter and the others had worked out the Port-au-Prince agreement, there were a number of questions put to me back in Minnesota, such as, "Do you think that this agreement will help the President, will it help the Democrats or hurt the Democrats in these elections?"

I actually refused to answer those questions. I said I thought they are

just the wrong questions to ask. The questions we should be dealing with on the floor of the Senate and in the House of Representatives and, more importantly, in our States and communities, are those that have to do with what will be best for American soldiers that are there in Haiti, what will best serve United States interests and the interests of the people in Haiti. Those are really the questions.

I also want to start out by following up on an issue that Senator DODD has raised because it is, for me, a very, very difficult issue that has become a central post-cold-war issue in these kinds of situations. It has to do with the following question: What do we as a nation, as a people, do when innocent people are being slaughtered in other countries, such as Rwanda, Bosnia, Haiti? Under what circumstances, if any, ought we to intervene to prevent the killing of innocent populations? There are certainly a lot of countries whose people face that kind of violence now.

Mr. President, let me answer that question the way I think most people from Minnesota would answer. They would say: Well, PAUL, it is true that innocent people are slaughtered in a lot of countries. There is a tremendous amount of brutality in the world, but we cannot intervene everywhere. I think they are right.

But then, of course, the next question is, does that mean that we do not have any involvement anywhere?

And then if you try to answer that question, well, maybe there are some times when we as a country can make a positive difference, in part through military action, the question becomes, under what conditions? In what countries, under what circumstances, and what decisionmaking criteria do you apply? In this case, one important criterion is: when we can do it successfully. By this I mean will there be a minimum, or no, loss of life, and will our military presence lead to better lives for people in other countries? Of course, other criteria apply as well, including a calculation of U.S. national interests, the costs and benefits of military action, the justice of the cause, the legitimacy of the authority by which we take action, the proportionality of force to be used, and whether we have yet truly reached a point of last resort. These and other considerations are all important, and should be examined carefully.

In relation to the situation in Haiti, I do not think these are easy questions at all. So following on the remarks of my colleague from Texas, I choose not to put this in a partisan context, to talk about whether we should or should not give President Clinton credit. I do not think that is really the issue.

Now, my position about the question of congressional authorization was—and I will always operate within this framework, and I felt this way on the gulf war and on Somalia even when it was first a humanitarian relief operation—that it is important that the President seek the approval of Congress for military action. I have said clearly that I was disappointed that the President did not come to the Congress for that authority. I thought it was a serious mistake.

On the other hand, I would like to commend President Clinton and former President Carter and the other negotiators for their efforts. I also would like to thank our courageous and professional troops for what they are doing. I think they are in a very difficult position. Let us give credit where it is due. I think whenever there are alternatives to conflict, alternatives to going to war, alternatives to military action, we should explore those. I think that is what the President, working with former President Carter, has done.

At the same time, I do have some serious reservations about the arrangement which the President has entered into with the Haitian military dictators. I am concerned that the Haitian military will fail to honor the agreement, as they did with the Governors Island Agreement, and that it leaves the corrupt and brutal Haitian military largely intact. This question, Mr. President, must be addressed when President Aristide is restored to power.

I am also concerned that the broad amnesty the agreement provides for will likely ensure that those responsible for the brutality will go unpunished. Furthermore, the agreement leaves unanswered questions about the composition of the Haitian Parliament. Will the pro-Aristide legislators elected to office, many of whom have fled, be allowed to participate? Will they be allowed back into the country to vote on this amnesty question, which according to Haiti's Constitution can only be approved by the Parliament? Or will it be controlled by the one-third of Haitian Senators elected illegally after the coup? Are they the ones that are going to be allowed to develop the amnesty? Finally, I worry about the leaders being allowed to stay in Haiti to play a potentially disruptive and destabilizing role there.

I also worry about the civil unrest facing our troops. I am concerned that we not put them in the position of having to be just spectators to the violence that we saw yesterday, therefore losing credibility with the people of Haiti and perhaps becoming the targets of the anger of the Haitian citizenry, which assumed that when our soldiers came in, it would mean that finally repression will let up. I do think that on balance, the presence of our soldiers over the next few weeks will make a big difference in giving hope to Haitians.

The most basic problem is this: without a systematic and comprehensive reform of Haiti's military, all our efforts to restore President Aristide, and to nurture democratic institutions there, will be fruitless. That reform must be vigorously pursued by the administration, in partnership with a new Aristide government, at the same time we are providing large scale economic reconstruction aid and other forms of support for President Aristide's new government.

I think that there are intermediate steps we can take that are prudent and responsible, and that can make a difference, in the coming weeks and months. These include immediately vetting and purging the Haitian officer corps, establishing an organ like El Salvador's Truth Commission, and prosecuting abusers under Haitian law. These are things which I think should happen in that country, which will be important ways of signaling to the Haitians that a new day is dawning there.

But for right now, the situation in Haiti is still dangerous and still unpredictable. That is crystal clear to all of us. I do not mean just all of us in the House and Senate, I mean all of us in the country.

I think that the security arrangements that are being developed now by United States forces must take into account the historic tensions between the followers of President Aristide and the Haitian military and must take into account especially the long history of brutal violations perpetrated by those forces on the population. That is critical.

Sometimes it bothers me to no end to hear some colleagues talk about the junta and President Aristide and put them in the same category, without making a fundamental distinction. This junta and their subordinates are responsible for having systematically mutilated, raped, murdered, and tortured its citizens.

For a very long time, both the security forces and the judicial system in Haiti have been under the control of a corrupt ruling elite, and we should acknowledge that as we develop our public security arrangements.

Mr. President, I also want to focus on what I think is now a most difficult and immediate question for us, and that is that our forces are there in large number, and the people in Haiti look to us to guarantee public order, look to us to make sure that innocents will be protected from indiscriminate violence.

The question is if we rely on those forces in Haiti that have such a history of brutality to assure order in Haiti, then I fear it is going to put our troops in a very difficult position. That is what we saw yesterday. I do not have clear answers to this question, but what I do know is that if our soldiers are put in the position of having to stand by and watch this repression take place, then they will begin to lose

their credibility, and I fear that could put our troops at great risk.

Mr. President, if the human rights situation matters, and is to be improved dramatically by our presence—and I think that is in part what this was all about, that was one of the main reasons President Clinton presented to the Nation for the use of military force—then we must do what we can within our mandate to assure Haitians that their fate no longer lies solely in the hands of Haiti's military.

We also, I think, must act quickly to return vastly expanded OAS and U.N. monitoring teams to Haiti, along with other independent monitors, to reassure Haitians that they are protected. In other words, I believe that the times call for a substantial presence of human rights observers as soon as possible.

Mr. President, now that we are there and this mission moves forward, I think our efforts should be guided by answers to the following questions: Who are we there to protect, from whom? What role, if any, will the U.S. forces play in disarming rogue security and paramilitary forces responsible for the bulk of violence? What role will U.N. forces coming later play? What precisely are the limits to our public order responsibilities? Are the limits clear enough to U.S. troops that are there?

I hope that our United States Commander in Haiti, General Shelton, will be crystal clear with General Cedras that the kind of violence we saw yesterday being perpetrated on civilian supporters of Aristide is totally unacceptable, and will urge him to act forcefully to stop it.

On the resolution itself, I view it as a general expression of support for U.S. troops there, and an effort to commend the President for peacefully resolving this crisis. I have some concerns that we should not end the embargo, especially the freezing of visas and assets, until after President Aristide is restored to power. I understand the administration will likely lift the economic sanctions in a phased, deliberate way. Finally, I continue to believe that, as we move forward, we must vote up or down on legislation that actually authorizes the deployment of U.S. troops, because I think that is the very essence of the way our system operates. Our system of checks and balances, and the democratic accountability it ensures, demands it.

I will always believe when the U.S. soldiers are to be involved in military action, and they are either in harm's way or potentially could be in harm's way, the way our system of checks and balances works is that we here in Congress, Democrats and Republicans alike, should vote and should be accountable. So I certainly would express my support for Senator FEINGOLD's approach as well.

Mr. President, there are some other steps that I think we could take to improve the situation in Haiti now. I hope that some screening of local police forces is taking place right now because what we saw last night was a very, very ugly picture. I certainly think that with information provided to the United States from the former OAS and U.N. human rights monitors and other sources we can do some prescreening of Haitian police to identify and purge the worst of the lot. I think that would help and that would be a confidence-building measure.

Mr. President, I believe, with the exception of a concern I have about the timing on lifting the economic sanctions, that I will vote for this resolution. I do not think this is an easy question. I am concerned about the position that our soldiers are in, and I am, in particular, concerned about our soldiers losing some credibility with many of the people in Haiti if, in fact, they are put in a position of having to stand by and simply watch this repression take place.

I am not advocating that they should be directly involved in the public order mission within Haiti but, by the same token, I believe some intermediate steps have to be taken in order to not put them in this position.

I worry about the next 3 weeks. I worry about the next 3 weeks because I think if the kind of repression we saw yesterday continues, our troops will face serious problems. As I understand this mission, it is an effort to restore President Aristide to office, to begin to build democracy in that country, and to do it without having to go in and knock the door down to do it, without having to have a massive military intervention. But we are now on the ground there militarily. And I think we must vote eventually to authorize that. I will support Senator FEINGOLD and others in an effort to ensure such a vote. And I will hope, Mr. President, for the very best, the very best for our soldiers, and the very best for people in Haiti as well.

Again, Mr. President, I hope that some of the steps that I have outlined will be acted upon by the administration. We simply have to figure out ways and be decisive in such a way that, on the one hand, we do not involve our soldiers directly in every single kind of civil conflict that now takes place in that country but, on the other hand, we do not put them in the position of having to be just spectators to this violence that we saw yesterday, therefore losing credibility with the people in Haiti and becoming the targets of the anger of the Haitian citizenry, which assumed that when our soldiers came in, it would mean that finally repression will let up.

I think the sooner President Aristide is back and the sooner we move toward building democracy in that country, the better off the people of Haiti will be and the better off we will be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank the Chair. I will just speak very briefly on the issue of Haiti.

Last week we left the Chamber to permit the observance of Yom Kippur and left in a time of uncertainty and concern. We did not know whether American troops would be fired upon. We did not know what would happen before we again convened.

We knew, I think, that we would invade. That was rather troubling to me personally and to many on my side of the aisle who together urged the Chamber to debate this issue in full and to pronounce the sentiments of the Senate.

We were frustrated in that aim. We were permitted a lengthy debate on the subject last Wednesday but were unable to bring the measure to a vote.

So, it was with great relief that we returned and I came back from my native State of Wyoming to find that American soldiers, sailors, airmen, and airwomen had been, although on the way to Haiti, were being removed from the role of aggressor and received as peacekeepers and not attacked as a hostile invasion force. And this Senator wishes to give appropriate credit to President Clinton, President Carter, and SAM NUNN, our wonderful, respected colleague, and Colin Powell, a splendid American, for their work in bringing that about.

But, I think the events of the past week amply demonstrated that Republican concerns were well-founded. The aircraft were in the air when the agreement was reached. There is discussion about whether that was helpful or not. Conflict was averted at the last instant, when President Carter and his team persisted for a longer period than previously planned, in order to prevent a direct confrontation.

It was a pretty close-run thing. And whatever appropriate credit is due to the President and the negotiating team, that came close to turning out much differently. Their exertions could easily have been undertaken with just as much skill, and just as much diligence, and yet events could have turned out far less fortuitously.

So I urge my colleagues to remember that as we consider the pending motion. I, of course, just as my colleagues do, fully and unreservedly support voicing our full approval for the devotion and skill of the American forces in Haiti.

I further understand the impulse that we should strive to voice commendations and praise here for the work accomplished by the President. He certainly has had his share of criticism for his Haitian policy to date, and it must be a relief to be able to seek and receive some expression of approval at long last.

Of course, I note there was far less enthusiasm from the administration and from the majority party for bringing Haitian issues to a vote in this Chamber last week. Now that things seem to be turning out at least a little better thus far, votes on Haiti are popular again. Had an invasion begun, and casualties been suffered, I expect that the enthusiasm to bring Haiti resolutions to the floor might have been greatly diminished.

Which brings me to some personal reservations about this particular vote. It is certainly in the rich tradition of "senses-of-the-Senate" or "senses-of-the-Congress"—and we have all seen these over the years. They are often offered, I hasten to add, by both majority and minority Senators with great frequency and zeal. We are in the giddy habit of passing unobjectionable "senses-of-the-Senate" by votes of 95 to 5 or 97 to 3 around this place. The language is usually carefully and artfully drawn so as to be uncontroversial, and to be "difficult to vote against." The key, or course, is that.

And so we pass these resolutions, certifying our support for one group's "right of self-determination," or saluting the admittedly fine performance of American soldiers, sailors, and airmen and women, or decrying another's "history of oppression" or asserting the need to respect this or that group's "minority rights" and on and on and on. And then we have distinguished foreign visitors come into our offices or we go there to visit them, and they say, "What in the wide world were you thinking when you passed Resolution X by a 95-to-5 vote? Don't you know this creates a serious problem for us, and that our parliament is watching these votes occur in the U.S. Senate and the Congress and we are deeply affected and disturbed by it? We just don't understand 'why'."

And then the process continues—a foreign policy issue comes before the Senate, and debate commences, and then the proponents of one side or the other haul out the old "sense-of-the-Senate" vote and say—"remember when we passed this measure 95 to 5? Now you are committed to taking the next logical step by voting for our splendid resolution." And we become prisoners of our own past votes.

It pleases me—and I mean this sincerely—there is no such preconceived agenda here in this instance. But as we vote to commend that Haiti action here today, I do want to sound the cautionary note. Things may get progressively more difficult in Haiti in the coming weeks and months. I deeply hope that we do not, but they could and I think they will. At that time, I expect we will hear, "Aha, where were Republicans when we were endorsing the action in mid-September? If they had concerns, why did they not voice them then?"

So I am voicing them now. We still have many questions to answer regarding the duration and nature of the mission in Haiti. I have indicated I would commend, and did, the President and the three-member delegation for what has been accomplished to date. But this is not in any way my "blank check" of approval for every "nation-building" activity in the months to come.

I trust that the record will show that this Senator is most pleased and honored to support our troops and to approve the actions taken to date. This Senator is furthermore richly pleased to help to convey the supportive unity of all Americans who are fully behind our troops now that they may find themselves in harm's way. This Senator will work to guarantee that support by ensuring that our soldiers have whatever they need in the way of funding in order to defend themselves and to accomplish their mission once it is better defined.

At the same time, this Senator will continue to work toward finding a more proper and sensible definition of that mission, and ensure that our fine fighting men and women are not drawn into political tasks and missions that are unachievable because they are not of a military character.

That is the very least we can do, in view of the selfless devotion manifested by our armed forces in this and all other missions. As we gratefully accept their service, we must not ask them to also do the work of legislators, diplomats, and political scientists. That is our work, and I trust that my colleagues will be earnestly engaged in it in the weeks to come.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. DORGAN). Who yields time?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. 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. NICKLES. Mr. President, I wish to speak on the Haiti intervention resolution.

Mr. BAUCUS. Mr. President, I ask the Senator to yield.

Mr. NICKLES. I would be happy to.

Mr. BAUCUS. Parliamentary inquiry. Is there some understanding that it be back and forth which side speaks next in the session here? I might make that inquiry.

The PRESIDING OFFICER. The Chair advises the Senator there is no such understanding.

Mr. BAUCUS. I thank the Chair.

Mr. NICKLES. I tell my friend from Montana I will not be all that long, probably 12 minutes or so.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Let me say at the outset, Mr. President, I, like all Americans, am very pleased that the Haiti invasion was not hostile. I was very concerned that we would have paratroopers jumping into Haiti and that we would have armed intervention against them; that we would have, as General Powell said, young Haitians killing young Americans and vice versa. I did not want to see that. I think that would have been a disaster. It would have been a catastrophe. It would have been fatal for a lot of young Americans. And I am really thankful that did not happen.

I compliment President Carter and Senator NUNN and General Powell for their last-minute negotiations. I think it should have happened a lot sooner. I do not think we should have been poised on the brink of an invasion. I think that was a serious mistake, but I am glad they were able to convince the leaders in Haiti to avoid the bloodshed. I hope that the bloodshed will continue to be avoided.

Mr. President, I wish to speak out strongly in opposition to our occupation of Haiti. I am not pleased by the fact that we are now going to have 15,000 American soldiers occupying Haiti for an undetermined amount of time. I am not pleased with our role. I am not pleased with the reason why they are there. I am not pleased by this administration's policy which has changed on Haiti almost on a daily basis. I am really displeased by the administration's policies that brought us to the brink of war, threatening countless American lives, in my opinion, not for U.S. military or national interests.

I noticed that President Clinton in a news conference on May 19 outlined several things of national interest dealing with Haiti. He said Haiti is in our own backyard. The United States has a million Haitian-Americans. There are several thousand Americans in Haiti.

Let me touch on that. Sure, Haiti is in our backyard, but so are Mexico and Canada, both of which have problems, but we do not invade them for the solution. Yes, we have a lot of Haitian-Americans in the United States. They are not threatened. That does not change anything. It has nothing whatever to do with invasion. An invasion does not solve any problem there. There are several thousand Americans in Haiti, and their lives have not been threatened. As a matter of fact, the potential of a military intervention or invasion probably did more to jeopardize their lives than anything. The Americans have not been subject to attack. This was not a Grenada where you had the possibility of American citizens

held in house arrest or students that were in danger. The Americans that are in Haiti have really not been threatened, and certainly there is no reason for invasion on that point.

The President also stated that drugs are coming through Haiti to the United States. If we invade every country that has drugs coming through it to the United States, our Army is going to be very busy. Haiti is not the most aggressive or not the biggest problem that we have as far as exporting drugs to the United States. We have the same problem with the Bahamas. Are we going to invade the Bahamas? We have the same problem with Mexico, with Canada, and with countless countries.

The United States faces the continuing possibility of a massive flow of Haitian immigrants to the United States. That is primarily a result of this administration's policy of a significant tightening of the embargo that made life miserable for countless Haitians—not miserable for the military junta leaders but miserable for the Haitian people. Again, that is the result of the President's past policies.

I might mention, too, the President's past statements encouraged migration from Haiti to the United States, his statements as a candidate. He just totally refuted President Bush's statements—oh, we are going to let the Haitians into the United States—and as a result of those statements as soon as the election was over the boats were being built and countless Haitians were coming to the United States.

President Clinton reversed that policy because, obviously, it was a mistake. He wisely reversed that policy and basically adopted the previous administration's policy as far as returning Haitians to Haiti. But then he changed. He changed, for political purposes, in my opinion, because Randall Robinson was on a hunger strike and the Congressional Black Caucus was putting pressure on, Jesse Jackson was putting pressure on, and so the President again changed his policy and said, oh, we are going to hasten Haitian immigration on ships and make changes there. And again the number of Haitians coming into the United States or fleeing Haiti increased and increased rather dramatically.

The President also said that, well, it is in our national interest to invade Haiti, or occupy Haiti because we are going to restore democracy. And again, Mr. President, I find that to be not a significant justification for occupying Haiti with thousands of troops for an undetermined amount of time and certainly not a significant reason for risking a military invasion—an invasion, I might mention, according to the reports and listening to former President Carter and others, that was already underway. It was happening and maybe was within 30 minutes or an hour of actually taking place and costing lives of American soldiers.

Why? To restore democracy? I question that.

I just make a couple of points. Not all elected leaders are democrats. I might mention to my colleagues that "Papa Doc" Duvalier was elected in 1957, and I think most everybody would acknowledge that he was somewhat of a tyrant, and we should not have risked the U.S. flag to have kept him in power. As a matter of fact, I think we were urging that he would not stay in power.

I think of Mr. Milosevic, the President of Serbia. I was in Yugoslavia not too far from when they were having elections. Those elections, in my opinion, were certainly not fair, certainly not the most democratic I have ever seen. But I do not think we risk lives, after they have elections, saying this is a great leader. I do not think he is. He is a tyrant. Hitler was elected at one point.

I do not think it is in the interest of the United States to risk lives to reinstate Mr. Aristide to power. I know the President during a news conference talked about 200 years ago. He was making the comparison you had countries helping us; we were a new democracy, so maybe we should help Haiti. I am thinking, well, people are almost thinking of Mr. Aristide as another George Washington.

That is not the case. People need to look at Mr. Aristide's comments—comments from 2 years ago, comments from a few days ago, comments from 3 years ago. This is a leader of Haiti who has made a lot of anti-United States comments. He has made a lot of more Marxist-type comments than you would imagine. He has made comments urging violence against his opponents, urging violence to the extent of using the practice of necklacing, which is taking a tire, filling it with gasoline and setting it on fire to murder his opponents, and talking about the sweet aroma of that smell. That speech was made in 1991—1991—not that long ago. And yet we are talking about risking U.S. lives to reinstate him into power because he was elected by a big margin. I seriously doubt it. I think that is a bad policy.

Mr. President, do not mistake my comments. I support our troops, but I want our troops to come home. I do not think our troops should be occupying Haiti. I do not think we should be risking lives, United States dollars and prestige to occupy Haiti for an undetermined amount of time.

I might add, Mr. President, I think we are going to be there for a long time. I hope that is not the case. I am pleased that the resolution we will be voting on is a very significant improvement over the original draft I have from Senator MITCHELL. It is a big improvement. It says, "supports the prompt and orderly withdrawal of all United States forces from Haiti as soon as possible." It does not mention a timetable. I am afraid that could turn out to be a lot longer than we would like. That is not mentioned in Senator MITCHELL's original resolution. I think it needed to be mentioned.

I am concerned about United States lives in Haiti. Also, when we look at Mr. Aristide, I cannot help but tell you I am appalled by his statements that he made yesterday. We did not hear a "thank you" to the United States. We did not hear, "We are grateful for your efforts." Basically, he was condemning the agreement that President Carter and Senator NUNN and General Powell negotiated.

I also cannot help but wonder what Americans would think if they knew of the millions of dollars Mr. Aristide has been spending in the United States during his exile the last 3 years.

I have been somewhat appalled to find out that lobbyists have been making hundreds of thousands of dollars, and that is coming from the money that is Haitian money. That is money from maybe one of the poorest countries in this hemisphere, and, yet, Mr. Aristide and his lobbyist friends are doing quite well. That bothers me. Maybe it should not. Maybe I am picking up something that is not really all that relevant in the international scale. But when you find out that lobbyists are making $55,000 a month or $300,000 in a 3-month period—every time that is coming from the Haitian people who are making maybe a couple hundred dollars per year—that bothers me.

We are going to be risking U.S. lives to reinstate him into power? That bothers me. I think that is a serious mistake. Mr. President, I have to say that it is troubling to see that President Clinton would have the national press conference or a press statement and talk about all the evils that are going on in Haiti and how bad General Cedras is and his group. I might mention some of his comments:

> They have brutalized their people, destroyed their economy; those who resisted were beaten and murdered; dictators' horrible intimidation campaign of rape, torture, mutilation; people starved; children died; thousands of Haitians fled their country and headed to the United States across dangerous seas; Cedras and his armed thugs conducted a reign of terror, executing children, raping women.

These are the President's comments.

Now I am looking at 2 days later. Now we see "General Cedras is now our partner in the governance of Haiti. For 1 month we shall be ruling Haiti together with a man Clinton assured us last week was given to executing its children, raping women, killing priests." That is from Charles Krauthammer, "Our Partner, General Cedras" in the Washington Post.

I just make the point that we are risking lives. It seems to me that the Commander in Chief, the President of

the United States was trying to whip up a real strong hysteria against General Cedras to build this up and maybe inflame the sentiments of the country in favor of an invasion that the American people did not support. The American people did not support it, and they were right.

Frankly, I think you will find the American people will not support the occupation of Haiti. They will support the troops. I support the troops. But I do not support the policy of occupying Haiti. I do not think that is worth risking U.S. lives. We are going to be confronted with a lot of difficult challenges. We will find one group fighting another group. Are we going to intervene, or are we going to stand idly by? Military forces were standing by idly and watched one or two murders happen yesterday.

How long will we be the police force? Are we going to try to have a free democracy and to hold elections? I want elections to be held. What happens if somebody tries to hold that election, if we leave, and fighting breaks out again? Are we going to send in another 10,000 troops to stop the fighting? What are we going to do if Haitians start fighting other Haitians, or if one Haitian group takes out and murders some American soldiers? I am sure we will retaliate. But I hate to put them in harm's way to really substantiate a policy that I believe is terribly, terribly flawed.

I think the President's policies have been a disaster. I hope and pray for the success and safety of our troops. I think he has put them in harm's way unnecessarily.

I strongly support the resolution that we have before us, at least the fifth point that says we support "a prompt and orderly withdrawal of all United States forces from Haiti as soon as possible."

Mr. President, I will just conclude. I do not doubt—somebody asked me earlier, they said, "Will you be offering a resolution which says they need to be out within 60 days?" That amendment or that resolution will not be offered today and probably not this year before we adjourn. But my guess is next year we will be debating and discussing a resolution which says our troops should be out within a certain period of time because it looks like they are getting bogged down in a quagmire, from which we will not be able to leave.

I hope there will be a peaceful, successful transition of power. I hope there will be no lives lost, Haitian lives nor American lives. I hope that our troops will be able to return to the United States as soon as possible.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am about to yield whatever time my colleague from Montana may desire, and then, hopefully, we can also go quickly to Senator PELL, and then I believe the Senator from Colorado would follow immediately. And I gather the statements from Senator PELL and Senator BAUCUS are relatively brief.

Mr. President, I cannot resist, because people have talked about you should not do any of these things unless you have the full support of the American people. I think that is always desirable. But memory sometimes fades rather quickly.

I just went back and pulled up the poll results in the fall of 1990 prior to the decision to go into the Persian Gulf. Some of my colleagues may have forgotten this. If you look at the results, only 38 percent were in favor of going to war against Iraq in the Persian Gulf; 27 percent—here is one poll about the President's handling of the crisis, President Bush. It had fallen below 43 percent, 27 percent lower than in September.

I only bring this up because I think we had better be careful about conducting business based on polls. For those who suggest you cannot act at all unless you have the popular opinion with you on every occasion, they ought to go back and refresh their memories when it comes to some of these other crises, when President Bush acted, and depending solely on whether or not what he was doing was always popular. It was not at all.

I yield the time to the Senator from Montana.

Mr. BROWN. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BROWN. Mr. President, will the Senator yield on the particular point that the Senator from Connecticut made?

Mr. BAUCUS. I would be happy to yield at the conclusion of my remarks.

Mr. BROWN. I had exceeded my time prior to the comments of the distinguished Senator. I wonder if I could not answer the Senator.

Mr. BAUCUS. I would be happy to reduce my remarks, if the Senator will yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Montana was recognized and has the floor.

Mr. BAUCUS. Mr. President, I want to make a few comments on Haiti.

First of all, I think the President, along with the delegation of former President Carter, General Powell, and Senator NUNN, deserve congratulations for avoiding a violent invasion of Haiti. And the men and women of the armed services have carried out the operation, up to now, with great skill and professionalism.

I have withheld comment on Haiti over the past few days because I am reluctant to interfere with the President, and the Armed Forces as they carry out a delicate military operation.

But I see some dangerous warning signs in the events of the past few days. I want to say as clearly as I can that we should make the mission in Haiti as limited as possible. We should avoid any long-term peacekeeping presence there. We should get the troops out, as soon as possible, and let the Haitians begin to solve their own problems.

First, the man we are returning to Haiti, President Aristide, is frankly an ingrate. He is the legitimately elected President there, and he should keep his office. But we have no obligation to put American lives at risk for that purpose. We have done so. He has not said a single word of thanks. Instead, he seems angry that we avoided an invasion. It is an outrage. And it calls into question President Aristide's reliability as this mission continues.

Second, our mission in Haiti is beginning to remind me of our Lebanon adventure in the Reagan administration, and our presence in Somalia during the Bush and Clinton administrations.

When we commit troops without a clear military goal, political factions in the relevant country see it as an opportunity. As in Lebanon and Somalia, Haitian factions will use our military presence for their own purposes, ultimately to the disadvantage of both Haiti and our soldiers.

Just yesterday, some promilitary Haitian policemen beat an Aristide supporter to death in the street, with American soldiers nearby. In such a situation, our soldiers must choose between standing still and doing nothing, or involving themselves in internal Haitian political battles with unpredictable consequences for themselves personally and for our country.

Last week, before the military operation began, retired Col. Richard Kern from Livingston, MT, a man who has served in Haiti, as well as World War II, Korea, and Vietnam, sent me one of the best, most thoughtful letters I have ever received.

He said:

> In recent years, we have become somewhat casual concerning the employment of U.S. forces. Military intervention once was, and should remain, a case of last resort. Today, however, we seem to consider it as a quick-fix possibility to solve a range of political and economic problems * * *. [But] military force is arbitrary and brutal, and as apt to cause harm to our own interests as to further them.

As far as Haiti goes, however, Colonel Kern goes on to say:

> For all our efforts there would be no beneficial result. Haiti would still be Haiti, unchanged, and, in its particular way, defiant.

I believe Colonel Kern is right.

I am deeply troubled by what I see emerging in this mission. I have been quiet up to now, but I think we are headed in a dangerous direction, and the sooner we bring our troops home from Haiti, the better.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, over the last few days many statements have been made regarding the recent agreement with the Haitian coup leaders. Some naysayers have been quick to criticize and others are questioning details underlying the agreement. As with any agreement, issues remain unresolved and as it is carried out there inevitably will be bumps along the road. But we must not overlook what has been accomplished. President Clinton avoided bloodshed and the loss of life and accomplished—peacefully—our primary goals in Haiti. While we may wait a little longer, the democratically elected government will be returned to power and the reign of terror will end.

Even though the President had determined that the use of force was justified and the troops were ready and waiting for what would have been a relatively simple military operation, he made one last effort to seek a peaceful solution to the immediate crisis. In many ways, the current situation may be more complicated and difficult than if U.S. troops had entered by force as is often the case with diplomatic solutions. But President Clinton made the right choice. He did what the American people wanted without sacrificing our goals in Haiti.

Mr. President, I support the pending resolution and congratulate President Clinton and the special delegation for showing prudence, courage, and wisdom in Haiti.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BROWN addressed the Chair.

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

Mr. BROWN. Mr. President, I rise to express my concerns about our involvement in Haiti and to express my strong support for the fifth subparagraph under the "resolves" of our resolution, that which supports prompt and orderly withdrawal of United States Armed Forces from Haiti as soon as possible.

Members of both parties have come together on this resolution, and I think it is to the credit of our distinguished chairman of the Foreign Relations Committee and the leadership of both the Republican and Democratic sides that we have been able to bring forth to the Senate floor a resolution which apparently has very broad support. But I want to share a few concerns as we move forward.

Mr. President, I first comment that it would have been my intent to offer two amendments to the resolution that would appear here. First, a specific time limit, so that we were not simply talking about a prompt and orderly withdrawal of U.S. troops, but we would set a date certain for the withdrawal.

Mr. President, my concern about that is that we will indeed be drawn into the Haitian adventure, that we may well have American men and women who serve our country there injured or killed, and that through the inevitable effort to save face, we may be willing to withdraw on a prompt schedule.

So while the commitment to have a prompt withdrawal is important and, I think, helpful, it is not as helpful as having a specific time certain. That amendment—while others prevailed on us not to offer that to this resolution—is one I believe in strongly and one which I will offer at another time before this Chamber.

Second, it had been my intention to offer the Weinberger guidelines. I intend to offer those at a later date as well.

I will summarize those quickly, and I will not take a lot of time. I will remind people of what they include. They include, first of all, that any time we are going to use U.S. forces, the commitment to combat be vital and include a decision that the cause was vital to the U.S. national interest.

Mr. President, this does not mean that we simply have a strong will for the outcome. It means that it is vital to our American interests. I think that is particularly important here, because what we are weighing is not only our interest in seeing a viable democracy in Haiti, but we are weighing it against the potential loss of American life. I believe Americans rightly believe that the cause ought to be awfully important and awfully significant for our national interest before we give up the lives of our young people.

Second, the Weinberger guidelines call for a clear, wholehearted, commitment to winning any combat. It is part and parcel, I think, of a concern I have that we may well have committed troops into Haiti without a clear mission, without a clear commitment to winning it.

Let me be specific. Presidents Kennedy, Johnson, and Nixon shared in the Vietnam responsibility. Each of those Presidents committed troops to action in Vietnam without clearly defined objectives and without a clear commitment to win.

Whether one agreed or disagreed with our efforts to preserve democracy and freedom in South Vietnam, the fact is that we were willing to send men and women to Vietnam and risk their lives and have 50,000 Americans not come home, without ever committing our country to winning that conflict.

I believe most Americans determined at the end of that conflict that it had been a mistake—not a mistake to defend freedom, but a mistake to commit our men and women to combat without a commitment to win that cause. That is part of where the Weinberger guidelines came out of—our mistakes in Vietnam.

Clear and defined objectives were included in this as well. Of course, the final commitment in the Weinberger guidelines is that we should only commit U.S. forces to combat as a last resort.

With regard to Haiti, we have committed combat forces to Haiti, but it was not a last resort. Were there other alternatives? Yes. One alternative would have been to provide aid and assistance to Haitians that wished to free their country themselves. It is a precedent we have followed in other circumstances, and it involves our assistance to freedom fighting forces without risking U.S. military personnel. But it does help people who want to free their country.

I think it is fair to say that we did not follow the Weinberger guidelines in this. We did not do this as a last resort, but well ahead of any last resort. I think it is fair to say that the commitment of troops into Haiti does not involve clear, defined objectives, and the objectives or the timetable is not clearly defined at this point.

With regard to the vitality—being vital to our national interest—I submit that the President has not made that case.

What we have in Haiti is a failure to learn from our mistakes of the past, the mistakes of President Kennedy, President Johnson, and President Nixon in Vietnam; the mistakes of President Reagan in Lebanon where American troops were committed for what was thought to be a good cause and the guards at the gate were not given bullets in their guns to protect them. Members will recall that the terrorist truck came through the guards at the gate and the guards were unable to stop it because they had not been given bullets for their guns, and over 200 Americans lost their lives.

This is a failure to have clear objectives, a failure to make a commitment to win, a failure to look at alternatives. How many times do we have to make mistakes with the lives of young men and women before we learn our lesson? The lesson is not that we do not stand up for freedom. We do and we should. The lesson is not that given the right circumstances we do not go into combat. Given the right circumstances we should be willing to stand up for freedom.

Our successful effort to defend freedom in Kuwait is a good example. Earlier my colleague from Connecticut brought up the case of Kuwait, but what he failed to mention was in the case of Kuwait President Bush went to this Congress, a Democratically controlled Congress, and won approval of his policy before he went into combat.

I intend to offer both those amendments because I think they offer an important policy declaration that too

often can be missed. One, we ought to have clear objectives and we ought to have a commitment to win, and another that there ought to be a specific time for withdrawal.

What all of this boils down to is simply this: We should hold the men and women who serve our country in the Armed Forces in high regard. They should not be political pawns. Their safety should not be sacrificed for political purposes. Preelection specials to boost poll ratings should not involve risking the men and women of our Armed Forces. We ought to care enough about them that not only do we not use them as political pawns but before we trade away their lives we make very certain that the cause is important, that it is vital, and that we are committed to win.

If it is not important enough to commit to win, if it is not important enough to define our objectives, if it is not important enough to stand up for those principles, we should not commit the lives of our men and women.

That is what the mistakes have been in the past. In Somalia it was politically convenient to leave them in the country, expose them to the risk, but it was not politically convenient to give them the equipment and the material to defend themselves.

Some Members will say, "HANK, those are harsh words." They are absolutely true. Read the press clippings of the decision of the Defense Department when the field commanders asked for armored personnel carriers to carry out the mission that our political leaders gave them in Somalia. The decision was there might be political risks in sending armored personnel carriers over. So we traded off the interests of the men and women who served this country in favor of political interests.

That is just plain wrong. It is wrong for us to be so calloused about the lives of our men and women who serve us in the Armed Forces that we would place political considerations, political expediency, above our duty to those men and women.

That is what is involved in Haiti. It is a question of whether or not we value their lives enough to treat them with respect and to stand up for them.

Those young men and women are willing to give their lives for this country and give their lives for our freedom. They understand they may be injured or maimed or killed, and they love this country enough to face that risk and assume it and take it on. But what they do not understand is how in the world we could ask that sacrifice from them when we do not even go to the trouble of defining what the mission is. How do you get out of Haiti without setting a time limit? How do you get out of Haiti without setting clear, specific definitions of what our objectives are?

Those questions are unanswered and they remain unanswered. I believe they represent an attitude of callous disregard for the safety of those who wear the uniform of this country. We have had enough of this. No more should we have the kind of disregard that was shown in Vietnam. No more should we have the kind of disregard that was shown in Lebanon. No more should we have the kind of disregard that was shown in Somalia.

We ought to care enough about the people who put on the uniform of this country to do our job in the Congress and do our job in administration, and that is spell out the objectives; that is stand behind them when they go into combat and make sure they are protected and, yes, in the police actions make sure there is a time to get out.

We are going to pass this resolution and perhaps some will pretend that it addresses the subject, but it does not. Underlining it is a willingness to treat in a cavalier fashion the people who wear the uniform of this country.

Mr. President, I am not going to back off from offering resolutions because I believe the Weinberger amendments deserve to be voted on. If someone thinks we should send people in combat without spelling out the mission, I want them to have a chance to stand up on the floor and have a vote taken.

If people want to expose our young men and women to the danger in Haiti without having them given a specific period of time for withdrawal, I want them to have a chance to go on record, too.

I think it is important that we understand that a primary consideration here is not just our hopes and aspirations for the people of Haiti but our commitment to the young men and women on which our freedom depends. If we ever have a generation in this country that is unwilling to risk their lives, that is unwilling to stand up for freedom, we will lose our freedom. And the surest way I know of to make sure American young men and women are unwilling to stand up for that freedom is to treat them as we have done in the recent years.

If we do not meet our obligations to the young people who serve this country, how can we ask them to meet their obligations to us?

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I congratulate the Senator from Colorado on his very powerful and, I think, informative remarks about the problem of defining the role and mission of the young men and women who are serving in Haiti. Everyone supports those young men and women.

I think he points out very graphically that we also have an obligation to those young men and women that we provide them with a clear-cut mission, clear-cut rules of engagement so we are not treated to pictures such as we saw on the front page of the New York Times today and the Washington Post of Haitians being murdered and American fighting men and women standing by.

Mr. President, I rise again because my friend from Connecticut stated in his remarks about public opinion, that only 38 percent of the American people supported President Bush's effort in the Persian Gulf, this Nation's effort led by President Bush. The Senator from Connecticut was correct. He just was not in context, because the fact is that only 38 percent of the American people did support our involvement in the Persian Gulf war initially, which reflected the well-known skepticism and caution that is a trademark of the American people considering involving ourselves militarily overseas. But there is a huge difference. I tried to point it out in my remarks earlier today.

President Clinton basically was prepared to invade Haiti without the support of the Congress and the American people, in fact without even consulting Congress. It is well known what I tried to do last week to get an expression of the sense of the Senate either to approve or disapprove of our involvement there. That was blocked, as we all know.

The difference is that when President Bush was faced with these numbers he went to our allies around the world. He spoke to the American people. He submitted to this body and the other body for debate and discussion an authorization which in the view of some was described as this Senate's finest hour, the debate that took place on the Persian Gulf war resolution, and he built public opinion so that, as I hope my colleague from Connecticut will understand. On a poll published on January 14, 1991, in Newsweek: "Do you think U.S. forces should engage in combat with Iraq if Iraq refuses to leave Kuwait and restore its former government?" 61 percent, yes; 29 percent, no. The Washington Post-ABC poll, January 6, 1991: "If Iraq does not withdraw from Kuwait, should the United States go to war with Iraq to force it out of Kuwait?" 63 Percent, yes; 32 percent, no.

So, I hope my friend from Connecticut remembers that, yes, initially only 38 percent of the American people supported going into Kuwait and the Persian Gulf but at the end of the day before military operations started President Bush had gone to the American people, which is what President Clinton has not done, and I repeat and I repeated it 25 times on the floor of the Senate: You do not go to war without the support of the American people. We found that out in Vietnam. Otherwise, it is doomed to failure, the great lesson of the Vietnam war with which most of us, I believe, are clearly in agreement.

So what should President Clinton have done and what should he do now?

He should make a case to the American people, and one of the ways, of course, would be an authorizing resolution. There are a number of ways that he could do so. We cannot construe U.N. approval for approval of the U.S. Congress. We cannot substitute the U.N. Security Council resolution for the approval of the Congress of the United States and people.

I want to make clear again that I do not believe constitutionally the President is required to do so.

I do not believe that. That is a debate that goes on amongst constitutional scholars. But what I do believe is that you need the support of the American people. And how do you get it? Go to their elected representatives and have a debate and have a resolution.

I think that is clearly the way, an integral way, in which President Bush was able to change public opinion from only 38 percent support, when the invasion first took place of Kuwait by Iraq, to January 1991, when, by two separate polls, 61 percent of the American people supported and in another one the 63 percent of the American people supported. I think we should not ignore that.

Mr. President, I see no speakers on the floor at this time. So, at this time, I suggest the absence of the quorum.

The PRESIDING OFFICER. Would the Senator suggest that the time be equally divided?

Mr. MCCAIN. I ask unanimous consent that the time be equally divided.

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

The absence of a quorum is noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I support the resolution offered by Senator MITCHELL and Senator DOLE on Haiti, with two explicit reservations. One is on the length of time that United States military personnel will be committed to Haiti. And, second, what will be the resolution of the status of General Cedras and the others of the Haitian military junta who have seized control from the duly elected President of Haiti.

I believe the first resolution clause commending the efforts of the President in sending former President Jimmy Carter, retired Gen. Colin Powell, and Senator SAM NUNN, to Haiti in an effort to avoid the loss of American lives is well founded. I congratulate former President Carter and General Powell and Senator NUNN for the results which they have achieved. I also commend the President for thinking of that as a last-ditch effort to avoid the loss of U.S. lives on that invasion.

As I said on a number of occasions on the Senate floor, I was opposed to an invasion of Haiti. I thought that prior to any such order by the President of the United States it was incumbent, under the Constitution, that authorization be obtained from the Congress of the United States. The President chose not to follow that. I still believe as a matter of constitutional law it would have been a very, very unwise precedent. But I think the President was wise in taking up former President Carter's offer to have the mission go to try to avoid a forceful invasion of Haiti.

I do think that from time to time, as a political matter, some on the Republican side of the aisle are a little overly reluctant to commend the President. I think commendation is in order for him on this particular line. I have found that frequently there is more approval of the person who is offering the compliment than those who receive the compliment. I think it is important, as a bipartisan matter, that we stand together on issues of foreign policy to the maximum extent that we can. But I do not like the implicit part of this approach which has an open-ended status for American personnel in Haiti.

American fighting men and women are not trained as policemen. When people describe this as a police operation, in an effort to analogize it to Korea, in an effort to avoid the necessity for the Congress to have a formal declaration of war, they misstate the nature of the mission of the American military personnel. That is not to be policemen. We have military police and they are trained as policemen. But it is not the job of U.S. fighting forces to undertake a police operation.

As we look at this from September 19, the day before yesterday, and look into the future, I believe there ought to be some limitation as to how long that police operation is going to last, and there ought to be a specification as to what other nations are to contribute. When there is talk about the police operation lasting as long as until January 1996, until after the next Haitian elections, I think that is too long.

There was a great deal of talk in advance about a United Nations operation with as many as 20 or more nations participating, and the talk was some 1,500 or perhaps 2,000—really the number is as yet undetermined. The United Nations force was specifically excluded from the first line of attack. I, frankly, did not like that, that it was only U.S. military personnel who were going to bear the risk of invasion. But now that specific risk has been avoided, although there continues to be substantial risk to American personnel in being in Haiti.

We see the reports of yesterday's activities. American soldiers stood by while Haitian police put down a demonstration. It is going to be a tough assignment, being in Haiti—perhaps not as tough an assignment as being in some areas of some of the big cities of America, but our personnel will be at risk in being there. And when the resolution says in the last paragraph that the Senate "supports a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible," I would like to see some specification on when that date will be, and some specification on what the number will be in comparison with contribution by others in the United Nations. I think the Senate and the House, the Congress of the United States, is entitled to that information as promptly as possible. I understand it cannot be forthcoming by today. There is utility in having the backing of the Congress behind our forces. But we ought to know that as soon as possible.

When the resolution says that the Senate "supports the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy, and the rule of law," I do support that. But more is left unsaid than is said, because what is going to happen to General Cedras and his coconspirators? It is an unfortunate, unhappy, and unacceptable consequence that General Cedras stays there until October 15, and that he may remain there as a political force to undermine the legally constituted authorities in Haiti, and that he may in fact run for the Presidency. We know that General Cedras made a promise before to give up power and that he broke that promise, so his commitments are not exactly things to be relied upon.

When we had a briefing of the Senate, I raised the question with the Secretary of State as to what his future was going to be. I got a reply that it was up to the Haitian Government.

General Cedras has negotiated for amnesty and I do not begrudge him immunity from prosecution. I do not like it, but I understand the nature of that plea bargain. But we do not have a Parliament in Haiti now which is constituted which can get that done. The Parliament is scattered. Some are said to be in Florida, fearing for their lives. So I am prepared to see him avoid prosecution in order to get him out of power. But I think it is really unacceptable to see him staying in Haiti and seeing him with the possibility of contributing to political instability there and perhaps running for elective office.

So in reviewing this resolution, as it sets forth the whereas clauses very briefly on one side of a small sheet of paper, and has the resolved clauses on the other, I do support it with those specific reservations. But more is unsaid in this resolution than is said in this resolution, and until we know definitively how long United States forces are going to be called upon to

stay in Haiti and what our proportional contribution will be with others in the United Nations, this resolution is insufficient on its face. Until we know more about the future of General Cedras and what the expectations will be about his ability to undermine democracy in Haiti, again, the resolution is insufficient.

But this is a much better day, Mr. President, than last Wednesday when, at this hour, we were on the floor of the Senate urging a vote on a sense-of-the-Senate resolution opposing an invasion of Haiti. At least today we do not look forward to a forceful invasion and the real risk of loss of life and limb of American personnel. So that is a step forward, but there are very many important questions to be answered. But as of today, I am glad to lend my support to the resolution which has been offered by Senator MITCHELL for the majority and Senator DOLE for the Republicans.

I thank the Chair and, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator intend that the time be deducted from both sides equally?

Mr. SPECTER. I do.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator is recognized.

Mr. GREGG. Thank you, Mr. President.

Mr. President, as many of the speakers today have noted, the resolution which is before the Senate is a resolution which has been agreed to by the leadership of both sides. I, therefore, intend to support it. But I do feel that before we proceed on voting on the issue of Haiti relative to this resolution that we need to address, once again, the question of what is our purpose there and why we are in this situation.

As of this date, unfortunately, the President of the United States has given no explanation which I find justifiable for the occupation of another country, specifically Haiti. And that, of course, is what we are doing in Haiti. We are exercising a military occupation on that nation. For all intents and purposes, all activities in that nation are under our control and the control of our military leadership in that country.

Before we pursued such a course, on a number of occasions I rose on the floor of this Senate and asked what is our national purpose there. Unfortunately, I do not believe that the President has ever defined the national purpose that justifies our going there.

The original purposes which were outlined were, first, that we had significant problems with refugees; second, that the leadership of that country, General Cedras, who has been variously called by the President on one day a thug and on another day a man of duty, General Cedras has broken his word to the United Nations under an agreement that has been reached; and number three, we needed to restore democracy in that sad country.

None of those issues raised to a level to justify an invasion and they also do not raise to a level which justifies a military occupation. Two of those issues are totally specious: The question of refugees and the question of word breaking.

Clearly, the refugees may be a problem from Haiti, but compared to the refugee problem which we have with Cuba and the illegal immigrant problem which we have with Mexico, the problem with Haiti is minuscule; 15,000 Haitians came into this country as refugees last year. We are talking about tens of thousands of Cubans presently sitting in camps at Guantanamo and other places, and we are talking about over 1.2 million Mexicans who are illegal immigrants in this country last year. So to raise the refugee card is to raise a straw dog.

In addition, the refugee situation was created by the activities of this administration and their inconsistent policies on how to deal with the refugees so that at some points we were giving them hope and at other times we were not. As a result, the ebb and flow of refugees was tied to American policy, not to the Haitian situation specifically.

The issue of keeping your word is the other logic given for this invasion which has now turned into a military occupation. Keeping your word in international affairs is something that is often unfortunately ignored by many countries, and when you are describing the leadership of a country as members of a thuggery class, as the President was up until the military occupation occurred, then I think you can expect they are not going to keep their word. And if you are going to enter into agreements with thugs, you can expect that thugs are not going to keep their word and, therefore, I think it is unreasonable for us to pursue military action against a country when we know that the country's word probably is not any good to begin with under that leadership, as defined by the President, which leadership is defined as rapists and thugs and murderers. So that is a specious argument.

The third argument that was given is probably the only one with legitimacy, and that is the question of restoring democracy to Haiti. Yes, democracy had been taken over by a military coup. We now learn, however, in the postinvasion environment, in the military occupation environment, that if coup leaders are being characterized not as people who acted out of a malicious piracy atmosphere or attitude, as had been described before, not as people who are rapists and murderers and thugs, but rather men of order, men whose sense of duty and honor, as characterized by Senator NUNN and General Powell, by former President Carter and, by implication, even President Clinton, it was their sense of honor and duty that led them not to pursue a military confrontation over the invasion and, equally important, we now learn—at least it is represented by one of the delegation to Haiti who accomplished this peace agreement—that it was probably the sense of duty and honor of Mr. Cedras who saved Mr. Aristide's life during the original coup and allowed him to leave the country without being murdered.

So we find that these people who had originally been described as thugs and usurpers of democracy, maybe they are not. I do not know whether they are or are not anymore. I am as confused as any other American at this point, having no knowledge of these matters.

We know also before a decision could finally be made by a military leadership or even before the military leadership would do it, would undertake the position not to confront forces with forces, they had to go to what they deemed to be the elected President of that country who had been elected by the Parliament who we had maintained was a figurehead and get authorization from that president. It was only the direction of that President, according to the characterization given to us by members of the delegation there, that kept at least one of the military leaders from going to the mattress, so to say, and initiating a military confrontation. It was their commitment as a military to what they perceived to be the civilian authority, which civilian authority had been elected, by the way, by the Parliament, to that individual elected President by the Parliament, that caused the military leaders not to pursue a military course of action. That was the way it was characterized to us during the briefing. So the question of democracy now becomes even more amok.

Then you throw on top of that the track record of Mr. Aristide—Mr. Aristide, who is a gentleman who has had a history of rather vitriolic comment about our Nation, about America and our course of action and whether we are truly a democracy; Mr. Aristide, who, when he was President, incited and pursued and used the mob as one of his forces of political activity, and who, as has been related on innumerable occasions, but I think appropriately related over and over again, endorsed the concept of using violence

against his opponents through a process called necklacing, which has been described here and I will not go into again, but it is certainly an atrocious act and certainly not an act of a democracy; Mr. Aristide, who, since the invasion, has taken the position that he is not going to be supportive of the American effort or, if he is supportive of the American effort, we have not heard about it.

America puts our people's lives on the line to put him back in the position of his Presidency, and we do not even receive an acknowledgement that was something that was rather extraordinary and might have some scintilla of appreciation from him.

This is the gentleman whom we justify putting American lives in harm's way for, in a situation which in a 24-hour period went from being confronting thugs to confronting men of honor and duty.

So it is very hard for me, as a Senator, to understand how the President can claim a national interest which justifies, first, the concept of invasion, or the idea of an invasion, but now the idea of a military occupation.

What are the outgrowths of a military occupation of another nation? Well, they are considerable. I think the most significant one that we have to think about is that once you have militarily occupied a country, as we are now doing in Haiti, you become responsible for that country and you especially become responsible for the governments which follow on in that country because you are going to put them in place. In this case, we are going to put Mr. Aristide in place.

You have to wonder, is Mr. Aristide going to pursue a course of democracy once he is back in power? Or will he continue, as he had in the past, to pursue a course of promoting mob violence and antipathy toward the United States in the most vitriolic way?

Whatever he does, we, unfortunately, have our fingerprints on his Presidency in a manner which is indelible and which is going to carry significant cost.

Second, down the road, we are going to insist on an election. I am not sure when the election is going to occur, but I presume part of our being there is to have an election. As I understand the fact pattern as it now lies, Mr. Cedras is not going to be asked to leave the country, although that was originally one of the conditions of this invasion.

It is possible, I presume, for Mr. Cedras to run for President, and I just put this forward as a hypothetical. If Mr. Cedras runs for President in an election that we have sponsored and wins the election, do we now become the endorser of Mr. Cedras as an elected President of Haiti? Or Mr. Biamby? Obviously, that is a potential. These are men of significant influence and clearly some popularity in some segments of the Haitian population. That is a possibility.

Those are the types of ramifications you get into when you militarily occupy a country and begin the process of nation building.

Then, of course, we have the more immediate and personal problem which is that we see American military personnel on the street of Haiti being put in the unconscionable position of having to deal with civil violence, having to be policemen, and not knowing what the rules of engagement are.

Before this started there was extensive discussion on the floor of the Senate about what the rules of engagement would be, and I remember very specifically in a number of interviews the Secretary of State, the Secretary of Defense, our Commander in Chief, and the Chairman of the Joint Chiefs of Staff, saying listen, this is what the rules of engagement are going to be. This is what we are going to do, what our troops' authority will be. They will be that they can go in and disarm, if they are threatened by forces that confront them; they will be on the street, and they will be asked to deal with civil issues of violence on the street.

Yet now we find that while our soldiers are on the street, they do not know what their rules of engagement are, and they are put in this very impossible and extremely personal situation of watching mob violence, of watching police officers beat to death—Haitian police beat to death—a person who is described as a coconut salesman, according to the New York Times, and not be able to step up and do anything about it.

That is a terrible situation to place an American soldier in, an American soldier who is supposed to go into battle with a clear set of understandings as to what he is fighting for or she is fighting for, and a clear understanding of who the enemy is and how to deal with the enemy. You are asking those people, trained in those skills, to be put in a situation where they are confronted with confusion, with misdirection, with misunderstanding, and with personal situations where they are put in a terrible moral dilemma of whether they should step forward and act, as they are people of action—these are our soldiers, and they know how to act, they know how to use force, to take action as people of action to protect an individual who is being beaten—or whether they must stand back and watch that event.

That is the situation our soldiers find themselves in as a force of occupation. And it is one, obviously, that is traumatic for them, but it is also traumatic for our country.

It arises from the fundamental failure of the policy which got us there. It arises from the fact that we are now militarily occupying a country and we do not know why. We do not have a clear explanation of why we are there or what the basic framework of the events are that got us there, that justify us being there.

Then we come to the issue of the exit strategy: How do we get our troops out? There has been a lot of talk about that, but there has not been any clear definition of it. The President has moved on this issue in a very amorphous way. Once we hear they are going to be there for months. Then we hear they are going to be there for months in force and then the U.N. group is going to come in and take their place in force, but the U.N. group is going to be made up of 3,000 Americans. Then we hear there is going to be training going on with the military police and the military for a period of maybe 1½ years.

It simply is not clear as to when we are leaving or how we are leaving or what justifies our leaving, for that matter. Are we going to be able to leave if there is an election and General Cedras is elected President? What happens? What happens in that event? There has been no definition of policy there either. That policy, again, should have been established before we went in.

It was stated on this floor that it should have been established before we went in. In fact, this Senate passed a resolution which said it should be established before we go in. Yet there is no clear and definitive, or even marginally clear and definitive, exit strategy put forward by this administration in Haiti.

Again, I think it goes back to the fact that the administration does not have a fundamental concept of what the policy is in Haiti, what drives the national interest that got us in there in the first place, because there is nothing strong enough to define it in this situation.

Then, of course, we come to the issue of costs, costs to the American taxpayers. DOD costs for the next 7 months of the Haitian operation will be $372 million. On top of that, there will be Coast Guard retrieval at sea at a cost estimated to be $187 million. On top of that, there is a transportation cost of troops and equipment to Haiti of $55 million. On top of that, there is a DOD equipment and training cost for participating countries of $50 million. Do not think these other countries are coming in and paying for these costs. We are paying for them to the extent they are even there.

In addition to that, we are going to be paying for the training of the civilian Haitian forces, $28 million, and a Haitian refugee safe haven program of $30 million.

The costs go on and on and on, and we end up with an estimated total of somewhere around $900 million, and that is an open-ended estimate. That is

the low-ball figure, folks. We are talking $1 billion plus for this undertaking.

Now, I have to go back to the State of New Hampshire, and I have to talk to the taxpayers in my State. First I would have to try to explain to them the reason why American troops are occupying this country, why we have militarily taken over this country. I cannot do that. But equally, I have to justify to them where their tax dollars are going.

The sum of $1 billion would run the State of New Hampshire for a year; $1 billion spent in the city of Washington, DC, would go a long way toward alleviating some of the violence in this city and certainly helping out with the educational system of this city; $1 billion is a lot of money. Yes, Haiti is a poor and desperate country and needs our assistance. But a lot of this money could be spent well in the United States, or maybe it could even be spent on some other foreign issue where we could actually define a national goal.

But in Haiti, we have a lot of trouble justifying the vast amount of dollars that are going to be spent for a military occupation. I do not have a great deal of quarrel with the money being spent feeding Haitians. We are going to be feeding about 2 million Haitians a day. I think that is going to have to be done no matter how this process is worked out. That could be done through AID. But I have a great disagreement with the idea that we are going to spend literally about $1 billion just on maintaining our military force there and paying for it over the next few years.

Of course, a considerable amount of money is being spent by Mr. Aristide personally here in this country, $1.8 million a month. That is not American tax dollars. That is dollars that are Haitian dollars that were in frozen assets here in this country.

I guess the question has to be asked: "Well, $1.8 million for what? We heard that a lot of this money is going to lobbying; $55,000 a month is what I understand goes to one lobbyist, a former Member of the House of Representatives. He happened to be active in the Western Hemisphere Subcommittee of Foreign Affairs in the House. I am sure he is a good lobbyist. I know he is a good lobbyist.

But the fact is that I think that money could be well spent if Mr. Aristide wishes to spend it on something a little more worthwhile to his own people and maybe even we could feed instead of 2 million people 2.5 million if we had $1.8 million a month to spend down there.

So that becomes a question, not a dramatic one but one that raises more issues about the viability of the national interest of invading this poor and desperate country, and now not invading it but taking it over militarily.

More importantly or equally importantly becomes the geopolitical terms of what this does. We have now set up a policy which in two ways fundamentally undermines our geopolitical activities. First, we had something called the Monroe Doctrine, which has been variously interpreted over a number of generations and a number of years. But the Monroe Doctrine essentially says that the Western Hemisphere issues shall be settled by Western Hemisphere countries, and specifically the United States will enforce that fact.

We now have, however, a military occupation force in Haiti—and it is a military occupation, do not look at it any other way; that is what it is, just like a military occupation force was in Germany after World War II and in Japan after World War II—a military occupation force made up with European power and participation, fundamentally undermining what has been almost a 200-year policy of this country, which is that Western democracies, Western nations, Western Hemisphere nations, will settle Western Hemisphere issues, and that we will not involve European countries in our problems in this hemisphere.

So we set a pretty bad precedent there. We have certainly opened the door. Granted, maybe it will not be a door ever used. Maybe it is just a crack. Maybe I am being too sensitive to the Monroe Doctrine. But the Monroe Doctrine is one of those things that served us well in the country for a time. I think when an administration departs from it, it had better have a darned good reason and explain why.

The problem with this policy is that this administration has not been able to explain its policy and has been confused, to say the least, in its presentations to the American people. Then, in addition, we have the issue of what was given away at the United Nations to get United Nations approval of this invasion. That is still something that sticks a bit in my craw because the President has still refused to come to this Congress and ask for authority. And yet he did go to the United Nations and ask for authority to invade. I do think that he should have also come here and asked for the authority to undertake military action there.

The point is that there were some deals made on that vote. We do not know what they are yet. We do not know what they are yet. But I am willing to bet that some of those deals involved Russia and its role with its sister states surrounding Russia. If they did not involve it explicitly, it was involved implicitly. The actions of Russia relative to the former Soviet Republics and sister nations around Russia and its sphere of influence now become a question which we have much less legitimacy commenting on when we invade a neighboring state. We are going to have a lot of difficulty saying to Russia: Well, you are not in a position to go into the Republic of Georgia, for example, and use Russian troops in that republic arbitrarily.

We created a situation where our credibility in arguing or debating the issues of international policy has been fundamentally undermined, and what for? For no national interest which I find. Yet, we have pursued that course and clearly, I think, set in place a sequence of events which will probably lead to a new round of what in the old days was called sphere-of-influence politics. It was sphere-of-influence politics which led to the power politics which led to many of the major international confrontations over the years. It has not ever worked well, and it probably is not a good time to back into that type of diplomacy again. Yet, that is what we have done. We have basically backed into a new world order called sphere of influence politics, which is an old approach to politics but one which has been proven to be a failure over the years.

So the issues become once again, I believe: Why did we go in; what is our national purpose; and how are we going to get out? As of right now, there is no clear definition or answer to any of those questions that I think is satisfactory to justify 15,000 American soldiers being on the ground and occupying the country of Haiti. The American taxpayers are paying the cost of that occupation. American prestige is being put on the line in the person of Jean Bertrand Aristide.

There is no national policy which justifies us putting our imprimatur on the Government of Haiti that will succeed Mr. Aristide in being responsible for that Government for the foreseeable future. If we look at the history of Haiti, I think we have to conclude that it is unfortunately a sad country, sad not in the pejorative sense, but sad just in the sense that it has had hard times, sad in the sense that for 200 years since it was able to obtain its freedom in a most spectacular way—and it is the first nation in this hemisphere, one of the first, possibly the first nation, to obtain such freedom from the colonial powers—it has been unable to maintain a government that has maintained civil order. The society has unfortunately evolved into a society which has been inherently violent, and it also has been a society which has been unable to produce the economic well-being necessary to give prosperity to its people. Rather, it has remained an extraordinarily poor place.

I do believe it is extraordinarily naive for us as a nation to think that by going in there and occupying this country by military force—which is the second time we have done it in this century, the last time being for 19 years, from 1915 to 1934—that we are going to change fundamentally the culture of Haiti. I suspect that 3 years from now, or 5 years from now, when we look at Haiti—hopefully, our troops

will have long been gone for a long period of time by then; hopefully, they will have had elections, and hopefully they will still be functioning as a democracy in some form— but I suspect what we shall see is even if they do have the trappings of democracy, they will remain a violent nation and they will also not be that prosperous a nation. And we will have expended, once again, a huge amount of American prestige, influence, dollars and—hopefully not—possibly even American lives in the pursuit of an activity which has delivered no significant national benefit to us, and which, in the time it was pursued, there was no significant, definable national interest.

I continue to have very severe reservations about the actions taken in this arena. I obviously support this resolution as it has been brought forth. I hope that our troops will be brought home as soon as possible.

Mr. President, I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I am going to take a couple of minutes here, if I can, to respond to some of the points raised by my colleague from New England in his comments here about the situation in Haiti. I just want to address a couple of points, some of which are getting repeated often enough that I think they are becoming sort of accepted, and that is absolutely not the case.

President Clinton has not retreated or retracted in any way from his description of the coup leaders in Haiti. The speech the President made last Thursday evening in which he, in my view, appropriately and properly described the behavior of these individuals, has not been retracted, to the best of my knowledge. Other people have drawn different conclusions—and that is certainly their right to do so—of whether or not these people are honorable, worthy, or just, or whatever other words may have been used to describe them. In fact, we have asked whether or not President Clinton retreated at all from his Thursday night description of these people, and very candidly, he said he had not.

I point out further, Mr. President, that I think the scenes on our television screens over the last 24 hours certainly corroborate the description used by the President of the United States in talking about these people. Normally, with international media gathered around, usually thugs try to operate in the dark of night, clandestinely, in order to avoid the reputation that they might otherwise deserve. This crowd in Haiti disregards all of that.

Here you have the entire world sitting there watching—live—as these characters with their nightsticks and weapons went out and brutally beat to death in front of the world an innocent civilian who was not engaged in anything. Of course, American soldiers just watched, because of the orders they have been under and the limited numbers that are there, and they described it appropriately. These people were doing nothing at all.

So I, first of all, want to make it clear, because it has been said by so many that now there has somehow been a change in opinion by the administration regarding General Cedras and others. I know that former President Carter and others have used words in their own descriptions of these individuals, and they have met with them and they know them, and they certainly have a right to describe them.

Mr. President, I have also met them. Earlier this year, I spent some 4 hours with the high command in Port-au-Prince in the very building where a lot of the negotiations took place over this past weekend. I also lived near the border in the Dominican Republic as a Peace Corps volunteer a number of years ago. I have visited there on many occasions over the years. I have many good Haitian friends. I know the country well, and I know its history. They are a proud and independent people which is rich in cultural heritage. But they have had a very bleak and dismal political history, particularly in the last 50 or 60 years. But the history of their fight for independence is truly a noble story.

My colleague from New Hampshire appropriately and properly said they were one of the earliest nations to achieve their independence in this hemisphere. In fact, they were the second. We were the first. The United States achieved its independence from a colonial power. Haiti was the second nation to do so in 1804 and did so by defeating, I point out, some of the strongest military leaders in the world.

Napoleon's son-in-law, Leclerc, defeated them on a battlefield. Toussaint L'Ouverture, sort of the George Washington of Haiti, was educated in the court of Napoleon by Josephine, and was highly sophisticated and articulate. There was Henri Christophe, one of the great generals, who was functionally illiterate but a brilliant strategist. For those that may have visited Cape Haitien in the northern part of Haiti, there is the Citadel, built by Henri Christophe, and the Palace of Sans Souci. He was a brilliant strategist with a highly disciplined military force. Jean-Jacques Dessalines, one of the leaders of the Haitian revolution in 1804, was a remarkable political strategist and military leader.

Haiti was the nation that received Bolivar when he was seeking to throw off the shackles of colonial influence and power in Latin America. They provided a safe harbor for them, helped rearm them, and supported them. Haitians fought in our revolution, the American Revolution. The only reason we did not recognize their independence immediately was because of our own concern that somehow by recognizing a black independent nation in this hemisphere we might offer some encouragement to slaves prior to our own Civil War. But Haitians fought in the American Revolution. That is an established fact in record.

This is a country of remarkable cultural identity. Some of the best art produced in this hemisphere is produced in Haiti. They have a rich musical tradition. I hope despite all the bad news in Haiti, people might spend a little time studying the history of that nation. They have had a rotten political history over the last number of years, and they are desperately poor. But do not confuse poverty and desperate political conditions for a people that are not proud and independent and determined to try and have hope in the future for democracy, independence, and freedom. They seek it very, very strongly.

As I said a while ago, Mr. President, maybe I am a minority of one on this issue, but I think real men do fight for democracy. Maybe some do not believe that is worthy any longer, that you have to have some great strategic purpose here. But I still remember the days when Presidents and Congresses thought democracy was worth fighting for.

I hope our soldiers get out of there. I do not like the fact that they are even in there. I wish the problems were resolved through other means. But I am not going to stand or sit here idly and listen to people talk about the defense of democracy as an unworthy cause. I suspect our soldiers down there understand that. They wish they were someplace else, and I do not blame them. But they understand it. Do not confuse it over the fact that somehow this is not worthy.

Second, Mr. President, and I am somewhat strained here because some of this information is only available to Members if they seek it out through the intelligence sources, but the notion somehow that General Cedras saved President Aristide's life is fundamentally, totally factually incorrect. That information is available to any Member of this body who wants to spend the time to dig out the information. The source of that claim that General Cedras saved President Aristide's life is General Cedras. That is what he said. But I know for a fact—and there is information available to people here, if they want to seek it out—that that is just untrue.

Third, my colleague from New Hampshire said that the acting President of Haiti was chosen freely by the Parliament. That is totally untrue. He was put in that position by General Cedras. Nobody elected so-called President Jonassaint to the Presidency. He was

placed there by the coup leaders. I point out that this is a guy who claimed credit for the airplane that almost ran into the White House, that he somehow willed this. That gives you an idea of this character and where he comes from, that he is claiming responsibility for somehow directing aircraft at the White House.

(Mrs. MURRAY assumed the chair.)

Mr. DODD. This is the guy we are told today by some that is a pretty responsible individual.

Madam President, if people spend a little time they might find out otherwise.

Lastly, regarding whether or not President Aristide has been supportive of democracy and supportive of human rights, I would refer my colleagues and those who may be interested to read the human rights reports done by the most reputable human rights organizations in the world who made an analysis of the Aristide government. Remember his government lasted from February 1991 to the end of September 1991. That is when the coup occurred. He had about 7 months in office. That is it.

But the human rights organizations that examined that administration as to whether or not the Aristide government was fulfilling its obligations regarding human rights gave him a clean bill of health, a perfect one, no. There were problems there certainly. By comparison to what you are seeing today it is not even close.

I would also urge my colleagues, and this is available to them, to go back and look at cable traffic between the American Embassy and our own State Department in those months. I have read every one of them, every one of them, and there are a lot of them, and there is not a single derogatory reference. That was the previous administration's Ambassador. In fact, there are references to the fact that he was doing a pretty good job and they were having a much more cooperative relationship. There were still some problems. But President Aristide was doing a far better job than I think many have thought.

But the suggestion somehow this was an administration that was committing human rights violations was highly critical of other nations, not that that would necessarily be the last point to warrant people denouncing this individual.

We get criticized by some of our so-called best friends around the world with some frequency. Nonetheless, there is a strong support here not just from my reports here today but from sources of information debunking some things being said.

One thing people have different opinions on is whether or not we should have forces there and how soon they come out. I respect that, and that is certainly legitimate.

The information that is factually incorrect gets stated often enough and it becomes the truth. It becomes the big lie in a sense.

So, Madam President, I hope that as to some of these of points anyway people will examine the issues once again, and this has been stated I know by Senator DECONCINI of Arizona, and others, but it deserves a brief repetition.

In late September of 1991 when this coup took place, that threw President Aristide out of power, it was the Bush administration that was in charge of foreign policy. I would invite my colleagues to read, I think, a very good speech given by Secretary of State Jim Baker on October 2 before the Organization of American States. It is a very strong speech. It does not leave any doubt in my mind about how strongly he felt and the Bush administration felt over what had happened in Haiti, and it makes it awful clear as well what the Bush administration would be prepared to do if sanctions and embargoes and other efforts did not work.

Secretary of State Baker did not say we are going to use military force, but Secretary Baker did say there are other additional means available to us. For those who knew Jim Baker, and I know him and like him—in fact, I have a high regard and respect for the job he did as Secretary of State—I do not think he was signaling directly that military force would absolutely be used, but Jim Baker was no shrinking violet either. When he said "other means are available to us," he was not excluding, I will promise you, military force.

President Bush at that time called the coup d'etat a threat to our national security—his words, not mine.

To listen to some people here talk now that it is President Clinton in the White House all of a sudden that is no longer the case.

So once again I even go back and revisit the history and come up with various solutions that might have applied and saved us from the situation we are in today, but this began under the Bush administration and continued in this administration. These things just did not occur a few weeks ago or a few days ago.

I am not going to spend time to go back and, as I said earlier, to act as a so-called Monday morning quarterback and what I might have done differently or others might have done differently. I think today we need to support the forces that are there and hope they come home quickly, hope this agreement as imperfect as it is, but I think an agreement that deserves our support, will produce the desired results.

Again I state emphatically, Madam President, certainly General Powell and SAM NUNN deserve great credit for working under very difficult circumstances, along with former President Carter, but it was President Clinton that created the situation by the use of the threat of the use of power and then sending that delegation down at the last hour to try and resolve this problem as the President of the United States. I think the bulk of the credit goes there. He has now got us in a situation where I think there is a very good chance we can resolve this situation without bloodshed, restore that legitimate government and bring our troops home as soon as possible. I certainly hope that is the result and this resolution I think states as well as you can under the circumstances those desires. I strongly hope it will be endorsed and supported unanimously by this body.

Mr. DORGAN and Mr. BOREN addressed the Chair.

Mr. DODD. Madam President, I will be delighted to yield whatever time my colleague from North Dakota desires.

Mr. DORGAN. Madam President, let me ask unanimous consent that I may speak for 3 minutes as if in morning business.

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

GUNS IN SCHOOLS PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. DORGAN. Madam President, I thank my colleague from Oklahoma for his courtesy.

Madam President, I take the floor on an issue that is very important and timely.

We have in current law in this country a statute we passed last spring that sets a national standard and national policy on the issue of bringing guns to schools. This standard in law says nationally school boards must have a policy that if kids bring guns to school they are going to be expelled for 1 year, no excuses, no ifs, ands, or buts.

As I speak, the conference committee on the Elementary and Secondary Education Act is meeting to rewrite the portion of the law where the gun free schools provision exists, and there are some who are trying desperately to repeal that portion of the law. In fact, they are buttressed today by a letter sent around by a number of groups, including some school groups. One of them is the Council of Chief State School Officers, but there are many others.

Interestingly enough, I called a chief state school officer today from a State who said he knew nothing about this letter.

Let me tell you what the letter says about guns and schools. It says you cannot have guns in school. But, it also quotes a recent survey by the National School Board of Education which says: "Many school districts do not have a zero-tolerance policy"—speaking about guns in schools—"now because they know that is not in the best interest of their students' safety or education."

Whoever wrote this has lived in Washington far too long and does not understand the need for a national standard on the issue of guns in schools. The standard is now the law.

If in conference these folks succeed in repealing or weakening the gun free schools provision and try to bring the Elementary and Secondary Education Act conference report back to this floor, I guarantee you I intend to do everything I can to stop it.

We need a national standard that says no excuses and no tolerance. The epidemic of violence has moved from the city streets to schoolrooms. Even within the shadow of this Capitol, kids have been shot in their schools. When that happens, we ought to decide as a country that we need a national standard that says no guns in schools and no excuses, and every parent and every student ought to understand that standard.

So I hope in the next couple of hours when this conference committee meets they will understand that some of us will not accept a judgment that they should repeal the gun free schools law that now exists. We wrote this law to say we do not want guns in our schools, we will not allow them in our schools, and we expect every school board in America to have a policy to prevent it.

Let me again thank my colleague from Oklahoma and my colleague from Connecticut for their indulgence.

I yield the floor.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Just briefly, I made a comment a minute ago about the previous administration's description of the events in Haiti as they unfolded in late September and early October of 1991. Just to corroborate my statement, I did not have it available to me at that very moment, but the San Diego Union Tribune, on October 5, 1991—and I quote from it—quoting the President, Mr. Bush, called the coup "an unusual and extraordinary threat to the national security, foreign policy and economy of the United States."

Madam President, I will ask unanimous consent to have printed in the RECORD that language from that paper along with an article from the Houston Chronicle, which picked up the exact same quote—"an unusual and extraordinary threat to the national security, foreign policy and economy of the United States." That was the statement from President Bush in the fall of 1991.

Madam President, further in this article from the San Diego Union Tribune, "President Bush"—and I am quoting here—"did not rule out U.S. participation in a multilateral military effort to dislodge the junta if peaceful means failed, but added: 'I think we've got to wait and see. I don't want to get out ahead of where the OAS mission is.'"

I make those points not because I am suggesting that President Bush would have taken absolutely the same action President Clinton has, but just to point out that was in October 1991. Today you have a previous administration calling it directly a threat to our national security, saying very directly that he would not rule out—and I certainly supported him when he said that—would not rule out being a part of the military force to throw out that junta.

All I am pointing out is a previous administration felt at the time there was a serious enough problem to state the case. What you have today is a continuation.

Now, again, a lot of things could have intervened that might have avoided our getting to this problem, and I would not be the one to suggest that this could not have been avoided. But I think it is important for the purpose of the historical record to point out that two administrations have taken virtually the same positions on this matter in terms of how they have characterized it and the means they would have used in order to deal with it.

I ask unanimous consent that both the Houston Chronicle article and the San Diego Union Tribune article be printed in the RECORD.

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

[From the Houston Chronicle, Oct. 5, 1991]

BUSH NOT EAGER TO SEND IN TROOPS; BUT HE WANTS COUP REVERSED

(By Greg McDonald)

WASHINGTON.—President Bush said Friday he is committed to reversing the military coup in Haiti but is reluctant to use military force to achieve that goal unless Americans there are threatened.

Still, Bush refused to rule out the possibility of military action, saying the United States would consider participating in a multinational force if necessary to restore Haitian President Jean-Bertrand Aristide to office.

"I'd like to think that this mission by the Organization of American States will do it," Bush said of an OAS delegation that arrived in Haiti Friday to demand that the democratically elected president be allowed to return from exile.

"Let's hope that that can be done without any kind of force," Bush said in a news conference shortly after he met with Aristide in the Oval Office.

Bush, in a move aimed at helping to isolate Haiti economically, signed an executive order freezing all of the country's U.S. bank accounts and assets. His order also cuts off U.S. business dealings with the Haitian military junta that assumed power by force earlier this week.

Bush called the coup, which was orchestrated by Brig. Gen. Raoul Cedras, "a reprehensible action" and said it could present "an unusual and extraordinary threat to the national security, foreign policy and economy of the United States" if allowed to stand.

White House officials were quick to deny that Bush's comments were meant to signal possible U.S. military action, saying that the proposal for use of force to deal with the problem was first raised by the 34-nation OAS.

"That hasn't been our proposal, that's something the OAS came up with," said one White House official, who described the president as being "very much opposed to using military force" in this instance "unless Americans start getting hurt down there." "This is not another Kuwait or even Panama at this point," he added.

Bush made a similar point in his news conference.

"The United States has been, and properly so, very wary of using U.S. forces in this hemisphere," the president said.

"We're committed to the restoration of democracy * * * and a strengthening of democracy in Haiti," he said.

"We feel very strongly about it. But I am reluctant to use U.S. forces to try to accomplish it except if American citizens' lives are threatened.

"Of course, I'd feel that is a direct concern and responsibility to the president." Bush made his comments as the OAS took the unusual step of sending an 11-member delegation, including Bernard Aronson, the assistant secretary of state for Latin American affairs, to Haiti for a meeting with Cedras.

[From the San Diego Union-Tribune, Oct. 5, 1991]

OAS TEAM MEETS HAITI COUP LEADER, ENVOYS REPORT SOME PROGRESS, SCHEDULE MORE TALKS TODAY

(By Kevin Noblet)

Diplomats from the United States and eight other nations met with Haiti's military chief yesterday and pressed him to restore President Jean-Bertrand Aristide to power.

After a two-hour meeting at the airport with Brig. Gen. Raoul Cedras, the Organization of American States officials flew to Jamaica but were to return today. Asked whether they had made progress in persuading Cedras to reinstate Aristide, Argentine Foreign Minister Guido di Tella said, "Enough to return tomorrow."

President Bush met with Aristide in Washington. Mr. Bush said he was "very wary" of using U.S. military forces to reverse Monday's coup "except if American citizens' lives are in any way threatened."

Port-au-Prince, the capital, remained tense, with most shops and businesses closed for the fifth day since the coup. Armed forces continued to patrol the streets, but their presence appeared reduced from previous days.

After continuous radio reports of clashes between security forces and Aristide supporters, and reports of a death toll of up to 1,000, the army banned radio and TV broadcasts "inciting to violence."

Soldiers ransacked Radio Lumiere, a Protestant-run station which the day before had reported a massacre, according to Jean Dominique, director of independent Radio Haiti Inter.

After giving the brief report of the attack, Dominique said Radio Haiti Inter, too, was going off the air until the "soldiers come to their senses."

By yesterday afternoon nearly all the capital's 12 independent radio stations were off

the air. Radio is the main source of news for Haitians, many of whom are illiterate.

The United States has sent 500 Marines to Guantanamo Bay naval station in neighboring Cuba in case they are needed to evacuate the estimated 15,000 Americans in Haiti.

The nine-member delegation from the Organization of American States (OAS) arrived in Haiti yesterday afternoon from Washington. During the meeting, it read to Cedras an 11-point OAS resolution demanding the military allow Aristide's return.

The resolution also calls on all members of the hemispheric organization to cut trade, financial, military and diplomatic ties with Haiti. Bernard Aronson, a U.S. assistant secretary of state, called it "the toughest and strongest resolution in the history of the OAS."

There were no other details from the meeting. Cedras arrived at the airport and left later in a convoy of six jeeps and small trucks loaded with soldiers. Some of the vehicles were blood-stained. He made no statement to reporters.

Aronson, a member of the delegation, said earlier that it planned to tell Cedras "the coup cannot succeed."

After meeting with Aristide, Mr. Bush told a news conference he was optimistic the OAS mission would end in a peaceful settlement.

President Bush did not rule out U.S. participation in a multilateral military effort to dislodge the junta if peaceful means failed but added: "I think we've got to wait to see. I don't want to get out ahead where this OAS mission is."

He emphasized, however, that "We are committed to democracy in Haiti. We want to see Aristide restored to power."

Earlier in the day, Mr. Bush called the coup, which took place Monday, "an unusual and extraordinary threat to the national security, foreign policy and economy of the United States."

Mr. Bush signed an executive order freezing Haitian assets in the United States and blocking Americans from making payments to the regime while it "illegally" retains power.

Aristide, after meeting with Mr. Bush yesterday, told reporters, "An economic boycott will be essential to asphyxiate the present government."

On Thursday, army headquarters denounced Aristide's vigorous pursuit of international backing. Cedras has called on Parliament to work out a plan for returning to democracy without Aristide.

There were widely varying reports of casualty tolls from clashes between security forces and Aristide supporters.

Marie-Laurence Jocelyn Lessegue, the deposed information minister, said on radio yesterday that more than 1,000 people have been killed, including 250 in the sprawling seaside slum of Cite Soleil, where Aristide enjoyed great support.

Lessegue on Thursday put the death toll at more than 200, and gave no explanation yesterday for the five-fold increase. Aristide, in Washington, said the estimate of 500 came from telephone contacts he had with Port-au-Prince.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Madam President, I yield myself 30 seconds.

Madam President I appreciate the clarification by my friend from Connecticut.

But the fact is that for us to say that a situation is unacceptable in many places throughout the world is one thing. For us to become involved militarily is another.

The fact is that neither President Bush nor General Scowcroft nor Secretary of State Baker ever contemplated an invasion of Haiti, and the record is clear as to their positions on that.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Madam President, I yield 15 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 15 minutes.

Mr. BOREN. Madam President, I thank the Chair and I thank my distinguished colleague from Connecticut for yielding to me.

CAMPAIGN FINANCE REFORM

Mr. BOREN. Madam President, I rise to speak on a subject that will actually be before us for a vote tomorrow, and that is a vote on the motion to invoke cloture on the motion to disagree with the House on amendments to the campaign finance reform bill.

Madam President, in just a few weeks, I will complete my service here in the Senate after almost 16 years. I find myself, as I come to the floor in recent days and as I walk up the front steps of the Capitol on the Senate side to come into this Chamber, often pausing to reflect upon the last 16 years here and the hopes and dreams that I had when I first came here with strong desire to render public service.

I think about the importance of this institution, the Congress of the United States, the Senate of the United States in particular, in the life of our country. I think about the role it performs in giving the people of this country a voice in the important policy decisions which are made which affect the lives of each and every one of them, their children, and the future for the next generation.

I have often said that I hope during the time that I served in the U.S. Senate I would never lose my sense of awe as I entered this building and my sense of feeling privileged to be a part of an institution so much associated with the history of this country. When I sit at my desk, I sometimes open the drawer of my desk and look in it at the names that are carved there, because we have a tradition that Members who sit at these desks carve their names inside the drawers. I have been privileged to sit at the desk once occupied by Senator Harry Truman of Missouri, then President of the United States. You can open these drawers and read the great names of those statesmen and stateswomen who have made an enormous contribution to our country.

We owe them such a debt of gratitude. We owe them more than just our thanks. We owe them our faithfulness in keeping this institution strong. And we owe it to the American people to make sure that this institution remains an effective part of the democratic process truly giving them a voice in decisionmaking.

We recognize also that we play a critical role in terms of maintaining the trust of the American people in the democratic process itself. We are a great country because we have had and we have a sense of community. We have been Americans together. Together we have collectively made the decisions to guide our country into the future. Collectively, we have worked hard to make this country all that it could be. And trust—trust between the people and those of us who temporarily occupy public offices, trust between the people and their confidence in those institutions which are here to represent them—is absolutely fundamental if we are to remain a great nation.

Madam President, I have to say, sadly, that I do not believe I am leaving this institution stronger than it was when I came here. I say that with a lot of sadness because I know that many have labored here with great sincerity and dedication to make the Senate an even greater institution to make sound decisions for the public.

My view that we have declined, in terms of our ability to deal with the great public issues of the day, is shared, obviously, by a vast majority of the American people.

A few weeks ago, when I was home in Oklahoma during the recent recess in August, a poll was published that said that only 14 percent of the American people approve of the way the Congress was conducting its work—14 percent; the lowest in history.

And when asked, "Are most Members of Congress more interested in serving the people they represent or more interested in serving special interest groups?", 79 percent said that Members of Congress were more interested in serving special interest groups than in serving the interests of the people that elected them and sent them here.

These statistics should focus the attention of every single Member of this institution in both parties on the need, the urgent need, to reform our political process and to strengthen this institution.

Trust once lost is hard to regain. Democracies are fragile.

I once read a comment by, I think, a very astute observer who said, when listing the great wonders of the world made by men and women—the Seven Wonders of the World—we should not limit ourselves simply to something like the pyramids, as great as they are in terms of an architectural and construction feat. We should also think of

other human institutions, for example our democracy in this country, which has lasted for over 200 years. And, he said, the fact it has lasted for more than 200 years is even more remarkable than the fact that the pyramids have stood for thousands of years.

Why? Because to last, a democracy must be constantly tended. It is like a friendship. It is like a marriage. It is like a family relationship. Each succeeding generation must care for it, each succeeding generation must love the constitutional framework that we have inherited, each succeeding generation of men and women who serve in this institution must care for it. We are the trustees of this institution. If we do not care for it there is no one else who can tend to it. There is no one else who can nurture it.

Madam President, this institution, obviously, when only 14 percent of the American people believe in it, is at risk. And if this institution is at risk, the fundamental basis of trust and the sense that the Congress of the United States represents the people is also at risk.

Why is it? Why is it that 79 percent of the people think we are more interested in representing the special interests instead of representing the public interest? Why is it that only 14 percent of the public approves of the way that Congress is conducting its business, 20 to 30 percent below prevailing poll figures, even in times of disillusionment in the past; a figure that by its magnitude is so different than the normal criticism of our politics going back over our 200-year history that it ought to alarm each and every one of us.

Part of it, is the way—we all know this—that we conduct campaigns. When it takes $4 million on the average to be elected to the U.S. Senate, to run a successful Senate race, $4 million, no wonder the people look at that and say, "Do they come here to represent the people like us or do the people who give them all that money to get them elected really have their attention and the use of their time?" When they look at the fact that in the 1992 congressional elections, spending jumped 52 percent more, that the problem is getting worse, to $678 million, they have a right to ask us, "How long are our trustees who are in a place to vote for laws to change it going to wait before they reform this process?"

When they look at the fact that over half the Members of Congress received over half of their campaign contributions not from the people back home but from special interest groups, political action committees, lobbyists located principally here in Washington with virtually no connection to their home States, they come to the conclusion that those people who are there in office could not really care as much about us or represent us as well as they do the special interests.

When they understand how much of our time is taken to raise that money—$13,000 a week it comes out on the average, every week for 6 years, to raise the $3.8 million needed to win—they say, "Do the Senators really have time for people like us? Do they have time to worry about our problems? Do they have time to take care of the Nation's business?" They come to the conclusion that we do not.

Just since June 17 of last year when we passed this bill on a vote of 62 to 37, the average Member had to raise $572,000 more. And where does the money come from? More and more it is coming from the special interest groups, as I mentioned—over half the Members receiving more than half their contributions. And to whom do the special interests give their money? To whom do the political action committees, PAC's, give their money? Do they give it overwhelmingly to the Republicans? No. Do they give it to people because they are Democrats? No. Because they are liberals? No. Because they are conservatives? No.

They give it to incumbents, because incumbents are here and they already have the vote on those economic interests that affect the pocketbook of the narrow interest group that is involved.

In the 1992 elections on the Senate side, political action committees gave $6 to incumbents for every $1 they gave to challengers. In the House in 1992 they gave $10 to incumbents for every $1 they gave to challengers. And we all know that the statistics show that in the vast majority of cases, the candidate who raises the most money wins the election.

Something must be done. I have worked as hard as I could during my service here, and now we are down to the last remaining weeks. I will work to the last day I am here to try to get campaign finance reform passed, and other reforms vital to this institution, so at the very least I can leave here knowing that I have tried to do everything I could while I was here to revitalize this institution, to keep it strong for the next generation, to allow people of talent and integrity, who want to render public service but who cannot, perhaps, figure out how to raise $4 million from special interest groups—to allow them to have a chance to run for office and serve in the U.S. Senate; to let our pages who are here on the floor seeing democracy at work, as they dream about their futures, have them spend their time thinking about what they would like to contribute to this country, the ideas they would like to bring forward, and not have them spend their time thinking about how in the world would I raise all that money if I ever wanted to run for office?

Something has to be done, Madam President. As I mentioned, on June 17, 1993, we passed this bill. We invoked cloture by a vote of 62 to 37; we voted final passage on this bill by a vote of 60 to 38. We had a significant number of highly regarded Members on the other side of the aisle vote for cloture and vote for final passage.

This is not a Republican issue. This is not a Democratic issue. I do not seek a Democratic bill. I am not trying to pass a bill—and I think my record here demonstrates that—that would favor one party over the other. I was one of those on this side of the aisle who, in conscience, could not support the President's budget. I have said I would not vote for a party-line health care bill. I will not bring back to this body a campaign reform bill that seeks advantage for my party. I am trying to seek what is in the national interest.

Madam President, we have had informal discussions with some of those on the House side and we have held fast to those provisions that were—particularly those provisions—that were recommended by Members from the other side of the aisle.

I see the distinguished Senator from Arizona has come on the floor. He made some very significant and important changes in the campaign finance reform legislation when it was on the floor. A position I have taken in informal discussions on the House side so far has been to say the amendment offered on the floor by the Senator from Arizona must stay in the final bill when it comes back, or this Senator will not bring it back. I have taken that same position on important changes to reduce the influence of political action committees, PAC's. They were made by both sides of the aisle, but especially including those made by Senators on the other side of the aisle who said we do not want a bill that has one set of rules regarding PAC contributions for Senators and one set of rules for House Members.

We have kept faith in our discussions with every single one of the points that have been brought to us by those on the other side of the aisle who have supported this legislation. And here we are. We are going to vote tomorrow, not on campaign finance reform, not vote to do something about the problem. Do you know what we are going to vote on? We are going to vote on whether or not we approve a motion to disagree with the House on the House amendments—which I think virtually every Senator here would disagree with the amendments that the House made and would want us to stay as close as we can to the Senate bill.

Madam President, before we can finally pass campaign finance reform, before the end of the session, several things have to happen. This Senate and the House have to have a conference to work out our differences in this bill. And then we have to bring that conference report back here to be voted upon.

Madam President, I ask 2 additional minutes.

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

Mr. DODD. May I just inquire—just reserving the right to object—how much time remains on both sides of this debate?

The PRESIDING OFFICER. The Senator from Connecticut controls 25 minutes and 52 seconds. The Senator from Arizona controls 5 minutes.

Mr. DODD. We are going to treat that as 30 minutes to be shared by everybody here, so my colleague from Arizona is not restrained in any way, nor are Members on the other side, from being heard on this.

Just 2 additional minutes. I would appreciate it, so we could cover as many people as possible.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. BOREN. Madam President, I thank the Senator from Connecticut. I was just pointing out in order for us to begin to have an official conference with the House of Representatives, we have to do three things: We have to adopt a motion to disagree to the House amendments, and I think clearly we do disagree; we have to adopt a motion to request a conference with the House; and we have to adopt a motion to authorize the Presiding Officer to appoint conferees.

That is usually automatic. I think I can count on one hand the number of times—and I am not sure I have ever seen it happen before, but certainly not over two or three times in 16 years—we have ever had to vote on these motions. It has been automatic. Of course, if you have a difference of opinion, you have a conference, you try to work it out, you see what the product is, and then you come back and vote on it.

Now we are threatened—and we had to file cloture motions—with the possibility of a filibuster on the motion to disagree with the House amendments, and another filibuster on a motion to request a conference, and another filibuster on a motion to authorize the appointment of conferees so we can even talk to the House of Representatives on a matter of this importance to the future and life of this institution and its role in our society.

It is unthinkable, Madam President, that after passing a bill by a vote of 60 to 38 and invoking cloture on it previously by a vote of 62 to 37 that parliamentary tactics would be utilized to prevent us from even sitting down with the Members of the House to have a conference to bring it back.

Madam President, when you see how the rules of the Senate can be abused on a matter of this importance, it is amazing to me that we still have a 14-percent approval rating. It is a bit too high, in my estimation, if we are going to proceed in this kind of manner on a matter of this importance on the floor of the U.S. Senate.

The PRESIDING OFFICER. The Senator's time has expired.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. McCAIN. Madam President, I would like to thank my colleague from Connecticut for his generosity with the time. I would like to yield to the Senator from Kentucky 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Madam President, I thank my friend from Arizona for yielding the time. First, I want to commend him for his outstanding leadership on the whole question of whether America should be involved in Haiti. Obviously, at this point, we can only pray for the safety of our soldiers. We can certainly commend, as the resolution does, President Carter and Senator NUNN and Gen. Colin Powell for their negotiating skills allowing the ill-advised entry of our troops into Haiti to occur without incident.

A great problem, of course, is now we are in Haiti. The problems have begun already. Certainly, President Aristide is not happy with the deal. Violence is still occurring in Haiti. I gather we are reconsidering today the rules of engagement. American troops are going to be in Haiti, at least at some level, for up to 18 months. Maybe they are going to be the local police force. Certainly, that is not what our military people are trained to do. In short, they are going to be in harm's way for up to 18 months, all in a country in which clearly the United States has no national security interest.

So, Madam President, even though I am going to vote for the resolution, I certainly hope that the President will realize early on and very soon that American troops ought to be out of Haiti. No good can be accomplished with the entry of American troops into a domestic dispute. Haiti looks a lot like Somalia these days.

We all learned an important lesson in the post-cold-war environment with our entry of troops into Somalia. What started out to be a feeding mission, as we all know, evolved into nation building. Nation building, plain and simple, as many other Senators have stated, is choosing sides in an internal dispute. That is clearly what we are doing in Haiti.

I hope the President will conclude that this kind of venture in the future is not a good idea. In the post-cold-war world, obviously the challenges are a little more subtle. In the cold war, it was pretty easy to tell who the good guys were and who the bad guys were. It was the United States and our allies and the Soviets and their allies and everybody playing themselves off against each other. Now we are the only world power. I think we should continue to be the only world power, but I think it is extraordinarily important for us not to dissipate that power, not to overuse it, not to insert it willy-nilly into every conceivable conflict.

It seems as if the strategy of this administration is to continue to weaken defense and threaten to use our military everywhere. It seems to this Senator, and it is not an entirely unique thought, that our policy ought to be to maintain a strong national defense, consistent with the world's only superpower and that status, but rarely use that power, and clearly use it only when it is absolutely apparent, abundantly clear, that our national security interests are involved. And by any standard—any standard—we have no national security interest in Haiti.

So, Madam President, we are going to vote on this resolution shortly. I assume it will be largely supported. I think this is a very sad day for American foreign policy to see our troops in this hapless country arbitrating disputes among factions. It is certainly an ill-advised decision, but now our troops are there, and we pray for their safety.

Madam President, when Colin Powell retired in 1993, there were many stories recapping his distinguished career. One in particular caught my attention not because it reviewed his record of accomplishment, but because it recounted the 13 rules that Powell has lived by which so clearly is the basis for this success. Most were characteristically optimistic, compassionate, and reflected the general's strong sense of honor, decency, and ethics.

In thinking about events over the past weeks in Haiti, and the general's crucial role in securing an agreement, Powell's rule No. 6 was apparent: "Don't let adverse facts stand in the way of a good decision." From my perspective, General Cedras, General Biamby, Colonel Francois, their loyalists and their conduct fall into the category of "adverse facts." But looking at the situation from a soldier's perspective—through the Powell prism—a good decision is one which avoids unnecessary bloodshed. General Powell, Senator NUNN, and former President Carter deserve a great deal of credit for avoiding an invasion and the risks that such action could have involved for American service men and women.

But, there are two other Powell rules that I want to mention, rule No. 7, "You can't make someone else's choices. You should not let someone else make yours," and rule No. 8, "Check small things."

I think those are good rules to apply to the debate today. The Senate has the responsibility to look at the details—to check small things—and carefully, objectively and independently

evaluate the President's choice to deploy over 10,000 soldiers to Haiti. With so many lives at stake, with our Nation's credibility at risk, we shouldn't let someone else make a choice without thoroughly considering the "small things," like the decision's merits.

In doing so, I find myself asking precisely the same questions this week as I did last week. What are our goals? What are the rules of engagement?

How, when, and under what circumstances will the administration transfer command of American troops to the United Nations?

A week ago, the President and Ambassador Albright maintained that our objective was to remove the military junta from office and the island, in other words completely remove the threat. Secretary Christopher disagreed and indicated removal from power was the objective. President Carter seems to have agreed with the Secretary of State. In fact, he publicly rebuked the President's position saying, "It is something that is not understood by most people. It's a serious violation of inherent human rights for a citizen to be forced into exile." Our basic goals seem confused.

If we are not quite sure why we went in, can we answer what are we actually doing in Haiti? General Shelton says it is not to disarm the population. In fact, he and the Chairman of the Joint Chiefs have made clear that we will also limit our security role and allow the Haitian police and military to continue to carry out day to day law enforcement. Intentionally or not, I think many Haitians will believe that the United States has become a silent partner in oppression.

The lead paragraph in the Post today says it all: "In plain view of American soldiers, Haitian police wielding rifle butts and clubs attacked crowds of demonstrators who streamed through this capital today to sing, dance, and cheer United States troops flowing into the country. Witnesses said at least two of the demonstrators were clubbed to death."

Their friends and family must be wondering why we are there? Who's side are we on? Democracy or dictators?

Like it or not, our presence presumes responsibility. We will be held accountable not just by Haitians, but by the world, for the political, security, and economic conditions, and problems which develop.

The American public is understandably and most immediately concerned about the danger that our soldiers may be caught up in a civil war. I think that concern is well founded and guided the military's decision not to engage in disarming the population, to limit the rules of engagement to fire only under hostile fire, and to restrict our involvement in civil disturbances.

But, even if we can stretch our imaginations to assume that our soldiers will be able to serve in the shadows, there are other emerging problems driven by the ambiguities of the agreement which was negotiated which must be addressed.

Frankly, most disturbing is the confusion surrounding the matter of general amnesty. There are serious questions to be asked including who is going to pass this law, who will it cover and what crimes will be pardoned? The current Parliament is one that has been justifiably denounced by the administration and the international community as illegitimate. Elections held by the military last year filled 13 parliamentary vacancies left by members who fled with Aristide. Secretary Christopher has said the United States would try to arrange the return of the 13 recognized parliamentarians prior to drafting and passing an amnesty law. I hope that this can be achieved but seriously question the feasibility of such an exercise. Failure to restore a legitimate parliament would be crippling blow to democratic prospects.

After establishing who will pass the law, the administration has to resolve questions about who it will apply to and for what crimes. Secretary Christopher has indicated it should cover all 7,000 members of the military. He argues, as does the President that a general amnesty was inherent in the Governors Island accord.

This overly broad interpretation should shock our collective conscience. When he rallied the nation to the cause of invasion, the President was graphic in his descriptions of the military regimes brutality. He explicitly described:

> * * * a campaign of rape, torture, and mutilation. People starved, children died, thousands fled * * * a reign of terror (with) people slain and mutilated with body parts left as warnings to terrify others; children forced to watch as their mother's faces are slashed with machetes.

Now, the President expects us to say, "Never mind."

It may have been a necessary evil to amnesty the political offenses associated with the actual coup. But for the United States to protect Cedras and his loyalists from any consequence for their monstrous atrocities so vividly documented and recounted by the President is an assault on the principles enshrined in our Declaration of Independence, upheld in the Constitution, and embodied by the Judeo-Christian ethic which guides our Nation.

In one breath the President calls a nation to arms to eject brutal thugs who—

> * * * gunned down Father Jean-Marie Vincent, a peasant leader and close friend of President Aristide. Vincent was executed on the doorstep of his home, a monastery. He refused to give up his ministry and for that he was murdered.

Hours later, he asks us to abandon any thought of Father Vincent, abandon our sense of right and wrong, abandon good judgment, abandon our principles, and spare Cedras any consequence for his conduct. In fact, the President has asked us to go one step further and allow the military junta access to their frozen assets.

When thugs pay no price, indeed, in this case are paid off, we become a nation of hypocrites. We literally snuff out the torch of liberty and truth.

The Pledge of Allegiance our citizens embrace, the very envy of most nations, does not say, "with justice of all—except thugs who outlast our threats and survive an international siege." Our Nation, our communities, and our families believe in liberty and justice for all, not for just some, not just for the moment, not just for the sound bite.

Sparing the military any consequence for their campaign of deliberate atrocities compromises America's image as democracy's standard bearer, unless of course we accept double standards and deceit.

Madam President, a few short months ago, we completed a painful chapter in American history. American soldiers left Somalia. Today, by all accounts, Somalia is no closer to democracy, no closer to peace, no closer in fact to having a government than it was before the United States began the misguided mission of nation building. In the sad words of our Ambassador, "There's no more Somalia. Somalia is gone."

Our policy in Somalia failed, we lost 36 Americans because we had no clear purpose, our troops had a murky mission, at best, we were attempting to establish democratic institutions and impose principles of conduct in a country with no practical experience or history to guide them through the changes.

Once again, it is unclear what our purpose is, indeed it is unclear that Aristide, the leader we are attempting to restore welcomes our role or shares our goals. Our soldiers have unclear guidelines and an uncertain operational mission. I do not doubt Haitians wish for democracy, but as Charles Krauthammer so aptly said, "we are to restore democracy to a country that has never had it, build a civilian controlled military where it has never existed and create a secure environment for the peaceful transition of power among murderous rivals."

In applying the Powell axiom, in checking the details, what he calls the small things, I find big problems. I do not believe the resolution before the Senate begins to address these significant issues, nor do I believe the agreement negotiated by President Carter's able team resolves the crisis in Haiti. I think the crisis has just begun.

As it unfolds, American men and women in uniform deserve our recognition, support, and the knowledge that

the chain of command will take every step necessary to assure they are well equipped, prepared, and capable of carrying out a clearly defined mission. I commend the leadership's effort to draft a resolution which clarifies the Senate's support for our soldiers and the hope that they will be brought home as soon as possible. But in the coming days and months they will need more than our declarations of pride. Their well being depends on establishing credible goals and sensible policy.

Yesterday, David Broder pointed out that:

> The President and his national security advisers are singularly lacking in any long term policy perspective. Each step of Haitian policy—from the initial offer of an American haven for refugees to the fateful decision to go beyond economic sanctions to the threat of force—was taken as if it would somehow resolve the problem by itself.

I agree; there is little evidence that administration has developed a long term, coherent strategy. The resolution before the Senate is a statement of the obvious—our pride in our soldiers, our opposition to the junta, our respect for our colleague Senator NUNN, as well as General Powell and President Carter. But, I think it is essential for the public to understand, that the Senate continues to harbor major reservations about the purpose of this occupation. With several thousand lives on the line, the time for ad hoc policymaking has passed. Continued failure by the administration to clearly define and defend our interests such as they may be in Haiti will provoke a cut off of the public's support and congressional funding.

Many years ago, a young man wrote a letter explaining why he could not serve in Vietnam. A young Bill Clinton said he could not fight in a war the American public did not understand and did not support. As he sends our soldiers into Haiti for an indefinite period of time, President Clinton would do well to heed his own advice and justify America's purpose, explain the policy, and seek our support.

The PRESIDING OFFICER. Who yields time?

UNANIMOUS-CONSENT AGREEMENT

Mr. DODD. Madam President, just very quickly, on behalf of the majority leader, I ask unanimous consent that at 3 p.m. today, the Republican leader be recognized to use as much of his leader time as he chooses; that following the Republican leader's statement, the majority leader be recognized to use as much of his leader time as he so chooses; that upon the conclusion of the majority leader's statement, without intervening action, the Senate vote on adoption of Senate Resolution 259.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Madam President, I yield 15 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. GRAHAM. President Carter, General Powell, and Senator NUNN deserve this country's gratitude in negotiating an agreement with the de facto Haitian Government which has allowed us to avoid the necessity of a military invasion. The President deserves our commendation as well for his willingness to use this last opportunity for diplomacy in order to achieve our objective of restoration of democracy in Haiti. That is why I strongly support this resolution. I hope that we will be able to remove our militry troops from Haiti at the earliest possible date consistent with the protection of the United States interests. This resolution speaks to that issue and is another reason for Senate support.

Our negotiators' achievement, in my judgment, proved a truth in our dealing with Haiti, and that is that it required two steps in order to avoid the use of force. The first of those steps was the credible willingness to use force. For 3 years, we had negotiated with the military leadership in Haiti, and as long as that leadership doubted our resolve, it was unwilling to voluntarily transfer power.

The second element was creative diplomacy inserted at the critical moment, at the moment when that realization that we were serious about our resolve to restore democracy finally took hold in the minds and the spirit of the military leadership of Haiti.

It was that combination which led us to the result that we were able to avoid having to actually use force.

Madam President, I would like to talk today not so much about what has happened but what I think should and will happen if we learn well the lessons of our recent experience in Haiti.

First is the chapter of the book on Haiti which I will describe as the transition chapter, those things that should happen between now and the mid point in October when the military leadership has agreed to step aside, and shortly thereafter the return of President Aristide. We, the United States, and the international community during this period must more carefully and precisely define the rules of engagement for our troops. We clearly must do everything to ensure their safety, as well as their appropriate use in the safety of the citizens of Haiti.

President Aristide must set to work in reassembling his government. That reassembly will require the naming of a prime minister, a chief of the armed forces, and a civilian police chief. In doing so, I hope that President Aristide will reach out to all sectors of the Haitian society to build support for his choices. We must stand ready to help in any appropriate way.

We also must help President Aristide put in place an economic plan that puts people back to work quickly while building a solid foundation for growth over the long term. There will be tremendous expectations of the people of Haiti, already the poorest country in the Western Hemisphere, who have been driven into even further misery as a result of the last 3 years of authoritarian rule.

Particularly important in this rebuilding process will be the restoration of a private sector which 3 years ago provided substantial employment for the Haitian people.

We must lift with our international partners those parts of the embargo which will most quickly benefit the people of Haiti. Areas such as transportation and energy should receive a priority in lifting the embargo so that they can assist in the rebuilding of the society. Other elements of the embargo should await further political developments, and some elements of the embargo, such as the embargo against the provision of military equipment and ammunition, should only be lifted over time.

We must as quickly as possible train a police force that respects the human rights of the Haitian people. I am pleased that as we speak an effort is being made among the 14,000-plus Haitians at the United States Naval Base in Guantanamo Bay to identify and recruit and commence the training of those persons who desire to serve in a civilian, independent, human rights-respecting police force for Haiti. Those are all challenges of the next few weeks.

Madam President, in my opinion, the Haiti experience represents a critical chapter in our post-cold-war era. Just as the events that surrounded Greece in the period after World War II became the basis of an important doctrine that sustained us throughout the cold war period, the doctrine of not allowing Communist expansionism, I believe that there are some important lessons that will be significant beyond Haiti in this post-cold-war era.

As has been stated moments ago by Senator MCCONNELL, the nature of the threat has clearly changed. No longer have we the luxury of focusing on a single, massive, potent adversary. The post-cold-war world will require greater flexibility, the nuances and intuition of knowing a particular society, how to use a variety of responses to unique threats, each with their own special characteristics. We must rethink and restructure in this more complex world.

Part of that rethinking and restructuring will require closer relationships between the executive and legislative branches. Just as was the case in post-

World War II America, where a bipartisan foreign policy was developed, a foreign policy that sustained us for the better part of 45 years, a similar effort at structuring a bipartisan foreign policy with a commitment both from the executive and the congressional branches for its fulfillment will be critical in this post-cold-war era.

The Western Hemisphere is clearly being recognized as a region of special importance to the United States. That has been the case throughout our history. But for much of this century our focus has been elsewhere—on Europe or on the Pacific basin. I remain frustrated that oftentimes our debates assume the only national security interests for the United States are those which are found, for instance, in the North Atlantic region. I believe that the United States not only has a historic interest in the Western Hemisphere but also as we move into the post-cold-war era there will be a tendency for the democracies of a particular region, whether it be in Asia or in Europe or in the Western Hemisphere, to accept the reality that they have a special responsibility for the democracies of that region.

Clearly, the United States must provide a significant amount of the leadership in doing so in the Western Hemisphere. The protection of democracy has been elevated in terms of an important component of our national interest, a component worthy of aggressive diplomacy and, if necessary, a diplomacy backed by force. We will need to look for new institutions in terms of meeting these post-cold-war challenges. Regional security arrangements, for example, are already being seriously discussed in areas such as Africa and the Middle East. I believe it would be very much in the United States interest through the Organization of American States to encourage regional security arrangements within the Western Hemisphere. The alternative to such arrangements is either a crisis ignored and allowed to fester and become a greater threat to the region or calling upon the United States as the singular cavalry for each Western hemispheric flash point.

Mr. President, for the better part of a half century, the United States has been involved in the training and equipping of militaries throughout the Caribbean and Latin America. This is a time to revisit what are our goals in our relationship with an institution, the military, which is important in almost all of the countries of the Western Hemisphere. It is my hope that we will begin to use our resources in order to encourage a different kind of military, one that emphasizes such areas as civil works, such as our Corps of Engineers, life and safety protection such as our Coast Guard, and emergency assistance and reconstruction activities which are increasingly being played by our military services. I believe that the United States can assist in an appropriate and respectful reformation of an important institution, an institution that should not be challenging democracies, as it has in Haiti, but, rather, sustaining democracies as it has for 200 years in the United States.

Finally, Madam President, a lesson that we have learned from this Haiti experience is that delay does not make decisions easier. Throughout this crisis, there has been a theme of putting off decisions in hopes that the problem would go away or become more practical. The fact is that has not happened. There were points along the road when a more assertive U.S. policy could have avoided reaching the end that we currently find ourselves. Ideally, we should have moved immediately after the coup with the kind of international diplomacy based on the outrage of the world community for what happened in September 1991, or during the time when the military dictators stiffed the Governors Island accord and turned back our ship, the *Harlan County*, at the port of Port-au-Prince. Those were opportunities that were missed. I believe that we have paid a price for our assumption that delay would lead to an easier course.

Madam President, Haiti is not the last challenge that we are going to face. As we struggle to develop new ways to define our interests in an increasingly multipolar world, I hope that we can all assume some humility in acknowledging that none of us has the answers in this complex post-cold-war era. The strength of our democracy includes debates like the one that we have been having over the past several days on Haiti, debates which help us to better understand our national interests, better develop a national consensus so that a critically important foreign policy can be framed for the 21st century as our grandparents did the last half of the 20th century.

Mr. McCAIN. Madam President, I congratulate the Senator from Florida for his continued advocacy of freedom and democracy in Haiti.

Madam President, I would like to yield 5 minutes to the Senator from Texas [Mrs. HUTCHISON] followed by 5 minutes to the Senator from North Carolina [Mr. HELMS] which I believe will be the expiration of all time. I ask unanimous consent that Senator HELMS be allowed 5 minutes of the leader's time, for a total of 10 minutes, and that has been cleared by the leader on this side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Madam President.

Madam President, my predecessor in office was a Shakespearean scholar. I could never compete with him in relating Shakespearean lessons to our times. But the relationship of "Hamlet" to our invasion of Haiti by President Clinton jumped off the pages of literature.

Hamlet, witnessing Norway's Army commanded by Fortinbras causing Denmark to go to war on Poland for "a little patch of ground" said:

> Examples gross as earth exhort me:
> Witness this Army of such mass and charge,
> Led by a delicate and tender prince,
> Whose spirit with divine ambition puffed
> Makes mouths at the invisible event,
> Exposing what is mortal and unsure
> To all that future, death and danger dare,
> Even for an eggshell.

What is the United States security interest in that "little patch of ground" in Haiti that would cause us to risk American troops?

I applaud my distinguished colleague, Senator SAM NUNN, and the other two emissaries, former President Carter and Gen. Colin Powell, because they did an outstanding job, and they bought time which helped avoided an ill-considered invasion. I think it is our responsibility to support our troops and to assure their safety.

I ask the President now to define this mission. What are the rules of engagement for our forces? What are our objectives? Can these objectives be reasonably achieved? Have the unique risks to U.S. troops been fully considered? What if the supporters of General Cedras and President Aristide are in conflict? What will our role then be, and how will we maintain the safety of our troops in this type of police mission?

Madam President, I think the President should come and report to Congress and to the American people. He needs to set the parameters of this mission. He needs to set a timetable for withdrawal and determine and report the full costs of this operation. The estimates that we have been given range anywhere from $500 million to $850 million. What is total cost going to be to the American people?

I think we should have learned a valuable lesson in Somalia as to the real costs associated with this type of operation and the consequences for failing to define the mission. In Somalia, our soldiers were on the front lines in support of a U.N. mission that quickly escalated from a humanitarian mission to police action to armed conflict in which soldiers were killed in an ill-considered mission trying to capture an illusive warlord. I will never forget the testimony of the father of one of our lost soldiers in Somalia. With tears streaming down his face, having served in Vietnam himself, saying, "What did my son die for, Senator?"

Madam President, I will never feel entirely comfortable talking to a parent who has lost a child serving on a mission for the United States, but if someone's son or daughter must die in

support of an operation, that mission must not be a U.N. mission but a U.S. mission—a U.S. mission that we in Congress agreed to.

So I ask the President these questions: What is the mission, and what is our role? I think it is very important that we answer these questions now because the American people are looking for the answers. Why are we in Haiti?

Madam President, I thank my colleague from Arizona. I appreciate the opportunity to talk about this subject. I hope we get the answers. I hope we learn soon what the mission is and that a time limit has been set for our participation in this operation so that we will not have to have another resolution in the future to ask the question why we are there, and hopefully we will not have to answer the question why we lost even one of our American troops in support of this ill-defined mission.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 10 minutes.

Mr. HELMS. I thank the Chair.

Madam President, it may have been Winston Churchill—I cannot remember for certain—who first cautioned that all citizens should heed the axiom that politics should unfailingly stop at the water's edge.

For my part, I thank the Lord that as of this moment, no American has lost his life in the strange drama unfolding in the miserable piece of geography known as Haiti.

On reflection, there were credible and obviously accurate predictions among knowledgeable sources in this city weeks ago that there would be no invasion of Haiti by the United States troops because countless millions of the American taxpayers' dollars would be committed in a financial arrangement acceptable to those who had participated in, or given support to, the ouster of the unbalanced Aristide in the first place.

And, incidentally, Madam President, it is intriguing to note the number of left-of-center editors and commentators who have changed their tunes about this man Aristide. A year ago, it was fashionable for the media to go out of their way to circulate distorted praise of Mr. Aristide. Some called him a second George Washington—the biggest laugh of the year. You do not read or hear much of that any more. Aristide, like the fabled emperor with no clothes, has been exposed for what he is—and has been all along.

Only Aristide's high-salaried press agents, hired and paid vast sums of money to flack for this man manage to now keep a straight face when talking about restoring democracy in Haiti.

There has never been any democracy to restore in Haiti. Aristide—he who has proclaimed the sweet odor of the burning flesh of his screaming political adversaries as their lives are snuffed out by so-called necklaces of tires filed with blazing gasoline—he who has been identified all along as a Marxist—this strange, pretentious man has never been a symbol worthy of support by the U.S. Government and the U.S. taxpayers.

Madam President, the vast majority of Americans are justifiably relieved that, thus far, no American life has been lost in the Haitian fiasco. But, sad to say, bad news is coming from another direction for American citizens who work and pay taxes. The bad news: By conservative estimates this solution to the Haitian problem, for which the President is taking bows, is certain to cost the taxpayers in the neighborhood of $2 billion—perhaps far more than $2 billion.

Just for openers, at least $891 million can already by specifically identified, involving 16 categories of U.S. expenditures. I shall offer for the RECORD a footnote for each item identifying the source. Several were made available by Ms. Wendy Sherman, Assistant Secretary of State for Legislative Affairs. I ask unanimous consent that this information be printed in the RECORD at this point.

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

COSTS OF U.S. POLICY IN HAITI

$372 Million[1]—DOD costs for next 7 months of Haiti occupation.

$187 Million[2]—DOD/Coast Guard retrieval of Haitians at sea.

$103.5 Million[3]—U.S. Economic aid for FY1995.

$55 Million[4]—DOD cost for transporting 12,000 troops and equipment into Haiti.

$50 Million[5]—DOD equipment and training for MNC participating countries.

$30 Million[6]—Haitian Refugee Safe Havens.

$28.7 Million[7]—Training of Haitian civilian police force.

$15 Million[8]—Emergency military equipment and training for Dominican Republic.

$13.67 Million[9]—U.S. humanitarian assistance to Haiti (1-94/9-94).

$8.46 Million[10]—Police monitors and ICITAP.

$7.15 Million[11]—Child survival programs for 1994.

$7 Million[12]—Haitian refugee processing.

$5.99 Million[13]—Family planning programs for 1994.

$4.6 Million[14]—Immediate economic assistance.

$1.78 Million[15]—Embargo enforcement aid for Dominican Republic.

$1.5 Million[16]—Emergency training for Jamaican forces.

$891 Million—Total.

FOOTNOTES

[1] DOD estimate, reported in Miami Herald, 9-3-94, pg. 32A.

[2] DOD estimate, reported in Miami Herald, 9-3-94, pg. 32A.

[3] USAID Congressional Presentation Document for FY95 Budget request (includes $9 million in FY94 carryover).

[4] DOD estimate, reported in Miami Herald, 9-3-94, pg. 32A.

[5] Congressional notification from Assistant Secretary of State Wendy Sherman, 9-17-94.

References at the end of article.

[6] Congressional notification from AS Wendy Sherman, 8-24-94.

[7] Congressional notification from AS Wendy Sherman, 9-16-94 (pursuant to determination by Secretary of State Christopher, September 15, 1994).

[8] Congressional notification from AS Wendy Sherman, 8-27-94. Presidential determination 94-34, 7-15-94.

[9] USAID/OFDA document, 9-1-94.

[10] Congressional notification from AS Wendy Sherman, 9-9-94 (pursuant to determination by Secretary of State Christopher, September 13, 1994).

[11] Congressional notification from USAID, 8-14-94.

[12] Presidential determination 94-31, 8-1-94 (MRA assistance).

[13] Congressional notification from USAID, 8-14-94.

[14] Congressional notification from AS Wendy Sherman, 9-15-94.

[15] Congressional notification from AS Wendy Sherman, 8-17-94 (pursuant to determination by Secretary of State Christopher, August 16, 1994).

[16] Congressional notification from AS Wendy Sherman, 8-17-94. Presidential determination 94-41, 8-8-94.

Mr. HELMS. Madam President, let me go down the list of these items at the taxpayers' expense: $372 million—that is the Department of Defense cost for the next 7 months of the Haiti occupation; next, $187 million is the cost of Department of Defense/Coast Guard retrieval of Haitians at sea, and much of that has already been spent; $103.5 million in United States economic aid for fiscal year 1995; $55 million for Department of Defense cost for transporting 12,000 troops and equipment into Haiti; $50 million for Department of Defense equipment and training for Multi-National Coalition participating countries; $30 million for Haitian refugee safe havens; $28.7 million for training of Haitian civilians for the police force; $15 million for emergency military equipment and training for the Dominican Republic; $13.67 million for U.S. humanitarian assistance to Haiti; $8.46 million for police monitors and other equipment; $7.15 million for child survival programs; $7 million for Haitian refugee processing; $5.99 million, family planning programs for 1994; $4.6 million for immediate economic assistance; $1.78 million for embargo enforcement aid for the Dominican Republic; $1.5 million for emergency training for Jamaican forces for a total of $891 million already committed. I have already obtained unanimous consent for that information to be printed in the RECORD.

Mr. President, when phase II of the Haitian operation begins—meaning when the United Nations takes over—the United States taxpayers, as always, will be expected to pick up 31 percent of all of the United Nations' costs. This will cost the American taxpayers a minimum of $67 million for the first 6 months alone.

And since the United States is by far the largest contributor to both the World Bank and Inter-American Development Bank, that will be another enormous cost to the American taxpayers.

So, Madam President, former President Carter, General Powell, and Senator NUNN, are entitled to sincere congratulations for their roles in all of

this. They were presumably instructed by President Clinton to trigger the massive expenditures which I have described. They did what their Commander in Chief told them to do, and they did it well, and all of us have a deep sense of gratitude.

How much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. HELMS. That certainly includes the U.S. troops involved. I am particularly mindful, being from North Carolina, of the thousands of marines based in North Carolina, and the 82d Airborne at Fort Bragg—and, of course, of the families of all of these fine young men and women.

I want to support an appropriate resolution commendation. But the Senate should not be asked to support a political commendation such as the one drafted by the distinguished majority leader.

Sometime, many years from now, the curtain of elapsed time may be drawn back so that historians may inspect the reaction of Congress on this matter in September 1994.

This should be no puff job. It should state honestly and candidly that this very same alternative that the President implemented over the weekend was available and rejected 7 months ago, in February. It was called The Parliamentarian's Plan, which had been negotiated by U.S. Ambassador Pezzullo before he was dismissed because he attempted to resolve the matter in a peaceful manner. The Parliamentarian's Plan is remarkably similar to the agreement negotiated by President Carter.

It also should be noted and made a matter of record that Senator DOLE recommended this past May that the President send Gen. Colin Powell to Haiti—a suggestion that was met with complete silence at the White House. Madam President, now that more than 6,000 United States troops are on the ground in Haiti, it is appropriate to bear in mind that October 3 will mark the first anniversary of the death of 17 Army Rangers on the streets of Mogadishu, Somalia. That operation took place in the name of U.N.-sponsored nation building—not U.S. security.

I will close on one final note. Look at what happened on October 3 a year ago, and then consider the potential that could happen still in Haiti. Res ipsa loquitur, the thing speaks for itself.

I reserve the remainder of my time and I yield the floor.

Mr. BURNS addressed the Chair.

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

Mr. BURNS. Mr. President, I rise today with grave concerns. Our brave troops have landed in Haiti as an occupying force, as peacekeepers. President Clinton has thrown our troops into a foolhardy mission, full of dangers. The invasion turned into an occupation with our troops acting as peacekeepers.

This is a shortsighted policy and it is our troops who are being sacrificed. Haiti is not a democratic country, and Aristide is not a proven democratic leader. As President, he ruled with an iron fist, using terror and violence against his own people.

Aristide is a thug in his own right. I want to know, and Montanans want to know, what are we doing in Haiti? What is the mission, the goals?

President Clinton did not consult with Congress, nor did he seek congressional approval before committing our troops. He did not have the support of the American people. His public address did not give a clearly defined mission, nor a deadline for the withdrawal of United States troops from Haiti. A mission without goals or support is a mission doomed to failure.

And now we find that the operation has changed. An 11-hour scramble produced an agreement with Haitian General Cedras. I know we are all relieved that an invasion was averted. But the clock is still ticking. This isn't over yet.

Lots can happen before October 15 and I don't want us to get bogged down in a useless and dangerous mission.

The thug who was supposed to leave Haiti immediately is still in power. We are giving Cedras a legitimacy that he doesn't deserve. Aristide isn't even happy with these efforts on his behalf. Our troops are on the line and he can't even say thanks.

This whole operation reminds me of Somalia. We want there to restore order. There was more disorder and chaos by the time our troops were untangled.

Which brings up the issue of disengagement. When will our troops come home. This hasn't been determined. How much time and money are we going to sink into this operation?

My sincere hope is that we can get our fighting men and women home safely as soon as possible.

I am not convinced that this is the best course of action. I did not support economic sanctions. It only hurt the innocent people, finally sending them across the ocean in flimsy crafts. And now we are still working against the innocent people. As peacekeepers, our troops can only stand idly by and watch as Cedras' police attack, and even kill, the innocent people. The ones they were supposed to help. Our objectives are still upside down.

I am strongly opposed to this mission. I can't begin to see how this mission is in our national security interest. And President Clinton has not given good, hard reasons for this invasion that convince me that this is the best, and only, course of policy.

Mr. FORD. Mr. President, I ask unanimous consent that I might use 5 minutes of the leader time.

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

MOTION TO INVOKE CLOTURE ON THE MOTION TO DISAGREE TO THE HOUSE AMENDMENTS TO S. 3

Mr. FORD. Mr. President, I want to take a different tack, since we have another cloture petition before the Senate.

One year ago, in June 1993, the Senate took a step toward reforming our political process when we passed S. 3, the campaign finance reform bill. In November 1993, the House followed by passing its version of campaign finance reform.

Today, we are attempting to take the first procedural step toward a conference with the House so that we can resolve the differences between the House and the Senate bills. In order to do that, we need to disagree to the House amendments to S. 3. Normally, this is a rather routine procedure to follow. But it only takes one Member to object, and that is what we face today.

This should come as no surprise. We attempted to move to a conference just prior to the August recess, but that request was objected to by one of our colleagues. Under the rules of the Senate, the motion to disagree with the amendments of the House to a Senate bill, as well as a request for a conference and the appointment of conferees, are debatable motions. We have been unable to obtain unanimous consent on this issue, and that is why we are in the process of debating the motion to disagree with the House amendment.

The aggregate costs of House and Senate campaigns have risen nearly six times since 1976, from a staggering $111 to $678 million in 1992.

In the 1992 elections, winning Senate candidates spent a total of $124.3 million, a $9 million increase over 1990. Winning Senate candidates spent, on average, $3.8 million, an increase from the $3.3 million in 1990. The average spent by a winning incumbent Senator was over $4 million. Recent Federal Election Commission reports continue to show that candidate spending in the 1994 elections is even higher than those.

Mr. President, the record shows that year after year, candidates for Congress are spending substantial sums of money. As a result, candidates have increasingly relied on contributions from PAC's to provide the resources necessary to wage a successful run for the Senate. These statistics point to one conclusion: The money chase continues.

Mr. President, there are differences between the Senate bill and the House bill. The House bill does create a different system of spending limits and benefits for House candidates. That is

to be expected because the House and Senate election cycles are completely different. But on issues like soft money and curbing the influence of special interests, there is much common ground.

Mr. President, given the work of both the House and the Senate, I am confident that the conference report will be the most far-reaching and comprehensive campaign finance proposal to be considered by the Congress. And that is the fundamental question. Will the Congress pass comprehensive campaign finance reform?

Mr. President, I appreciate the fact that there are differences of opinion on the merits of this legislation. That is understandable, and it is defensible. But to oppose this motion to disagree with the House amendments and to require that we file a cloture motion is purely and simply obstructionism at its worst. This type of action is why the public has grown increasingly cynical about this body. They are tired of gridlock and expect the legislative process to permit consideration and action on issues before the Senate.

This body must depend heavily on comity for the process to function efficiently. Any Member can use the rules of the Senate to delay and often to defeat legislation. That is a prerogative of each Member. But such action is obstructionist and reflects a growing tendency for a small minority of Members to stop the process and thwart the will of the majority. And this inevitably leads to stalemate.

The American people do not understand this process. Even more importantly, they have grown tired of it.

I am afraid that this is only the beginning of a long and difficult road for the conference. I am almost certain that the opponents to this legislation and the conference report itself are now guiding and developing the gridlock but not one for the process that could make this Senate and this body efficient. They become the guardians of the status quo.

Why not? The system that they seek to protect is the system that got them here and keeps them here.

Mr. President, despite the partisan nature of this strategy we passed campaign finance reform with bipartisan support. The distinguished Senator from Oklahoma [Mr. BOREN] worked tirelessly with some of our Republican colleagues to gain their support for this legislation. So we know that there is some support for this bill on the other side of the aisle.

The citizens of this country are tired of these obstructionist tactics. The American people deserve a better political system. We should at least have that opportunity to create a system of campaign finance that ends the money chase and that affords all candidates an opportunity to engage in meaningful debate on the issues.

Mr. President, true and meaningful campaign finance reform must not only curb the excessive influence of special interests and control the money chase. It must also create a system that is fair to all, incumbents and challengers, Democrats and Republicans. I believe that the conference committee will produce a bill that will do just that. And hopefully, it will restore the confidence of the American people in this institution.

We can begin to restore that confidence by supporting this motion to invoke cloture. I thank the Chair, and I yield the floor.

COMMENDING THE PRESIDENT AND THE SPECIAL DELEGATION TO HAITI—SENATE RESOLUTION 259

The Senate resumed the consideration of the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to print in the RECORD at this point a letter from President Clinton laying out the objectives and the character of the planned deployment of United States Armed Forces into Haiti.

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

THE WHITE HOUSE,
Washington, DC, September 18, 1994.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am providing this report, consistent with the sense of Congress in section 8147(c) of the Department of Defense Appropriations Act, 1994 (Public Law 103-139), to advise you of the objectives and character of the planned deployment of U.S. Armed Forces into Haiti.

(1) The deployment of U.S. Armed Forces into Haiti is justified by United States national security interests: to restore democratic government to Haiti; to stop the brutal atrocities that threaten tens of thousands of Haitians; to secure our borders; to preserve stability and promote democracy in our hemisphere; and to uphold the reliability of the commitments we make and the commitments others make to us.

From the very beginning of the coup against the democratic government of Haiti, the United States and the rest of the international community saw the regime as a threat to our interests in this hemisphere. Indeed President Bush declared that the coup "constitute[d] an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States."

The United States' interest in Haiti is rooted in a consistent U.S. policy, since the 1991 coup, to help restore democratic government to that nation. The United States has a particular interest in responding to gross abuses of human rights when they occur so close to our shores.

The departure of the coup leaders from power is also the best way to stem another mass outflow of Haitians, with consequences for the stability of our region and control of our borders. Continuing unconstitutional rule in Haiti would threaten the stability of other countries in this hemisphere by emboldening elements opposed to democracy and freedom.

The agreement regarding the transition between the *de facto* government and the elected government, negotiated by former President Jimmy Carter, Senator Sam Nunn, and General Colin Powell, will achieve the objective of facilitating the departure of the coup leaders. Their departure will substantially decrease the likelihood of armed resistance.

(2) Despite this agreement, this military operation is not without risk. Necessary steps have been taken to ensure the safety and security of U.S. Armed Forces. Our intention is to deploy a force of sufficient size to serve as a deterrent to armed resistance. The force will have a highly visible and robust presence with firepower ample to overwhelm any localized threat. This will minimize casualties and maximize our capability to ensure that essential civil order is maintained and the agreement arrived at is implemented. The force's rules of engagement allow for the use of necessary and proportionate force to protect friendly personnel and units and to provide for individual self-defense, thereby ensuring that our forces can respond effectively to threats and are not made targets by reason of their rules of engagement.

(3) The proposed mission and objectives are most appropriate for U.S. Armed Forces, and the forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission. Pursuant to U.N. Security Council Resolution 940, a multinational coalition has been assembled to use "all necessary means" to restore the democratic government to Haiti and to provide a stable and secure environment for the implementation of the Governors Island Accords. The deployment of U.S. Armed Forces is required to ensure that United States national security interests with respect to Haiti remain unchallenged and to underscore the reliability of U.S. and UN commitments.

This crisis affects the interests of the United States and other members of the world community alike, and thus warrants and has received the participation of responsible states in the coalition to redress the situation. The United States is playing a predominant role because it is the leading military power in the hemisphere, and accordingly, has the influence and military capability to lead such an operation. The coalition is made up of representatives from 25 member nations, including the United States. During the initial phase of the operation, the force will be of sufficient size to overwhelm any opposition that might arise despite the existence of the agreement. In the follow-on, transitional phase, forces from other members of the coalition will assume increasingly important roles. At all times when U.S. forces are deployed in whatever phase, they will be equipped, commanded, and empowered so as to ensure their own protection.

(4) Clear objectives for the deployment have been established. These limited objectives are: to facilitate the departure of the military leadership, the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti. We will assist the Haitian government in creating a civilian-controlled security force. We will also ensure the protection of U.S. citizens and U.S. facilities.

(5) An exit strategy for ending the deployment has been identified. Our presence in Haiti will not be open-ended. After a period of months, the coalition will be replaced by a UN peacekeeping force (UNMIH). By that time, the bulk of U.S. forces will have departed. Some U.S. forces will make up a portion of the UNMIH and will be present in

Haiti for the duration of the U.N. mission. The entire U.N. mission will withdraw from Haiti after elections are held next year and a new Haitian Government takes office in early 1996, consistent with U.N. Security Council Resolution 940.

(6) The financial costs of the deployment are estimated to be the following. A conservative, preliminary estimate of Department of Defense and Department of State incremental costs for U.S. military operations, U.S. support for the multinational coalition, and the follow-on U.N. peacekeeping operation is projected at $500–$600 million through February 1996. This covers potential costs to be incurred in FY 1994, FY 1995, and FY 1996. Final deployment-related costs could vary from this estimate depending on how operations proceed in the first few weeks, how fast civic order is restored, and when the operation is replaced by a U.N. peacekeeping operation. A preliminary estimate of U.S. nondeployment-related costs—migrant operations, sanctions enforcement, police training, and economic reconstruction—will be provided separately. The Congress will be provided more complete estimates as they become available.

Sincerely,

WILLIAM J. CLINTON.

Mr. DODD. Mr. President, I ask unanimous consent that the remarks of Secretary Perry be printed in the RECORD at this point.

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

Sec. PERRY. Good afternoon. I was pleased and privileged to be able to welcome President Aristide on his first visit to the Pentagon. While he was here we had a brief discussion in my office and then went down to the Operational Briefing Room of the Joint Chiefs of Staff and took the opportunity then to brief President Aristide on the current and the planned details of the military operations in Haiti.

Among other things, we explained to him that we will have by the end of the day 8,000 military forces in Haiti, and a large contingent at the Port-au-Prince airport, a large contingent at the Port-au-Prince port, and we now have a large group of marines in Cap-Haitien. In addition to that we have a company of Bradley fighting vehicles, dozens of assault helicopters, gunships, and we are landing C–141s and C–5s.

After the briefing, we had a very good discussion on the current situation in Haiti. I emphasized, reaffirmed to President Aristide our commitment to a quick, peaceful return of the president to Haiti. I told him about the steps that we are taking to prevent violence and retain order in Haiti.

We deplored the abhorrent acts of violence that took place yesterday, and I described to him the steps we are taking to minimize the recurrence of those sort of events. In particular, today we arrived and now have fully operational more than 1,000 military police.

I should emphasize the forces that landed Monday and Tuesday were primarily combat forces whose job was to protect themselves in the event that the entry was not peaceful. Since then we have brought in a large number, more than a thousand, I said, of military police, and they will have the specific function of overseeing and monitoring the functioning of the Haiti police force to ensure that they do not use unreasonable restraint in trying to deal with crowd control problems.

We also described to him that we have now a quick reaction force assembled of combat forces and Bradley fighting vehicles available to be called out in the event there's a general breakdown of order. And we also described the discussion that General Shelton had this morning with General Cedras explaining to him the importance of maintaining restraint of the police and making arrangements for how our military police would be used to facilitate that proper functioning, to ensure that proper functioning of the police force.

We had very good discussions with President Aristide, but rather than my describing to you his response to our discussions, I would like to now turn the podium over to President Aristide and let him describe his impressions.

Mr. President?

President ARISTIDE. Secretary of State Mr. William Perry, Undersecretary of State Mr. Strobe Talbott, National Security Adviser Mr. Tony Lake, Chairman of the Joint Chiefs of Staff General Shalikashvili, ladies and gentlemen:

In these past three days something has happened in Haiti. Operation Uphold Democracy was peacefully deployed. President Clinton, this is the result of the decision that you made. This is the result of your leadership.

Thank you, and the people of the United States, for your commitment to lead a multinational effort in carrying out the will of the United Nations to help restore democracy in Haiti.

It is certain—it is certain that every action that stops the flow of even a single drop of blood is a step towards lasting peace which we envision. I extend my thanks to President Carter, General Powell, and Senator Nunn.

General Shalikashvili, when U.S. men and women arrived in Haiti on Monday, they encountered a nation of people ready to embrace peace. To you, your commander in the field, General Shelton, and the thousands of American soldiers both in Haiti and on their way to Haiti on behalf of my nation, my many thanks for joining in this endeavor for peace. Your wives, husbands, parents, family and friends, may take comfort knowing that your presence is a contribution to the justice and democracy that we seek, principles that run deep in the traditions of the United States.

We, who stood side by side with you in the battle of Savannah, Georgia, to fight for the independence of the United States, are happy that today you stand side by side with us to uphold democracy in Haiti. The light of peace must shine through Haiti. The world must see this light shine in Haiti day and night for every single citizen. Nothing must block this light of peace—neither violence nor vengeance, guns nor provocation, impunity nor retaliation. Peace must flourish in Haiti. The success of this mission is directly tied to the process of disarmament. As I said on February 7, 1991, the day of my inauguration, not another drop of blood must flow in Haiti. No to violence, no to vengeance; yes to reconciliation, yes to justice.

People of Haiti, continue to uphold democracy, be vigilant and guard against provocation. While we move towards dialogue, mutual respect, enjoyment of civil liberties and political stability, we call on all senators, deputies, members of administrative consuls, municipal consuls, departmental consuls, mayors and other elected officials, to resume their offices, as peaceful environment is indispensable for those duly elected officials and the political parties to function.

To help foster this environment, I have created a transition team headed by our minister of defense, General Jean Beliotte. They will assess conditions in Haiti and recommend the next steps to be taken to ensure the quick restoration of constitutional order. Here in Washington, I will continue to meet and work with the National Security Adviser, Mr. Anthony Lake, and special adviser on Haiti, Reverend Bill Gray, and you, General Shalikashvili, chairman of the joint chiefs of staff, to outline the steps that it will take to guarantee the restoration of democracy, which will bring peace to all, reconciliation among all, respect and justice for every single citizen in Haiti.

In less than 24 days, I will join you in Haiti. There, we will continue working as peacemakers, peacekeepers and peace lovers.

Thank you.

Mr. LAUTENBERG. Mr. President, I intend to vote for this resolution.

I am relieved that a full-scale invasion has been avoided as a result of negotiations by President Carter, Senator NUNN, and Colin Powell. The threat of military force created an environment in which a short-term diplomatic solution could succeed. Lives were saved by avoiding a full-scale invasion, and that was a positive development. I congratulate President Clinton and the Carter delegation for this success.

I am, however, still concerned about the thousands of American soldiers who will be part of the occupation forces under this agreement. They do not know how long they will be in Haiti or what their long-term role will be. The very nature of their mission is replete with contradictions. Our soldiers thought they were going to Haiti to help the Haitian people; now, they are essentially required to work with the leaders America's original military mission sought to remove. Just yesterday, they had to stand by helplessly and watch the police brutally attack and kill Haitians who had come to welcome our troops to their shore.

My broader concern, Mr. President, is that although the military is now in Haiti, their mission is essentially diplomatic. While I share the diplomatic goal of restoring a democratically elected leader in Haiti, I am not persuaded that the U.S. military can succeed, in the long run, in ensuring that democracy will prevail in Haiti. Although our military is second to none, it is not their role—nor are they able—to build nations as we saw in Somalia. I'm wary about our troops getting involved in a similar mission in Haiti.

Like many, I am dismayed by the way General Cedras and the Haitian military stole the election from President Aristide. I too have been profoundly saddened by the brutality of the human rights violations the Haitian dictators have perpetrated against so many innocents. The Haitian people who long for the restoration of their democracy have inspired me. It is a difficult task to know what we can do to help them without imposing unreasonable risks to our soldiers or costs to our Nation.

While I share the goals of restoring democracy for the Haitian people and snuffing out human rights abuses, I am not persuaded that a policy which attempts to turn our military into a diplomatic corps can succeed in the long run. Now that the President has decided to move forward, however, I do hope and pray the policy will succeed. I pray that no lives will be lost, and that our soldiers will return to America soon.

Mr. LIEBERMAN. Mr. President, all of us are appalled by the desperate economic and human rights conditions prevailing in Haiti. As of February 1994, the United Nations reported there had been some 3,000 deaths of Haitian civilians since the September 1991 military coup. The Cedras regime's human rights record—its cynical use of murder, rape and torture to intimidate the Haitian population—is currently the worst in this hemisphere. I sympathize with the Haitian people who have suffered for years both from the atmosphere of intimidation prevailing in Haiti and from the economic hardships resulting from the U.N.-mandated economic embargo.

These are tragic conditions for Haiti. But they are not a national security threat to the United States. I sympathize with the plight of Haitians, but I question whether we can or should right Haiti's multiple wrongs with military force.

The United States has the best military forces in the world. Our finest young men and women staff it; our most advanced technology and billions in tax dollars have gone into their equipment. Our military forces are prepared and capable of defending the broad security interests of the United States.

This means that our Armed Forces also are capable of accomplishing a wide variety of tasks, whether it is to arrest a narcotics kingpin in Panama, stop a disease epidemic in Rwanda, facilitate food distribution to starving Somalians, provide humanitarian relief in Bosnia and northern Iraq, or rescue American students from political instability in Grenada.

However, just because the United States military can accomplish a particular mission does not mean it should be ordered to tackle the enormously complex range of missions required in Haiti.

The Founding Fathers intended that the President's role as Commander in Chief be constrained by the responsibility to seek congressional approval to make war. The President does have the power to act in emergencies, but the long-festering problems in Haiti did not fall into that category. Throughout this developing crisis in Haiti, I have always believed and stated that the President should come to Congress for authority prior to an invasion of Haiti by United States forces.

When President Bush proposed to use military force to repel Saddam Hussein's invasion of Kuwait, I—together with many of my Senate colleagues on both sides of the aisle—argued that the President should seek congressional authority. Presidents Reagan and Bush did not seek congressional authorization for military operations in Grenada and Panama. Congressional authorization is always preferable when possible, but the protection of U.S. security interests in those circumstances required secrecy and speed.

There was no emergency or imminent threat to American lives in Haiti. The President had been warning the Haitian junta for months that U.N. military action was imminent. Recruitment of a multinational invasion force and our own preparations for use of force was conducted in a deliberate and public manner.

But all that is past. The President began the invasion without congressional authorization and, fortunately, halted it once an agreement had been reached between the military junta and the delegation headed by former President Jimmy Carter. All Americans are grateful that an invasion, with the likelihood of casualties, was averted, and we are all thankful that the U.S. occupation has proceeded up to this point with no loss of American lives.

Still, the question remains as to what our goals in Haiti are, and how long our troops will remain in that country. That is the key issue for the American people. I have no quarrel with this resolution, and it has bipartisan support, but it should not signal the end of congressional involvement in this issue. While maintaining our strong support for the United States troops on the ground in Haiti, and providing them with every piece of equipment they will need to carry out their mission as long as they are there, we must now get answers about what their goals are, how they will be achieved, and on our exit strategy. All Americans are deeply concerned that if our stay in Haiti goes on too long, we will be inexorably drawn into a police action that is fraught with danger to our troops, and for which there is no clearly achievable end result.

One final word concerning Haitian President Jean-Bertrand Aristide. I share the disappointment of many Americans that President Aristide failed to quickly and publicly thank our country for putting the lives of our soldiers in harm's way on his behalf. Any problems he has with the Carter accord pale in comparison to the courage exemplified by our military forces, and he, of all people, should have recognized that fact and said so right away.

Mr. COATS. Mr. President, I support Senate Resolution 259 because, like all Americans, I am greatly relieved that the deployment of United States troops to Haiti occurred under peaceful rather than hostile circumstances. As a result, many Haitian as well as American lives have been spared.

I am also greatly relieved that General Cedras and the ruling military Junta in Haiti have agreed to relinquish their grip on government and, thanks to the compelling argument of former Chairman of the Joint Chiefs, Gen. Colin Powell, cooperate in a peaceful transition of power.

Mr. President, I commend America's military men and women for their excellent performance in carrying out their duties, fully support them in their complex and difficult mission, and pray for their safe and quick return.

I fear, however, that our most difficult days lie not behind us but ahead.

Mr. President, the occupation, not the invasion, of Haiti has always been recognized as the more difficult part of this mission. In many respects, that occupation has now been made more difficult by the circumstances under which it has occurred.

The Haitian population is by no means at peace, the institutions of civil government have yet to be established, and democracy is far from assured. In other words, the task we face in Haiti is not one of restoring democracy but of building a nation. And, as we tragically learned in Somalia, that is not an appropriate mission for the United States military.

For those reasons, Mr. President, as well as the fact that no United States national interest is at stake in Haiti, I opposed a United States invasion of Haiti. For the same reasons, Mr. President, I now urge a timely conclusion to the United States occupation of Haiti, and the speedy withdrawal of all United States forces.

The PRESIDING OFFICER. Under the order, the Republican leader is recognized for 5 minutes.

Mr. DOLE. Mr. President, first of all, all Americans join in praising former President Jimmy Carter, retired Gen. Colin Powell, and the senior Senator from Georgia, Senator SAM NUNN.

I must say if it had not been for their diplomatic mission we might have been on the floor here today talking about a lot of different things but not have pleasant ones, in my view. So they averted a potentially tragic military confrontation to place American troops into Haiti.

The Carter delegation obviously found the General Cedras willing to negotiate. I am pleased the President accepted suggestions and sent an independent commission to Haiti. I believe the whole country heaved a sigh of relief that an unnecessary invasion did not occur.

I must say there is still a lot of confusion, but I think at least we had a new entrance strategy. We do not have an exit strategy yet. I hope we will be

addressing that maybe before we leave, hopefully not later than October 7.

I do not see how anybody can oppose an invasion and support a military occupation. That is my view. If you oppose the invasion, you have to oppose the occupation. You support the forces there, but you do not support the occupation.

How much do we have to do for Aristide. I guess today he said "thank you." How much do you have to do for this person? We are going to have 15,000 Americans committed there. We are going to spend millions and millions and millions of dollars, and we are even going to pay some of their military. There will be all kinds of nation building. Who knows what the final tab will be.

So I guess the bottom line is there never was a problem getting in; there may be a problem getting out.

I think events of yesterday, even though we did not participate, show how tragic the consequences can be. We had graphic Haitian-on-Haitian violence which may call for greater United States involvement. I do not know how the American people will understand when they watch television and see American soldiers standing by and someone being clubbed and clubbed and clubbed. How does that resonate in America, if some innocent person is being beaten to death or clubbed to death? I have to believe this is a pretty tricky situation we are in right now.

But before we decide to disarm the Haitian military and police, we would do well to remember the lessons of Somalia. And we should also remember that today's oppressed can quickly become tomorrow's oppressor.

I can understand if the American people are a little confused about the recent changes in U.S. policy. President Clinton last Thursday told Haiti's leaders: "Your time is up. Leave now or we will force you from power." Now, they learn that General Cedras may be in power until October 15. Last week, the Haitian military was described as rapists and killers. This week, they are our partners in occupation.

This is going to take more than a 30-second sound bite to explain to the American people.

Last week President Clinton said diplomacy had been exhausted. But over the weekend, a diplomatic mission rapidly reached an agreement. The newspaper headlines said a deal had been made and an invasion averted. Yet thousands of heavily armed United States soldiers have landed in Haiti. And the United States is still enforcing an economic embargo against a country we just occupied.

Why should there be an embargo on a country we occupied? That is one of the problems. It is the poorest country in the hemisphere. We laterally are starving people to death with economic sanctions. Now we occupy it. And this is part of the agreement, but we still have not lifted the sanctions.

The American people heard a lot about a multinational force, but the only foreign troops in Haiti are American right now. That is all. The American people heard about the importance of restoring Aristide to power, and we are about to thank the Carter delegation for their efforts to achieve a peaceful resolution. Strangely, it took Aristide longer to say thank you than it took the Carter team to negotiate the accord.

According to some news reports, Aristide was reluctant to even support the latest U.S. policy conducted on his behalf.

In the midst of all this confusion, the only clarity came from President Carter, General Powell, and Senator NUNN. They took open minds and went to Haiti. I listened to them earlier this week. They spoke about what they learned in Haiti: About how respected the provisional President is and how he was central to the deal. They spoke about General Cedras' honor and dignity. They spoke about the depth of anti-Aristide feeling. And they spoke about the folly of having a U.S. economic embargo on a country under U.S. military occupation. Right or wrong, all these views challenge the foundations of the Clinton administration's Haitian policy. Either they are wrong or he was wrong, and I have to believe since they are there they may have a better insight than the President.

The efforts of the Carter delegation are commended in the resolution before the Senate. Their fresh look averted immediate bloodshed. The task now is to avert bloodshed over the long term.

I am again not certain that the American people realize the United States forces—either under United States or U.N. command—will be in Haiti until at least 1996, not 1995, until that is 1996. The potential for the occupation to generate American casualties is great.

The last American occupation of Haiti lasted almost two decades. Because the President and his advisers have avoided coming to Congress, the first sign of trouble is likely to result in pressure for an immediate and embarrassing withdrawal.

The Carter mission prevented bloodshed in the first few days of the United States occupation of Haiti. For that, all Americans can be grateful. But what is needed now is a U.S. policy that does not react to the image of the moment or to the emotional appeal of week.

The ousted special envoy for Haiti, Lawrence Pezzullo, laid out the one principle for a sound policy in the New York Times this morning. In sum, he argued the United States should push Haitians to resolve their differences on their own—not make every issue a matter of United States prestige.

Ambassador Pezzullo concluded by writing, "Only a very carefully calibrated policy will guard against Haiti's slipping from military dictatorship under General Cedras to populist authoritarianism under Father Aristide, presided over by a U.S. praetorian guard." Unfortunately, 19 months of this administration's failed Haitian policy does not leave much hope for future improvement.

Mr. President, I ask unanimous consent that New York Times article by Lawrence Pezzullo be printed in the RECORD.

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

SEVEN WAYS TO AVOID A LONG, PAINFUL, POINTLESS OCCUPATION

(By Lawrence Pezzullo)

Despite the 11th-hour success of the peacemaking mission headed by Jimmy Carter, the arrival of thousands of United States troops in Haiti since Monday represents the bitter fruits of diplomatic blundering by the Clinton Administration. Whether because of guilt, weakness or lack of rigor in carrying out its policies, the Administration has taken on the impossible burden of turning a country with no democratic traditions into a functioning democracy.

The quiet resignation on Friday of the United Nations special envoy for Haiti, Dante Caputo, represented a kind of punctuation mark to the Administration's hopeless diplomacy. Mr. Caputo has long held the view that the situation must be resolved by Haitians, not by military intervention.

The role of U.S. troops now, before the Rev. Jean-Bertrand Aristide returns to power, involves relatively little risk. But our soldiers, under orders not to intercede even when they see Haitian police beating pro-Aristide demonstrators, will find themselves in an increasingly difficult position. To prevent worse clashes, a multinational force to retrain and monitor the police is urgently needed.

The multinational negotiations that began soon after Father Aristide was overthrown in September 1991 were hampered by the unwillingness of the two protagonists to deal with each other. Lieut. Gen. Raoul Cedras, who emerged as Haiti's de facto ruler, felt he could outlast the international pressure to restore the elected Government. Father Aristide, exiled to Washington, expected the United States to restore him to power on his terms.

The agreement signed at Governors Island in July 1993, which set a timetable for Father Aristide's return to power, contained two central elements: the transfer of power from the military to a democratic, constitutional government and the creation of a broad-based political coalition.

The Haitian Constitution of 1987, which balances executive power with Parliament's—essential in a country with a long history of abusive strongmen—requires that the President build a working majority in the legislature. It was precisely Father Aristide's estrangement from the elected Parliament, coupled with his chilly relationship with business leaders and the military, that led to his overthrow in 1991, just seven months after he took office.

Without a broader governing coalition and an operating majority in the Parliament, Father Aristide could face a repetition of the

conflict that turned violent in 1991, or he could circumvent the Constitution by ruling by decree. In either case, the United States, with it troops on the ground in Haiti, would find itself in an untenable position.

By unwisely putting its own credibility on the line rather than keeping the pressure on the Haitian protagonists to resolve the crisis on their own, the Administration has shouldered an obligation to sustain the return to democratic rule. That will require staying the course and ignoring the advice of those who argue for an early exit. Surely it would be wise for the U.S., with its multilateral partners, to stay in place through the presidential elections in January 1996.

To preserve the integrity of its policy, the Administration must insist that all Haitian parties, especially Father Aristide's, comply scrupulously in word and spirit with the 1987 Constitution. Further, the U.S. should insure that all members of Parliament elected in 1990 are protected and allowed to assembly as soon as possible in a secure environment.

When he resumes the presidency, it will be essential that Father Aristide cooperate with the Parliament on the following measures to build a truly democratic system:

The early confirmation of a prime minister who can build and maintain a majority in the Parliament. This will require reaching out to political adversaries, who earlier this year showed a willingness to build such a majority.

The nomination and confirmation of a new commander in chief to replace General Cédras. Haiti's Constitution allows the President to pick one from senior military officers. Some of the current group remain untainted by the coup and have clean human rights records.

The enactment of an amnesty law, the specific details of which would be worked out between Parliament and the executive branch. The issue of whether General Cédras and other military commanders should be forced into exile must also be left to the Haitians themselves.

The creation of an independent civilian police force, which was stipulated in the Governors Island agreement and is required under the Constitution. The U.S. and Canada have already pledged to assist in their training.

The confirmation of a new civilian police chief.

The enactment of legislation requiring that all paramilitary gangs be disarmed.

The establishment of a bipartisan electoral commission to organize and oversee the parliamentary elections scheduled for this winter and the presidential elections next year.

The Clinton Administration must recognize that a failure to insure that Haitians work together and compromise to resolve their own political difficulties will not only compound the tragedy of that troubled country but also involve the U.S. in a painful and pointless occupation. Only a very carefully calibrated policy will guard against Haiti's slipping from military dictatorship under General Cédras to populist authoritarianism under Father Aristide, presided over by U.S. praetorian guard.

The PRESIDING OFFICER. The majority leader is recognized for 5 minutes.

Mr. MITCHELL. Mr. President, I yield myself the remainder of my leader's time.

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

Mr. MITCHELL. Mr. President and Members of the Senate, the resolution on which the Senate will shortly vote is direct, simple, and easily understood. It commends President Clinton. It commends former President Carter, retired General Powell and Senator NUNN. It supports the men and women of the United States Armed Forces in Haiti. It supports the departure from power of the de facto authorities in Haiti and Haitian efforts to achieve reconciliation, democracy and the rule of law. It supports lifting of the economic sanctions on Haiti and supports a prompt and orderly withdrawal of United States forces from Haiti as soon as possible.

There is no conceivable reason why any Senator would vote against this resolution. It is obvious that the events in Haiti have developed in a way that will in fact encourage the restoration of the democratically elected government and the departure of the illegal government. That is an objective which I believe all Americans share.

Mr. President and Members of the Senate, we have heard a lot of debate here in the Senate about this or that aspect as policy.

If one reads the American Constitution, one will find reference to one President of the United States. But if one observes the American Government in a time of foreign policy crisis, one would think that there were 50 or 60 Presidents of the United States. This is the world champion forum for nitpicking, second-guessing and should-have-done.

Senators urge the President to do A, and when the President does A, they say he should have done B. If he does B, then they come up with C. There is no event so trivial, no place so distant that Senators do not have a better idea of how it should be done; so long, of course, as they have no responsibility for the outcome if things go bad.

And to hear some of the speeches that we have heard here today, why, there is almost a regret that this thing has worked out so well.

The fact of the matter is, it was the determination and leadership of President Clinton that has caused the removal of the illegal government in Haiti and the forthcoming restoration of the democratically elected Government of Haiti.

I was interested to hear all of the praise of the delegation that went to Haiti—all of which is deserved—but a grudging unwillingness to even acknowledge that it was President Clinton who sent them to Haiti, who directed their actions in Haiti, and whose policy they were implementing in Haiti.

Is the hostility and the antagonism for the President so great among some of our colleagues that they cannot even acknowledge that it was, in fact, President Clinton who made the decision to send the delegation to Haiti, who established the policy which they took with them to Haiti, and who stood firm at the critical moment in insisting on an absolute time certain and a deadline for the removal of the illegal government from Haiti?

I hope that every Member of the Senate will vote for this resolution. And I hope that every Member of the Senate will permit this policy to take effect without seeking to make political hay out of every twist and turn in the road and the inevitable difficulties that result in such a complex and dangerous operation.

Certainly, risks remain. Certainly, there is a potential for damage, danger, casualty, injury, and death. But the fact of the matter is, right now democracy in Haiti has a future which it did not have a week ago today. And right now, the illegal government of Haiti does not have the future that it had one week ago. That is the direct and exclusive result of the actions of President Clinton and the leadership of President Clinton. We ought not to be so grudging as to refuse to acknowledge that simple fact.

Mr. President, I yield the floor.

I believe, all time having been used, we are prepared for the vote.

The PRESIDING OFFICER. The question occurs on the adoption of Senate Resolution 259. 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 South Carolina [Mr. THURMOND] is necessarily absent.

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

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—94

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

NAYS—5

Danforth Hatfield Wallop
Faircloth Pressler

NOT VOTING—1

Thurmond

So the resolution (S. Res. 259) was agreed to, as follows:

S. RES. 259

Whereas the special delegation sent to Haiti on September 17, 1994, has succeeded in convincing the de facto authorities in Haiti to agree to leave power;

Whereas on September 18, 1994, after an agreement was reached in Port-au-Prince that day, the President ordered the present deployment of men and women of the United States Armed Forces in and around Haiti;

Whereas U.S. and multilateral sanctions have imposed a heavy burden on the Haitian people; and

Whereas the Congress and the people of the United States have great pride in the men and women of the United States Armed Forces and fully support them in all their efforts overseas, including those in Haiti: Now, therefore, be it

Resolved, That the Senate—

(1) commends the efforts of the President in sending former President Jimmy Carter, retired General Colin Powell and Senator Sam Nunn to Haiti in an effort to avoid the loss of American lives;

(2) fully supports the men and women of the United States Armed Forces in Haiti who are performing with professional excellence and dedicated patriotism;

(3) supports the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy, and the rule of law;

(4) supports lifting without delay of U.S. unilateral economic sanctions on Haiti, and lifting without delay of economic sanctions imposed pursuant to U.N. resolutions in accordance with such resolutions; and

(5) supports a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

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

Mr. REID. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

The Senator may proceed.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the submission of S. Res. 263 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Wisconsin.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1995; DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1994—CONFERENCE REPORT

Mr. KOHL. Mr. President, I submit a report of the committee of conference on H.R. 4649 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment to the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The 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 4, 1994.)

Mr. KOHL. Mr. President, I am pleased to present the conference report on H.R. 4649, the D.C. appropriations bill for fiscal year 1995, to the Senate. It represents a fair bipartisan compromise with the House on the items of disagreement and deserves the support of the Senate. Every single conferee, Republican and Democrat, signed the conference report.

At the outset I want to complement our House colleagues, led by their able Chairman JULIAN DIXON, for the professional and concise way in which they conducted the conference in reaching consensus on this bill.

The conferees met on August 4, 1994, and the House adopted the conference report on August 8 and sent it to the Senate. We have been attempting to clear this measure for the President since that time. The agreement includes a requirement that the Mayor submit a plan for cutting the $140 million in required savings 30 days after enactment. The conferees intended that this bill be enacted by mid-August so that those proposed savings could be in place by this time in September, close to the end of the fiscal year. I hope that we can move this agreement through the Senate and on to the President in very short order.

Mr. President, this conference report deserves the support of Senators. We were able to convince the House to accept a reduction in the Federal payment to $660 million. This amount is approximately the midpoint between the amount the city has wanted and the amount in the Senate bill.

We also included $140 million in budget cuts that the District of Columbia will have to make during the fiscal year 1995. This amount will no doubt be difficult to achieve, but is reachable. We should note that the Mayor has proposed $140 million in cuts, which the council will soon consider. Ultimately it is the local government that must make the tough decisions and implement a plan to achieve the necessary cuts.

Language is included in section 138 that places a limit on the District's disbursements both by individual funds and in the aggregate. The purpose of this language, which was agreed to by the conferees, is to keep the District government from spending more cash in fiscal year 1995 that it collects. During the past 3 years, fiscal years 1991, 1992, and 1993, the District government has had balanced budgets according to generally accepted accounting principles [GAAP] but during those same 3 years had disbursed $276 million more from the general fund that it has collected in cash. In other words, the city has been spending more than it has taken in, even though it reports that its' budgets are balanced. Most people would find that difficult to comprehend.

Mr. President, the conferees want to make it clear that the disbursements and net payables, by fund and for the District government as a whole, are not to exceed the cash receipts collected by fund and for the District government as a whole. In all cases the controlling factor is the cash receipts collected and deposited.

If this legislation is violated, the following year's Federal payment will be reduced by the amount that the disbursements and net payables exceed the cash receipts.

Mr. President, it is important that this limitation be fully and clearly understood by the District government.

In addition, Mr. President, it should be understood that the conferees expect that every branch and agency of the D.C. government is expected to participate and contribute their fair share toward these spending cuts. The conferees recognize the independence of other branches of the local government and of certain independent agencies, however, the conferees believe that the overall fiscal condition is of overriding concern and expect full cooperation with the Mayor and council in implementing these reductions.

Mr. President, the conference agreement modifies the Senate amendment requiring a reduction of 3,559 full-time equivalent positions over 5 years. The modification provides that the city must eliminate 2,000 full-time equivalent positions in one year, fiscal year 1995.

The Senate agreed to recede to the House on the D.C. School of Law. As part of her plan of cuts the Mayor has proposed closing the law school. Because of the debate that we have begun, I believe that the council and citizens of the District of Columbia will carefully look at the Mayor's proposal. I also believe that the D.C. government is now engaged in a process that puts every item in the budget up for a fair and impartial review.

In closing, Mr. President, I want to express my appreciation to the Senator from Montana, our distinguished ranking member, for his work in shaping

this bill. His efforts have made this a better bill and his hard work have made it possible to bring it to final adoption today.

Finally, Mr. President, I want to thank the staff on both sides of the aisle and both sides of the Capitol for their assistance in making what could have been a very contentious conference reach a bipartisan compromise. That concludes my explanation of the conference agreement.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS] is recognized.

Mr. BURNS. Mr. President, I want to first of all thank Senator KOHL from Wisconsin, who has put a lot of time and effort in on this bill. It has been remarkable to work with him, because there were some contentious things that came up within this bill, and it was all worked out. I compliment him and his staff on this.

This conference report represents a significant change in the way this committee has gone about its business with the District of Columbia.

We have cut the Federal payment by over $13 million from the President's request.

We have mandated that the District cut their own budget by $140 million.

I realize that is a very tough thing to do in these times when local governments have a hard time coming up with money. I can remember back in my days of county government when an initiative in Montana was passed, called 105, which meant that you could not increase property taxes to fund county government. Of course, that went for the school districts as well within Yellowstone County. But we made it through there because we had done some things and one of them was to establish a 5-year budget, which gives us a look into the future that if certain things happen, this is how it reflects on how we finance our local government.

And, we have mandated that the District eliminate 2,000 FTE's in fiscal year 1995.

Again, that is a big order, and something that can be obtained whenever you take a look at the resources here in the District of Columbia.

The Congress has directed the city to submit no less than 17 independent reports, audits, and evaluations for review by the Congress. Some of these reports are linked to the release of money. All of them will be valuable tools in the future consideration of additional Federal funding for the District.

In total, this conference report represents a comprehensive overhaul of Congress' relationship with the District.

Mr. President, we have a responsibility to our constituents to protect the integrity of these and other Federal investments by exercising our statutory right in overseeing the District of Columbia.

A house well furnished will be unstable without an adequate foundation upon which to sit. Looking at it today, the Capital City is indeed resting on a cracking foundation.

I hope these changes in course will lead the District to calmer waters both with Congress and with the citizens of this great city.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KOHL. Mr. President, at this time, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

STATEMENT ON DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4649, the District of Columbia appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $8 million and under its 602(b) outlay allocation by $8 million.

I compliment the distinguished manager of the bill, Senator KOHL, and the distinguished ranking member of the District of Columbia subcommittee, Senator BURNS, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the District of Columbia appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 4649—FY 1995 DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE BILL

[Dollars in millions]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	712	712
Outlays from prior years appropriations		2
Permanent/advance appropriations	0	0
Supplementals	0	0
Subtotal, discretionary spending	712	714
Mandatory Totals	0	0
Bill total	712	714
Senate 602(b) allocations	720	722
Difference	−8	−8
Discretionary Totals above (+) or below (−):		
President's request	−10	−10
House-passed bill	−8	−8
Senate-reported bill	12	12
Senate-passed bill	12	12
Defense	0	0
International affairs	0	0
Domestic discretionary	712	714

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 legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "nay."

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

The result was announced—yeas 71, nays 27, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—71

Akaka	Feinstein	Mikulski
Bennett	Ford	Mitchell
Biden	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Murray
Boren	Harkin	Nunn
Boxer	Hatfield	Packwood
Bradley	Hollings	Pell
Breaux	Inouye	Pressler
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Byrd	Kassebaum	Riegle
Campbell	Kennedy	Robb
Cohen	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
D'Amato	Kohl	Sasser
Danforth	Lautenberg	Simon
Daschle	Leahy	Simpson
Dodd	Levin	Specter
Dole	Lieberman	Stevens
Dorgan	Lugar	Warner
Durenberger	Mack	Wellstone
Exon	Mathews	Wofford
Feingold	Metzenbaum	

NAYS—27

Baucus	Faircloth	Lott
Brown	Gramm	McCain
Burns	Grassley	McConnell
Coats	Gregg	Moseley-Braun
Cochran	Hatch	Nickles
Coverdell	Heflin	Roth
Craig	Helms	Shelby
DeConcini	Hutchison	Smith
Domenici	Kempthorne	Wallop

NOT VOTING—2

Chafee	Thurmond

So the conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

CAMPAIGN FINANCE REFORM

Mr. KERRY. Mr. President, I arrived in the U.S. Senate over 10 years ago. Since that time, with each passing election and each passing year and with the increase in gridlock in Congress, I have become, as I think some of my colleagues have, more and more convinced that the system of financing political campaigns in this country is doing the U.S. Congress—and, more importantly, the politics of our Nation—an enormous disservice.

It was because of my early perceptions about campaign finance that when I first ran for the U.S. Senate, I made a decision that I would personally not accept any PAC money. Indeed, we were able to create the first PAC-free Senate race in the history of the United States. As a consequence of our mutual efforts, no candidate received PAC funds in the race for the seat I now hold. We proved that you can run for the U.S. Senate without PAC money. In addition, I think we proved to the American people that when you do not have PAC money—PAC's, for those who do not follow these debates, are political action committees, which are organizations formed by special interest groups who bundle money into large amounts and distribute it to candidates—we proved in my Senate race in 1984 that campaigns can be run without the infusion and influence of special-interest money.

Pick up any newspaper in America today and you can read about the disrepute of this institution. I think anybody who understands what is happening in America must hear the roar of the oncoming tidal wave of dissatisfaction that will hit the Congress if we do not respond to the felt need of the citizens of this country to separate their public servants from money.

Money is polluting the entire trust—whatever is left of it—of the American people for the political process. All you have to do is look at what has happened to the health care debate in this country and you have a story of money, of millions of dollars from one interest or another, infecting and disassembling an issue of vital importance. It is OK, I suppose, if all that cash goes only into public advertising and expression. After all, the first amendment is very clear about the rights of people to express their views. But this money should not be inserted directly into campaign after campaign and into the campaign coffers of candidate after candidate after candidate.

It does not take a student of political science or anybody who has spent a long time around the political process to understand that people who do not think that you are supporting their point of view are not going to contribute to you. Somebody who votes against the insurance industry does not get money from the insurance industry. Somebody who votes against banking does not get money from the banking industry. Somebody who votes for gun control does not get money from the National Rifle Association. And so it goes down a long list of all of the groups that give money. And someone who gets money from the insurance industry is likely to vote for the insurance industry. And Someone who gets money from the NRA is likely to vote against gun control.

Because of the structure of advertising in America, my colleagues and I, and all of us in this process, have become nothing more than bill collectors for the broadcasters. We go out and raise huge sums of money, then behave as conduits, passing that money from those special interests to broadcasters. In the process, a certain amount of independence is lost. And in the process, a certain amount of control is gained.

Americans are not well served by this, Mr. President, and I think everybody in this institution understands it. Americans are not well served by it for the amount of money that is wasted and batted around. They are not well served by it for the relationships that are created as a consequence of it. And they are not well served by it because it takes away from the capacity of Congressmen and Senators to spend time with their constituents and on the issues, instead forcing politicians to travel the country with suitcases prepared to be filled with checks from whatever special interest they can cull from somewhere in the Nation.

Mr. President, as a first-time candidate for the U.S. Senate, I became convinced that spending limits are an essential ingredient of trying to stop the incredible spiraling, escalating costs of campaigns. Go back 5 years, go back 10 years, go back 20 years, and there is a remarkable straight-line increase in the cost of campaigning in the United States, and today almost 90 percent or more of that money goes directly to buy television and broadcast time.

More and more campaigns do less and less people-oriented activities. Fewer and fewer campaigns can afford even the paraphernalia of campaigns—leaflets, buttons and so forth. Most campaigns are forced into a battle of retaliation—the point, counterpoint of television advertising. It has gotten to the point now where one ad goes out and within 24 hours the response ad is on, and then the counter-response, and candidates are driven to go out to find more and more money in order to respond to this escalating process. It is the new arms race, if you will; it is the money race.

I think that colleagues of good conscience and good intent around here know that when they sit in private and they talk about this, there is a universality of condemnation and lamentation about it, a universality of understanding about these dangers to the political system in this country.

We are at this moment, after a long period of effort, staring at a window of opportunity. When I came here, a campaign finance reform bill was the first piece of legislation that I introduced, and each year I have introduced that legislation in an effort to try to restore people's sense of connection to the American political process. I have by no means been alone. Senator MITCHELL also introduced legislation a long time ago, as has Senator BOREN. Senator BIDEN, Senator SIMON, and Senator BRADLEY have also joined in this effort to try to change the political process. But until now we have had no ultimate success.

In the 102d Congress, we did manage to pass a comprehensive campaign finance reform bill, but it was vetoed by President Bush. Now, that vote itself, in all candor, said a certain amount about the hypocrisy which has governed this issue, because many Members voted for that bill knowing President Bush was going to give them cover since he was going to veto it and prevent real change from taking place.

Now that there is a President of the United States who is prepared to sign a campaign finance reform bill into law, some of those "yes" votes have turned into either "noes" or "maybes," in an effort to stall or avoid what the public so clearly demands and what this institution desperately needs.

Despite these so-called changes of heart, Mr. President, we passed a campaign finance bill again in this session. Not a perfect bill—no piece of legislation is perfect—but a good campaign finance reform bill. And we know that if President Clinton gets this bill he will sign it into law. But month after month after month has gone by without any action on this legislation.

We are now at the single most critical moment of campaign finance reform in history. That is not an exaggeration. This is the first time we could put limits in place, we could lower the influence of PAC's to the lowest level in history. We could establish new accountability for campaign

fundraising. We could increase the democracy of this country by reducing the size of the amounts of donations. We would instill an incentive for people to be able to go out and raise money in small amounts within their own State, and place an incentive for candidates to raise most of their money in their home State rather running around the country looking for cash.

We passed this bill last year. One year ago. One year ago we passed this bill, and for this entire year that bill has been the prisoner of resistance on the House side. It is now meeting the same kind of gridlock response here in the Senate, the kind that we consistently find on almost everything we try to do in this body these days.

I would like to know how many Americans are even aware that the Senate is engaged in a filibuster where we have to go through effort after effort just to have a cloture vote in order to get to conference and be able to talk about the differences between the House and Senate on this bill.

Mr. President, the Republicans are preventing us from even being able to work the legislative process to try to get to a compromise. Does America understand the willful arrogance which is being applied to stall the business of this institution, to time and time again prevent the majority from engaging in legislative activity, and to require 60 votes for almost every legislative step—60 votes every time.

The current filibuster spree is an embarrassing effort simply to chew up days because Republicans know that these are the waning days of the legislative session. So if we have to do a filibuster with a cloture vote, we automatically, under the rules, go 2 days in between each vote and all of a sudden, before you even get to conference, one entire week is gone. So those who filibuster know that they have killed precious time, and will continue to delay in the ensuing weeks, because they hope that the Congress will do nothing. Then they will go back to their districts and they will say that the Democrats had the majority in the Congress but were unable to accomplish anything. And the American people, who do not understand the power that Republicans' have to require 60 votes, who do not understand what it means to have a cloture motion, who do not understand the process of delay, will say, oh, yeah, that is right; Democrats ought to be able to make things happen.

Mr. President, I think we have to come to this floor day after day after day and tell this story to Americans, and tell them that most of us are prepared to vote on campaign finance reform now. The Republicans simply are not letting us.

Now, Mr. President, that is, as I said, only one facet of resistance here. There are some in the House who continue to believe that PAC money is essential, a sine qua non presence in politics. And they are unwilling to restrain or lower the amount of PAC money that is being currently raised to support campaigns.

I believe the Congress of the United States desperately needs to show the American people that we understand their concern about gridlock and about money. We need enactment of this bill on campaign finance reform. The only step remaining between the signing of this bill by the President and its passage here is the completion of the conference. But we cannot even get to the conference without jumping through legislative hoops placed in our path by Republicans. We are closer to placing in law a campaign finance reform than we have ever been, but we face a pattern of resistance that cannot be justified and can barely be stopped.

Now, Mr. President, the delay and resistance that I have talked about with respect to some in the House of Representatives has been commented on in the Washington Post recently, and I quote from it. They observed in July:

> Many Democrats in the House, including some in the leadership, seem eager to find a way to kill campaign finance reform in a way that would allow them to heap blame for its defeat on the Republicans in the Senate. The sticking point right now is whether to toughen the limits on how much a political action committee can contribute to candidates. The House Members want to keep the current high limit of $10,000 per election cycle. A group of reform-minded Republicans in the Senate, whose support is crucial to get the bill past a filibuster, want to ban PAC's altogether. But they appear ready to settle on a compromise that would cut the PAC limit perhaps to $5,000.

The Post went on to say that:

> Many Democrats in the House would like Senators Mitchell and Boren to cooperate by agreeing to move on a bill that would do nothing about the PAC limit, and such a bill would surely lose. But then the House could pass it and blame the Senate for its death. To their credit, Mr. Mitchell and Mr. Boren are refusing to play their assigned roles in this charade.

Indeed, Mr. President, I want to commend Senator MITCHELL and Senator BOREN for pressing the notion that it would be a cynical ploy, indeed, if all we did was bring a bill back from the House that did not compromise on this issue and that did not present to our colleagues in the Senate a reasonable effort to try to pass campaign finance reform.

I agree with the Washington Post that our colleagues in the House need to stand firm, and we need to stand firm in the Senate. I also agree that we need to be reasonable about the notion of reform and about compromise. The New York Times similarly analyzed the problem saying that the House is refusing to cut their bill's generous limits on the amount of money a member may accept from a single political action committee—$5,000 in a primary to another $5,000 in the general election—and the Times called the House position "a cynical device aimed at killing reform."

Mr. President, I today join with other colleagues in the Senate in calling on our friends in the House not to use this method but, rather, to send to the Senate a genuine compromise that offers us an opportunity to try to gain, once and for all, a true reform of the campaign finance structure of our country.

I just want to share a couple of observations with colleagues about what has happened with respect to money in politics in the last years.

The Federal Election Commission shows that in the 1992 races, candidates for the Senate received an average of over $1.5 million in big money and PAC contributions, which together dwarfed the less than $650,000 that candidates received on average in small contributions of $100 or less. Democrats relied on big money just as much as the Republicans, and there was no clear partisan difference. By contrast, there was an enormous difference between incumbents and challengers.

Senate incumbents raised twice as much as challengers in large private contributions, and PAC's chose to give to incumbents over challengers by a ratio of more than 3 to 1.

Mr. President, I say respectfully that is one of the bedrock reasons why citizens all across this country are coming to distrust Washington, distrust incumbents, believe that term limits are the solution, when in fact the real solution is campaign finance reform. As long as they see a system structured that is guaranteed to provide incumbents a 3-to-1 advantage in fundraising, they will continue on their drive to change the system in ways that many people believe is an overreaction, is uncalled for, and is even dangerous.

Those who claim that spending limits actually protect incumbents, not challengers, are simply not following the facts. The fact is that the current system already favors incumbents. If we impose spending limits which hold down the total amount that can be raised, we are clearly limiting the reliance of both incumbents and challengers on big money. Without the kind of reforms that are contained in the campaign finance bill that we passed, incumbents will outspend challengers on a continued basis by at least a 2-to-1 margin. With reform, spending levels will be more equal.

We all know that under the 17th amendment of the Constitution, passed in 1913, the U.S. Senate specifically was supposed to have become a representative body. But the huge sums that it takes to get elected separate us from our constituents. I would respectfully submit that money stands as an impediment to a true connection to our

constituents, and it certainly has the appearance—an appearance as destructive as any force in American politics—of standing between us and the true concerns of the voters who elected us.

All you have to do is analyze the pattern of giving this year from health PACs, from hospitals, from anybody who has anything to do with the health industry. Take a look at committees with purview on the health debate—the Ways and Means Committee, the Finance Committee, Health and Human Services Committee—and you can directly see a pattern of contributions to the people on those committees. And I respectfully submit that you may even find a very clear pattern of what kinds of positions or advocacy was made with respect to those series of contributions.

As was said by former Senator Paul Laxalt, a Republican from Nevada and a close, close friend of President Reagan who was chair of Reagan's campaigns:

> There is far too much emphasis on money and far too much time spent collecting it. It is the most corrupting thing I see on the congressional scene.

That was spoken by an individual I think most people here know was careful and judicious in his comments and rare to make such a dramatic condemnation of a political process. His feelings are obviously shared by many people in the country.

The Orlando Sentinel recently editorialized saying it is wrong to allow huge contributions from corporations and individuals to get around the legal limits. The San Francisco Chronicle last month described the campaign finance process in terms that captured one of the reasons that the public is really so angry with the Congress. The Chronicle wrote:

> Because candidates spend more time in campaigns dialing for dollars than crafting policy, once in office they too often spend this time catering to the special interests. This year, candidates once again speak piously for the need for campaign finance reform while stretching out their palms more than ever before.

Mr. President, there is a perception out there about the current system that is just extraordinarily negative and damaging to each and every one of us. And we should make no mistake about the public's attitude. The American people are mad as hell, and they have reached a point where, like the movie, they feel that the only thing they can do is shout and say, "I am mad as hell, and I am not going to take it anymore." And the way they are not going to take it anymore is to pass some Draconian overreaching measure to limit good experience from returning here, to turn over Government to staffs, to create a permanent power of bureaucracy, to make more strong the Executive of this country by passing limits on the time that good public servants can serve.

The voters may not know in detail about how political committees raise money or how we spend their funds, how soft money works, how lobbyists bundle large campaign checks. But the voters absolutely know that the current system stinks. They know that it has failed them, and they are insisting on change.

So I submit to my colleagues this is the time. These are the last days of Congress. This bill passed this body a year ago. If we do not pass campaign finance reform this year, there are many who question whether, with the potential makeup of both the House and the Senate, it can be done in the future.

That, Mr. President, is one of the reasons why some are playing so hard for delay. This is indeed another example of a cynical and calculated approach for gridlock. And those who are creating the gridlock will be the first to go back to their districts and blame it on others who are trying to bring this matter to a vote.

The truth is—and I think more Members each year are coming to the conclusion—that Congress itself is viewed by America as the prisoner of special interests. We all understand everything is a special interest. If three kids walk in here and they have a petition with a picture to give you, they are a special interest. Veterans are a special interest. Senior citizens are a special interest. Every legitimate interest is a special interest. I acknowledge that. But what has happened is clearly some have proven their ability to be able to affect the political process by virtue of money, not by virtue of a compelling idea, not by virtue of a coalition, not by virtue of a consensus. They do not even allow for a bipartisan process to work its will. They by guile employ the willingness and the rules of this process to prevent anything from happening.

This is one of those changes that could go as far as anything we could do here to begin the process of restoring credibility between ourselves and the people that we represent. I believe that if we do not do it, Mr. President, we would truly be cheating the American people.

I believe that many people were attracted to Ross Perot's campaign not only because he promised change but because he appeared beholden to no one. They liked the idea that this fellow could write his own check and not go to Washington held by any interests. They may have been wrong about Perot, but the concept remains. Even if you do not believe it, even if you do not accept that PACs somehow change the way things work here, or unfairly and overly impact policy, even if you do not accept that, surely, no one who is politically astute—and everybody here is—is going to avoid acknowledging that that perception is out there and that we ought to respond to the perception.

If it strengthens our democracy and the political process, then I think it is good for this country. The fact is that it is entirely feasible for all of us to run much better grassroots campaigns, to appeal more to the democratic instincts of this country, by going out to people and asking for small contributions. This is preferable to relying on the extraordinary large sums of money that make up the American political process today.

Mr. President, we need to endorse a basic principle of a representative democracy here in the United States—as we struggle to do it in Haiti and in other countries around the world—and that basic principle is that a race for the U.S. legislature should not be decided on the basis of how much money you can spend. It must be decided on the quality of somebody's public service, on the quality of the contributions they have made and will make, on the promise of their campaign, on the ideas they carry and the message and the agenda they suggest for the Nation—not on the amount of bankroll they can collect from people who want to do business in Washington.

I commend to my colleagues an article that just appeared by Kevin Philips called "Fat City," which tells it pretty straight about how people feel about Washington and money. I respectfully submit to my colleagues that now is a golden moment for the U.S. Senate to respond to the cynicism, to respond to a fundamental need, and to respond to our own consciences about what is good for this Nation. And I hope that if the House of Representatives comes to a compromise, we will respect the notion of compromise and respect the need to come together without a perfect piece of legislation for anybody, but rather one which will act for the better good of all of us in this institution and in this country.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAMM. Mr. President, as my colleagues will remember, prior to the recess, Republicans tried to offer a series of amendments to the then-pending crime bill conference report. In order to do that, we would have had to have sustained a point of order. We would have had to have gotten 41 votes, and we fell short of that number.

Since that time, there has been great frustration on my side of the aisle that we did not get an opportunity to vote on those amendments.

I remind my colleagues that we had 10 amendments. Four of them had to do

with what we believed was pork barrel spending in the crime bill. Basically, these amendments would knock out of the President's crime bill $5 billion of social spending. The amendment that I will in a moment send to the desk simply goes back retroactively in a new bill and overturns funding for those four provisions, saving in the process $5 billion.

The next amendment has to do with prison grants. One of our frustrations about the crime bill was that there was no guarantee that the funds provided for prison construction would actually go to build conventional prisons. As we all are aware, the language in the bill was somewhat fuzzy, and it allowed the money to be used for alternatives to prison. It was uncertainty about this language that produced great consternation on my side of the aisle.

We then had five amendments that proposed to insert get-tough provisions in the crime bill: 10 years in prison without parole for possessing a firearm during the commission of a violent crime or drug trafficking; 20 years for discharging the firearm; life imprisonment for killing someone; or the death penalty in aggravated cases.

We had a provision having to do with drug trafficking involving minors; 10 years in prison without parole for selling drugs to a minor or using a minor in a drug conspiracy; life imprisonment without parole on a second offense.

We had a provision that we wanted to offer that guaranteed that at the time of sentencing an illegal alien the judge could order that after they have served their sentence, they would be deported, rather than letting them out of prison and forcing the INS to go find them and begin deportation proceedings.

Finally, and probably the worst provision of the crime bill in my opinion, a delicate compromise that had been worked out here in the Senate was overturned, and whereas current law has mandatory minimum sentencing for drug felons, the bill that actually became law would overturn mandatory minimum sentencing for drug felons. It would allow people with criminal records who are convicted of selling drugs in a junior high school not to be subject to mandatory minimum sentencing and actually give judges discretion in sentencing those offenders.

The first conference report, which was rejected by the House, would have overturned mandatory minimum sentencing retroactively and could have let as many as 10,000 drug felons out of prison. Fortunately, that provision was overturned by the House and did not become the law of the land.

But what did become the law of the land was a provision that gives judges discretion and produces a situation where, even with people who had criminal records, even with people who were selling drugs to minors, we will not have a mandatory minimum sentence that they have to serve in Federal prison.

So given our inability at the end of the August session to offer these amendments, I had decided, along with many of my colleagues, when the first bill came along that was amendable, that we would offer these amendments and at least give the Senate an opportunity to state its position on them.

We have before us an appropriations conference report, but it is a conference report, for our purposes, fortunately, that is full of legislative language. It is full of House language legislating on an appropriation bill and so this amendment is germane, in my opinion. And I believe that the Chair will rule that it is germane based on provisions in the conference report which relate to crime, to punishment, to law enforcement, to exactly the kind of provisions that we are proposing here.

Certainly, based on precedent, the Parliamentarian, in my opinion, will not rule the amendment out of order. The Parliamentarian will, in all probability, rule that there is a question about it and that would then be put to the body.

In any case, I have previously agreed with the majority leader to give him an opportunity to look at the amendment and give him an opportunity to decide how he wants to deal with it after I send the amendment to the desk, I will allow the distinguished chairman of the subcommittee to be recognized to suggest the absence of a quorum to give the majority leader an opportunity to decide how he wants to deal with this.

Mr. BIDEN. Will the Senator yield for a question?

Mr. GRAMM. I am happy to yield.

Mr. BIDEN. I thank my colleague.

The Senator was kind enough to explain to me his agreement with the majority leader. I do not know whether he is going to conclude that we would proceed tonight. My guess is, as the Senator has suggested, that we will probably proceed tomorrow.

But I would say to my friend from Texas, I am delighted, whatever the appropriate time, to debate these issues with my friend and point out to him why I believe the crime bill covers either better or more thoroughly the very things the Senator is offering his amendment about. But I assume that will come after the decision is made by the leaders as to when we will vote on these issues, is that correct?

Mr. GRAMM. Let me say, reclaiming my time, that is correct.

The only reason that I went through the amendment was to put everybody on notice that, after the majority leader decides when he wants to begin the debate on it or decides how he wants to handle it, he will notify all of us and we can be here.

The distinguished chairman of the Judiciary Committee and I have debated these issues on many occasions.

Mr. BIDEN. We have.

Mr. GRAMM. I always enjoy debating him on these issues and I am sure I will have an opportunity to soon do it again.

But my sole purpose here was to just let people know what is contained in the amendment, to put people on notice, because I know Senators will want to be here to debate it.

So, with the previous agreement that we will have the distinguished chairman of the D.C. Appropriations Subcommittee seek the floor, that I will stand down and allow him to be recognized, and that he will suggest the absence of a quorum so we can decide how to proceed, I send the amendment to the desk.

AMENDMENT IN DISAGREEMENT TO THE SENATE AMENDMENT NUMBERED 3

The PRESIDING OFFICER. If the Senator will withhold for one moment so the clerk can report the first amendment in disagreement which the Senator seeks to amend.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed in said amendment, insert: ", of which $1,500,000 shall be used to provide additional support to title I (chapter I) of the Elementary and Secondary Education Act (20 U.S.C. 2701 et seq.) and $910,000 shall be available for the National Learning Center, Options School ($750,000) and Model Early Learning Center ($160,000),".

AMENDMENT NO. 2585 TO THE AMENDMENT IN DISAGREEMENT TO THE SENATE AMENDMENT NUMBERED 3

(Purpose: To strengthen the Violent Crime Control and Law Enforcement Act of 1994 by reducing the number of social programs and increasing the penalties for criminal activity)

Mr. GRAMM. Mr. President, I thank you for your kindness in putting us in the procedural place where I might offer the amendment.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

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

The PRESIDING OFFICER. Does the Senator seek consent to have the reading of the amendment dispensed with?

Mr. KOHL. Yes.

Without objection, the clerk will report it by number.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2585, to the House amendment to the Senate amendment No. 3.

The text of the amendment is located in today's RECORD under "Amendments Submitted."

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

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

MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate be in morning business with Senators permitted to speak therein.

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

Mr. LEAHY. Mr. President, I voted today for the Haiti resolution sponsored by the majority leader. I do not want to repeat what others have already said, but I do want to say a few words on the subject of amnesty for the Haitian military.

I first want to commend President Clinton, former President Carter, General Powell, and Senator NUNN for their achievement. It is far preferable that the crisis in Haiti be resolved without bloodshed. The agreement signed on Sunday which paved the way for our troops to enter Haiti without firing a shot was an enormous relief to me and the overwhelming majority of Vermonters. There has been far too much suffering in Haiti. If democracy is restored and takes root in Haiti, I suspect we will look back on this chaotic episode with satisfaction.

It is far too soon to say how the situation in Haiti will evolve. President Aristide should be returned at the earliest possible time. Our troops should come home as soon as the United Nations can take over responsibility for maintaining security. General Cedras, General Biamby, and Police Chief Francois should face the fact that they are no longer wanted in Haiti. They are responsible for outrageous crimes against the Haitian people, and they should have no future in Haiti.

There are many questions about the interpretation of the agreement which will not be answered for some time. However, one item especially concerns me. The agreement requires General Cedras and General Biamby to step down as soon as the Haitian Parliament enacts a general amnesty. According to President Clinton, the amnesty law is to be as it was called for by the Governors Island agreement. That agreement, which General Cedras and President Aristide signed in July 1993, called for President Aristide to grant an amnesty within the framework of article 147 of the Haitian Constitution. Article 147 states that an amnesty may be granted by the Haitian President only in political matters.

Mr. President, I believe this is extremely important. Those responsible for the unspeakable violations of human rights in Haiti, which have resulted in the deaths of thousands of people there, should not escape prosecution for murder, rape, torture, and other such crimes. I am concerned because the Haitian Parliament is widely regarded as sympathetic to the Haitian military. The administration should make clear to the Haitian Parliament that any amnesty law needs to be fully consistent with the Governors Island agreement, if it is to conform to the agreement signed on Sunday in Port au Prince.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 103–35

Mr. CONRAD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a treaty transmitted to the Senate on September 19, 1994, by the President of the United States: Treaty Between the United States of America and Jamaica Concerning the Reciprocal Encouragement of Protection of Investment, with Annex and Protocol (Treaty Document 103–35).

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and Jamaica Concerning the Reciprocal Encouragement and Protection of Investment, with Annex and Protocol, signed at Washington on February 4, 1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

This bilateral investment Treaty with Jamaica is the second such Treaty between the United States and a member of the Caribbean Community [CARICOM]. This Treaty will protect U.S. investors and assist Jamaica in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthening the development of the private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds associated with investments; freedom of investments from performance requirements; fair, equitable and most-favored-nation treatment; and the investor or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 19, 1994.*

CORRECTION OF THE ENROLLMENT OF THE CONFERENCE REPORT ACCOMPANYING S. 2182

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 285, a concurrent resolution to correct the enrollment of the conference report accompanying S. 2182, the Department of Defense authorization bill just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 285) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 2586

Mr. CONRAD. Mr. President, in behalf of Senator NUNN, I send an amendment to the desk and ask for its immediate consideration; I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid upon the table.

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

AMENDMENT NO. 2586

Mr. CONRAD offered an amendment No. 2586 for Mr. NUNN.

The amendment is as follows:

At the end of the concurrent resolution, add the following new paragraphs:

(3) In section 132(a)(1)(C), strike out "(described in subsection (i))" and insert in lieu thereof "(described in subsection (h))".

(4) In section 924, strike out "Court of Military Criminal Appeals" each place it appears and insert in lieu thereof "Court of Criminal Appeals".

(5) In section 1661(b)(4)—

(A) strike out "by adding at the end" in subparagraph (A) and insert in lieu thereof "by inserting after section 3020"; and

(B) strike out "by adding at the end" in subparagraph (B) and insert in lieu thereof "by inserting after section 8020".

(6) In section 2832, strike out "Authority" each place it appears (other than in the caption of subsection (b)) and insert in lieu thereof "Agency".

The PRESIDING OFFICER. If there are no further amendments, without objection, the concurrent resolution, as amended, is agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the concurrent resolution, as amended, was agreed to.

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

The motion to lay on the table was agreed to.

OFFICIAL PAPERS RETURNED TO THE HOUSE OF REPRESENTATIVES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to return to the House the official papers on S. 725, pursuant to House Resolution 534, which was agreed to by the House on September 20, 1994.

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

JERRY LITTON UNITED STATES POST OFFICE BUILDING ACT

Mr. CONRAD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (H.R. 1779) to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 1779) entitled "An Act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the 'Jerry L. Litton United States Post Office Building'", with the following amendments:

Page 3, lines 3 and 4, strike out "proceeding", and insert: "preceding".

Page 4, line 3, strike out "section 1", and insert: "section 4".

Mr. CONRAD. Mr. President, I move that the Senate concur en bloc with the amendments of the House.

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

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

GUAM EXCESS LANDS TRANSFER ACT

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 496, H.R. 2144, relating to a land transfer in Guam, that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

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

Mr. JOHNSTON. Mr. President, I bring to the floor for consideration of the Senate H.R. 2144, the Guam Excess Lands Act. In 1944, following the liberation of Guam from Japanese occupation during the Pacific campaign of World War II, the United States Government established a naval base on the island. Since that time, the military situation in the region has changed, and it has become apparent that certain lands in Guam are excess to the needs of the military. H.R. 2144 would provide for the transfer of 3,200 acres of excess Department of Defense lands—a significant portion of the island—to the government of Guam for public benefit use. The transfer of this property will resolve longstanding issues in Guam, and will relieve the Department of Defense of a financial and administrative burden. The people of Guam have long awaited this transfer of land, and I urge the passage of this measure to that end.

So the bill (H.R. 2144) was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed.

BILL REFERRED TO COMMITTEE—S. 1686

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 1686, a bill to amend the Alaska Native Claims Settlement Act, and that the bill be referred to the Committee on Energy and Natural Resources.

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

PISCATAWAY NATIONAL PARK EXPANSION ACT OF 1993

Mr. CONRAD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 1703) to expand the boundaries of the Piscataway National Park, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1703) entitled "An Act to expand the boundaries of the Piscataway National Park, and for other purposes", do pass with the following amendments:

Page 1, line 4, strike out "National".

Amend the title so as to read: "An Act to expand the boundaries of Pascataway Park, and for other purposes.".

Mr. CONRAD. Mr. President, I move that the Senate concur en bloc in the House amendments.

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

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

INDIAN HEALTH SERVICES LEGISLATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 545, S. 2067, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services; that the committee amendment be agreed to, the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table; further, that any statements on this measure appear in the RECORD at the appropriate place as though read.

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

So the bill (S. 2067) was deemed read the third time, and passed, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets, and the part of the bill intended to be inserted is shown in italic.)

S. 2067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health.

(b) ASSISTANT SECRETARY OF INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services may designate.

(c) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—(1) Section 5315 of title 5, United States Code, is amended by striking the following:

"Assistant Secretaries of Health and Human Services (5).";

and inserting the following:

"Assistant Secretaries of Health and Human Services (6).".

(2) Section 5316 of such title is amended by striking the following:

"Director, Indian Health Service, Department of Health and Human Services.".

(e) CONFORMING AMENDMENTS.—(1) Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661) is amended—

(A) in the second sentence of subsection (a), by striking "a Director," and inserting "the Assistant Secretary for Indian Health,";

(B) in the fourth sentence of subsection (a), by striking "the Director" and inserting "the Assistant Secretary for Indian Health";

(C) by striking out the fifth sentence of subsection (a); and

(D) by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(2) The following provisions are amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health":

(A) Section 816(c)(1) of the Indian Health Care Improvement Act (25 U.S.C. 1680f(c)(1)).

(B) Section 2033(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(C) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377(b), (e)).

(D) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-2(d)(1)).

SEC. 2. ORGANIZATION OF INDIAN HEALTH SERVICE WITHIN DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(A) ORGANIZATION.—Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661), as amended by section 1(e)(1), is further amended—

(1) by striking out "within the Public Health Service of the Department of Health and Human Services" each place it appears and inserting "within the Department of Health and Human Services"; and

(2) in the second sentence of subsection (a), by striking out "report to the Secretary through the Assistant Secretary for Health of the Department of Health and Human Services" and inserting "report to the Secretary".

(b) CONFORMING AMENDMENT.—The section heading of such section is amended by striking the following:

"ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE";

and inserting the following:

"ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF DEPARTMENT OF HEALTH AND HUMAN SERVICES".

(c) UTILIZATION OF PUBLIC HEALTH SERVICE PERSONNEL.—[Nothing in this section shall be interpreted as terminating or otherwise modifying any authority providing for the utilization] *The Secretary shall provide for the utilization* by the Indian Health Service of officers or employees of the Public Health Service for the purposes of carrying out the responsibilities of the Indian Health Service. Any officers or employees so utilized shall be treated as officers or employees detailed to an executive department under section 214(a) of the Public Health Service (42 U.S.C. 215(a)).

THE CALENDAR

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of calendar Nos. 601, 602, 606; that the committee amendment, where appropriate, be agreed to, the bills be deemed read the third time, passed, and the motions to reconsider be laid upon the table en bloc; that the title amendment, where appropriate, be agreed to; further, that any statements relating to these calendar items appear at the appropriate place in the RECORD, and the consideration of these items appear individually in the RECORD.

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

NEW LONDON NATIONAL FISH HATCHERY ACT

The Senate proceeded to consider the bill (H.R. 3664) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, which had been reported from the Committee on Environment and Public Works, with an amendment and an amendment to the title, as follows:

(The parts of the bill intended to be inserted are shown in italic.)

H.R. 3664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF NEW LONDON NATIONAL FISH HATCHERY PRODUCTION FACILITY.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law and within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Minnesota without reimbursement all right, title, and interest of the United States in and to the property comprising the New London National Fish Hatchery production facility, located outside of downtown New London, Minnesota, including—

(1) all easements and water rights relating to that property, and

(2) all land, improvements, and related personal property comprising that production facility.

(b) USE OF PROPERTY.—All property and interests conveyed under this section shall be used by the Minnesota Department of Natural Resources for the Minnesota fishery resources management program.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property and interests conveyed under this section shall revert to the United States on any date on which any of the property or interests are used other than for the Minnesota fishery resources management program.

SEC. 2. CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA.

(a) CONVEYANCE.—The Secretary of the Interior shall convey to the State of Iowa, without reimbursement and by no later than December 31, 1994, all right, title, and interest of the United States in and to the fish hatchery described in subsection (b) for use by the State for purposes of fishery resources management.

(b) HATCHERY DESCRIBED.—The fish hatchery described in subsection (a) is the Fairport National Fish Hatchery located in Muscatine County, Iowa, adjacent to State Highway 22 west of Davenport, Iowa, including all real property, improvements to real property, and personal property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Iowa pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States.

SEC. 3. CONVEYANCE OF CORNING NATIONAL FISH HATCHERY TO THE STATE OF ARKANSAS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of the Interior shall convey to the State of Arkansas, without reimbursement and by no later than December 31, 1994, all right, title, and interest of the United States in and to the property described in subsection (b), for use by the Arkansas Game and Fish Commission as part of the State of Arkansas fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Corning National Fish Hatchery (popularly known as the William H. Donham State Fish Hatchery), located one mile west of Corning, Arkansas, on Arkansas State Highway 67 in Clay County, Arkansas consisting of 137.34 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST OF UNITED STATES.—All right, title, and interest in property described in subsection (b) shall revert to the United States if the property ceases to be used as part of the State of Arkansas fish culture program. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

Amend the title so as to read: "A bill to direct the Secretary of the Interior to transfer certain national fish hatcheries.".

The bill was ordered to a third reading, read the third time, and passed.

TIJUANA SLOUGH NATIONAL WILDLIFE REFUGE LAND CONVEYANCE

The bill (H.R. 4647) to direct the Secretary of the Interior to convey to the city of Imperial Beach, CA, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge was considered, ordered to a third reading, read the third time, and passed, as follows:

H.R. 4647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND IN TIJUANA SLOUGH NATIONAL WILDLIFE REFUGE.

(a) REQUIREMENT.—The Secretary of the Interior shall expeditiously convey to the City of Imperial Beach, California, without compensation, all right, title, and interest to the United States in and to approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge, as depicted on a United States Fish and wildlife Service map entitled "T-ball Field, Tijuana Slough National Wildlife Refuge", dated June 1994, for use as a public recreational area.

(b) REVERSIONARY INTEREST IN THE UNITED STATES.—Upon any date on which any of the land in which right, title, and interest is conveyed under subsection (a) ceases to be used by the City of Imperial Beach, California, for public recreational purposes—

(1) all such right, title, and interest shall revert to the Government of the United States; and

(2) such land shall be reincorporated into the Tijuana Slough National Wildlife Refuge.

JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT

The bill (H.R. 3679) to authorize appropriations to expand implementation

of the Junior Duck Stamp Conservation Program conducted by the U.S. Fish and Wildlife Service was considered, ordered to a third reading, read the third time, and passed, as follows:

H.R. 3679

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 "Junior Duck Stamp Conservation and Design Program Act of 1994".

SEC. 2. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior (in this Act referred to as the "Secretary") may carry out in accordance with this Act a program to be known as the "Junior Duck Stamp Conservation and Design Program" (in this Act referred to as the "Program") to accomplish the goals of—

(1) providing to school children environmental education opportunities relating to the conservation and management of migratory birds; and

(2) increasing the capacity for schools, States, and other educational programs to conduct conservation and education programs.

(b) PROGRAM FEATURES.—The Program shall consist of—

(1) conducting in all interested States the activities which on the day before the date of the enactment of this Act are conducted under the program known as the Junior Duck Stamp Conservation and Design Program;

(2) other activities authorized under the Program by this or any other Act; and

(3) any other activity necessary to carry out the conservation and education goals of the Program.

(c) EFFORT TO CONDUCT PROGRAM IN ALL STATES.—

(1) IN GENERAL.—The Secretary shall take appropriate steps to seek to conduct the Program in all of the 50 States.

(2) ANNUAL REPORT.—The Secretary shall annually submit a report to the Congress on the status of the Program in each of the 50 States.

SEC. 3. JUNIOR DUCK STAMP.

(a) COMPETITION.—As part of the Program, the Secretary may annually conduct a competition to—

(1) solicit the submission by students at elementary and secondary schools of designs relating to conservation of migratory birds; and

(2) select winning designs from among those submissions for use for licensing and marketing under subsection (b).

(b) LICENSING AND MARKETING OF DESIGN OF JUNIOR DUCK STAMPS.—As part of the Program, the Secretary may—

(1) license and market winning designs selected in competitions under subsection (a); and

(2) license and market stamps bearing those designs, which shall be known as Junior Duck Stamps.

(c) USE OF PROCEEDS FROM LICENSING AND MARKETING OF JUNIOR DUCK STAMPS AND JUNIOR DUCK STAMP DESIGNS.—Amounts received under subsection (b)—

(1) shall be available to the Secretary until expended, without further appropriations, solely for—

(A) awards and scholarships to individuals who submit designs in competitions under subsection (a), that are—

(i) selected in such a competition as winning designs; or

(ii) otherwise determined in such a competition to be superior;

(B) awards to schools and other participants to further education activities related to the conservation education goals of the Program; and

(C) expenses for licensing and marketing under subsection (b); and

(2) may not be used for administrative expenses of the Program.

SEC. 4. ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS.

The Secretary may accept and use any gift, devise, or bequest of personal property, or proceeds thereof, for the purpose of funding the activities described in section 3(c)(1)(A) and (B).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for administrative expenses of the Program $250,000 for each of the fiscal years 1995 through 2000.

SEC. 6. ENVIRONMENTAL EDUCATION CENTER AND REFUGE HEADQUARTERS AT JOHN HEINZ NATIONAL WILDLIFE REFUGE AT TINICUM.

(a) IN GENERAL.—Notwithstanding other laws and subject to subsection (b), the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may transfer to the National Fish and Wildlife Foundation the Cusano bequest.

(b) CONDITIONS OF TRANSFER.—As a condition of transferring the Cusano bequest under subsection (a), the Secretary of the Interior shall require the National Fish and Wildlife Foundation to enter into an agreement under which the Foundation is required to—

(1) solicit additional non-Federal contributions to provide a dollar for dollar match of the Cusano bequest;

(2) manage the Cusano bequest and those contributions in accordance with all applicable requirements of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.);

(3) use all amounts and proceeds from the Cusano bequest and any non-Federal contributions received pursuant to paragraph (1) for the purpose of designing and constructing a facility for an environmental education center and refuge headquarters on lands located within the John Heinz National Wildlife Refuge at Tinicum; and

(4) donate the facility to the United States Fish and Wildlife Service upon completion of its construction.

(c) CUSANO BEQUEST DEFINED.—For purposes of this section, the term "Cusano bequest" means the amounts totaling approximately $2,473,971 which were donated to the Department of the Interior in 1994 by Mr. Antonio Cusano of Crum Lynne, Pennsylvania, and includes all proceeds derived from such amounts in the period since the donation was made.

PLANT VARIETY PROTECTION ACT AMENDMENTS OF 1994

Mr. CONRAD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 1406) to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1406) entitled "An Act to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) REFERENCES TO PLANT VARIETY PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"§41. Definitions and rules of construction

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(B) METHODS.—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEED.—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) TUBER PROPAGATED.—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, the territories and possessions of the the United States, and the Commonwealth of Puerto Rico.

"(9) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NONREPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result of experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) DISTINCTNESS.—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) PUBLICLY KNOWN VARIETIES.—

"(A) IN GENERAL.—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) DESCRIPTION.—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) OTHER MEANS.—A variety may become publicly known and a matter of common knowledge by other means.".

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"§42. Right to plant variety protection; plant varieties protectable

"(a) IN GENERAL.—The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) MULTIPLE APPLICANTS.—

"(1) IN GENERAL.—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

"(2) REQUIREMENTS COMPLETED ON SAME DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) VARIETIES INDISTINGUISHABLE.—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants.".

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary.";

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new."; and

(5) in paragraph (4) (as redesignated by paragraph (3)), by inserting "(including any propagating material)" after "basic seed".

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

(3) by adding at the end the following new paragraph:

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not consitute a ground for rejecting the application or give rise to any third party right.".

SEC. 6. NOTICE OF REFUSAL; RECONSIDERATION.

The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "six months" and inserting "at least 30 days, and not more than 180 days"; and

(2) by striking "in exceptional circumstances".

SEC. 7. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a)—

(A) by designating the first through fourth sentences as paragraphs (1) through (4), respectively; and

(B) by striking paragraphs (2) and (3) (as so designated) and inserting the following new paragraphs:

"(2) If the owner so elects, the certificate shall—

"(A) specify that seed of the variety shall be sold in the United States only as a class of certified seed; and

"(B) if so specified, conform to the number of generations designated by the owner.

"(3) An owner may waive a right provided under this subsection, other than a right that is elected by the owner under paragraph (2)(A).";

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: Provided, however, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 8. PRIORITY CONTEST.

(a) PRIORITY CONTEST; EFFECT OF ADVERSE FINAL JUDGMENT OR INACTION.—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) INTERFERING PLANT VARIETY PROTECTION.—

(1) REDESIGNATION.—Section 94 of the Act (7 U.S.C. 2504) is redesignated a section 92.

(2) AMENDMENTS.—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) APPEAL OR CIVIL ACTION IN CONTESTED CASES.—

(1) TRANSFER.—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) REPEAL.—Section 73 (as amended by paragraph (1)) is repealed.

(d) CONFORMING AMENDMENTS.—

(1) Section 71 (7 U.S.C. 2461) is amended by striking "92,".

(2) Section 102 (7 U.S.C. 2532) is amended by inserting "or tuber propagable" after "sexually reproducible" each place it appears.

SEC. 9. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) in paragraph (3), by inserting ", or propagate by a tuber or a part of a tuber," after "sexually multiply";

(E) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(G) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation, except to the extent that the conditioning is related to the activities permitted under section 113;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b)(1) Subject to paragraph (2), the owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(2) In the case of a contract between a seed producer and the owner of a protected variety of lawn, turf, or forage grass seed, or alfalfa or clover seed for the production of seed of the protected variety, the producer shall be deemed to be authorized by the owner to sell such seed and to use the variety if—

"(A) the producer has fulfilled the terms of the contract;

"(B) the owner refuses to take delivery of the seed or refuses to pay any amounts due under the contract within 30 days of the payment date specified in the contract; and

"(C) after the expiration of the period specified in subparagraph (B), the producer notifies the owner of the producer's intent to sell the seed and unless the owner fails to pay the amounts due under the contract and take delivery of the seed within 30 days of such notification. For the purposes of this paragraph, the term 'owner' shall include any licensee of the owner.

"(3) Paragraph (2) shall apply to contracts entered into with respect to plant varieties protected under this Act (7 U.S.C. 2321 et seq.) as in effect on the day before the effective date of this provision as well as plant varieties protected under this Act as amended by the Plant Variety Protection Act Amendments of 1994.

"(4) Nothing in this subsection shall affect any other rights or remedies of producers or owners that may exist under other Federal or State laws.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided under this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that is sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes.".

SEC. 10. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: Provided, That" and all that follows through the period and inserting "section.".

SEC. 11. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 12. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended—

(1) by inserting "or tubers or parts of tubers" after "plant material"; and

(2) by adding at the end the following new paragraph:

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate, except that lawn, turf, or forage grass seed, or alfalfa or clover seed may be sold without a variety name unless use of the name of a variety for which a certificate of protection has been issued under this Act is required under State law.".

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) The last sentence of section 7(a) (7 U.S.C. 2327(a)) is amended by striking "his designee shall act as chairman" and inserting "the designee of the Secretary shall act as chairperson".

(b) Section 10(a) (7 U.S.C. 2330(a)) is amended by striking "he" and inserting "the Secretary".

(c) Section 23 (7 U.S.C. 2353) is amended—

(1) in the second sentence, by striking "he" and inserting "the officer"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(d) Section 24 (7 U.S.C. 2354) is amended—

(1) in the first sentence of subsection (a), by striking "him" and inserting "the witness"; and

(2) in the second sentence of subsection (c)—

(A) by striking "this fees and traveling expenses" and inserting "the fees and traveling expenses of the witness"; and

(B) by striking "him" and inserting "the witness".

(e) The last sentence of section 27 (7 U.S.C. 2357) is amended by striking "he" each place it appears and inserting "the person".

(f) The first sentence of section 44 (7 U.S.C. 2404) is amended by striking "he" and inserting "the Secretary".

(g) Section 53 (7 U.S.C. 2423) is amended—

(1) in subsection (a), by striking "one (or his successor)" and inserting "one person (or the successor of the person)"; and

(2) in subsection (b), by striking "he" and inserting "the Secretary".

(h) Section 54 (7 U.S.C. 2424) is amended by striking "his successor in interest" and inserting "the successor in interest of the breeder".

(i) Section 55 (7 U.S.C. 2425) is amended—

(1) in subsection (a)(2) (as redesignated by section 5(1)), by striking "his application" and inserting "the application filed in the United States"; and

(2) in subsection (b), by striking "his predecessor in title" and inserting "the predecessor in title of the person".

(j) The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "him" and inserting "an applicant";

(2) by striking "an applicant shall" and inserting "the applicant shall"; and

(3) by striking "he" and inserting "the Secretary".

(k) The second sentence of section 72 (7 U.S.C. 2462) is amended by striking "his variety as specified in his application" and inserting "the variety as specified in the application".

(l) Section 82 (7 U.S.C. 2482) is amended by striking "his signature" and inserting "the signature of the Secretary".

(m) Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a) (as amended by section 7(1)(A))—

(A) in paragraph (1), by striking "(or his successor in interest) his heirs and assignees" and inserting "(or the successor in interest of the breeder)"; and

(B) in paragraph (4), by striking "his discretion" and inserting "the discretion of the Secretary"; and

(2) in subsection (c), by striking "he" and inserting "the last owner".

(n) Section 86 (7 U.S.C. 2486) is amended—

(1) in the first sentence, by striking "him" and inserting "the Secretary"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(o) Section 91(c) (7 U.S.C. 2501(c)) is amended by striking "he" and inserting "the Secretary".

(p) The fourth sentence of section 92(b) (as transferred by section 8(c)(1)) is amended by striking "he" and inserting "the Secretary".

(q) The first sentence of section 111(f) (as redesignated by section 9(2)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

(r) Section 112 (7 U.S.C. 2542) is amended by striking "his successor in interest" and inserting "the successor in interest of the person".

(s) Section 113 (7 U.S.C. 2543) is amended—

(1) in the first sentence—

(A) by striking "him" and inserting "the person"; and

(B) by striking "his farm" and inserting "the farm of the person"; and

(2) in the third sentence, by striking "his actions" and inserting "the actions of the purchaser".

(t) Section 121 (7 U.S.C. 2561) is amended by striking "his".

(u) Section 126(b) (7 U.S.C. 2566(b)) is amended by striking "his" and inserting "the".

(v) Section 128(a) (7 U.S.C. 2568(a)) is amended by striking "he" and inserting "the Secretary".

(w) Section 130(a) (7 U.S.C. 2570(a)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

SEC. 14. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Except as provided in this section, any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) APPLICATIONS REFILED.—

(1) IN GENERAL.—An applicant may refile a pending application on or after the effective date of this Act.

(2) EFFECT OF REFILING.—If a pending application is refiled on or after the effective date of this Act—

(A) eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act; and

(B) for purposes of section 42 of the Plant Variety Protection Act, as amended by section 3 of this Act, the date of filing shall be the date of filing of the original application.

(c) LABELING.—

(1) IN GENERAL.—To obtain the protection provided to an owner of a protected variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) (as amended by this Act), a notice given by an owner concerning the variety under section 127 of the Plant Variety Protection Act (7 U.S.C. 2567) shall state that the variety is protected under such Act (as amended by this Act).

(2) SANCTIONS.—Any person that makes a false or misleading statement or claim, or uses a false or misleading label, concerning protection described in paragraph (1) shall be subject to the sanctions described in section 128 of the Plant Variety Protection Act (7 U.S.C. 2568).

SEC. 15. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

Mr. CONRAD. I move the Senate concur in the House amendment to the Senate bill.

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Chairman LEAHY of Vermont from the Department of Agriculture regarding the Plant Variety Protection Act.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, August 19, 1994.

Hon. PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: This is to respond to your request for the Department's position on S. 1406, to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory.

The Department recommends passage of S. 1406 as approved by the House of Representatives on August 12, 1994.

In the United States, one effective form of protecting new plant varieties that are reproduced by seed is by means of the Plant Variety Protection Act (PVPA). To afford our plant breeders protection in other countries as well, the United States became a member of the 1978 Act of the UPOV Convention, in 1981. After several years of extended negotiations, the UPOV Convention was significantly revised in 1991 to provide plant breeders with improved protection for innovative plant varieties. The United States is a signatory to the 1991 Act of the UPOV Convention; and, this legislation, if enacted, will enable the United States to adhere or become party to the 1991 version through ratification.

Major provisions include: (1) prohibiting the unauthorized sale of seed by farmers to others: (2) establishing a category of "essentially derived varieties"; (3) using date of filing for protection as the basis for determining eligibility for protection; (4) requiring that protected varieties be sold by variety name only (with a narrow exemption provided for lawn, turf, or forage grass seed, alfalfa, or clover seed); (5) extending protection to first generation hybrids; (6) extending the period of protection from 18 to 20 years for most crops and from 18 to 25 years for trees and vines; and (7) expanding the scope of protection. Each of these changes are needed to conform the PVPA to the 1991 Act of the UPOV Convention. In addition, and at the request of the potato industry, provision is made for including tuber-propagated varieties within the scope of the PVPA.

If enacted, this legislation will enable the United States to deposit its instrument of ratification, thereby adhering to the 1991 Act of the UPOV Convention.

The Office of Management and Budget advises that there is no objection to the presentation of the report from the standpoint of the Administration's program.

Sincerely,

RICK ROMINGER,
(for Mike Espy, Secretary).

CRIME PREVENTION MONTH

Mr. CONRAD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 363, and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read the third time, passed, and the motion to reconsider laid upon the table; that the preamble be agreed to, and that any statements appear in the RECORD as if read.

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

So the joint resolution (H.J. Res. 363) was deemed read the third time, and passed.

The preamble was agreed to.

THE USE OF AVAILABLE FUNDS BY THE ENERGY COMMITTEE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Rules Committee be discharged from the immediate consideration of Senate resolution 256, a resolution relating to the use of available funds by the Energy Committee; that the Senate proceed to its immediate consideration; that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 256) was agreed to, as follows:

S. RES. 256

Resolved, That section 9(c) of the Omnibus Committee Funding Resolution for 1993 and 1994 (S. Res. 71; 103d Congress, 1st Session) is amended by adding before the period the following: "of which amount not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended)".

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no objection, morning business is now closed.

HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1993—MESSAGE FROM THE HOUSE

Mr. CONRAD. Mr. President, I ask the Chair to lay before the Senate a message from the House on S. 3, entitled the "Congressional Spending Limit and Election Reform Act of 1993."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 3) entitled "An Act entitled the 'Congressional Spending Limit and Election Reform Act of 1993,'" do pass with amendments.

The Senate resumed consideration of the message from the House.

CLOTURE MOTION

Mr. CONRAD. Mr. President, I send to the desk a cloture motion on the motion to disagree and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to disagree to the House amendments to the Senate bill, S. 3, the Campaign Finance Reform Act:

David Boren, Wendell Ford, Harlan Mathews, John Glenn, Paul Simon, Barbara Mikulski, Don Riegle, Frank R. Lautenberg, Claiborne Pell, Joseph Lieberman, Charles S. Robb, Chris Dodd, John F. Kerry, Tom Harkin, Barbara Boxer, David Pryor, Daniel K. Akaka.

Mr. CONRAD. Mr. President, I ask unanimous consent that with respect to this cloture motion the mandatory live quorum required under rule XXII be waived.

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

MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate return to morning business with Senators permitted to speak therein.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON PROGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF THE RUSSIAN FEDERATION—PM 146

The PRESIDING OFFICER laid before the Senate a message from the President of the United States with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit a report concerning the emigration laws and policies of the Russian Federation as required by subsections 402(b) and 409(b) of Title IV of the Trade Act of 1974, as amended (the "Act"). I have determined that the Russian Federation is in full compliance with the criteria in subsections 402(a) and 409(a) of the Act. As required by Title IV, I will provide the Congress with periodic reports regarding the Russian Federation's compliance with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1994.*

MESSAGES FROM THE HOUSE

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, each with an amendment, in which it requests the concurrence of the Senate:

S. 716. An act to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes.

S. 2406. An act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4307. An act to amend title 35, United States Code, with respect to applications for process patents, and for certain other purposes.

The message also announced that the House has agreed to H. Res. 534 to correct the engrossment of the amendment of the House of Representatives to the bill (S. 725) to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Education and Labor, for consideration of the House bill and the Senate amendment (except for sections 601–603 and 801–805), and modifications committed to conference: Mr. FORD of Michigan, Mr. KILDEE, Mr. WILLIAMS, Mr. OWENS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mrs. UNSOELD, Mrs. MINK of Hawaii, Mr. REED, Mr. ROEMER, Mr. ENGEL, Mr. BECERRA, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. ROMERO-BARCELÓ, Ms. ENGLISH of Arizona, Mr. STRICKLAND, Mr. UNDERWOOD, Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BALLENGER, Ms. MOLINARI, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. MCKEON, and Mr. MILLER of Florida.

From the Committee on Education and Labor, for consideration of sections 601–603 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. OWENS, Mr. PAYNE of New Jersey, Mr. FAWELL, and Mr. BALLENGER.

From the Committee on Education and Labor, for consideration of sections 801–805 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. WILLIAMS, Mr. SAWYER, Mr. PETRI, and Mr. GUNDERSON.

From the Committee on Agriculture, for consideration of sections 801–805 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. STENHOLM, and Mr. ROBERTS.

From the Committee on Ways and Means, for consideration of sections 601–603 of the Senate amendment, and modifications committed to conference: Mr. GIBBONS, Mr. FORD of Tennessee, and Mr. ARCHER.

The message also announced that under the authority granted in clause 6 of rule X, the Speaker makes the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes:

As an additional conferee from the Committee on Education and Labor, for consideration of the House bill and the Senate amendment (except sections 601–603 and 801–805), and modifications committed to conference: Mr. MILLER of California.

MEASURES REFERRED

The following bills were read the first and second times, by unanimous consent, and referred as indicated:

H.R. 4192. An act to designate the United States Post Office located at 100 Veterans Drive in Saint Thomas, Virgin Islands, as the "Arturo R. Watlington, Sr. United States Post Office"; to the Committee on Government Affairs;

H.R. 4193. An act to designate the United States Post Office located at 100 Vester Gade, in Cruz Bay, Saint John, Virgin Islands, as the "Ubaldina Simmons United States Post Office"; to the Committee on Government Affairs;

H.R. 4194. An act to designate the United States Post Office located in the Tutu Park Mall in Saint Thomas, Virgin Islands, as the "Earle B. Ottley United States Post Office"; to the Committee on Governmental Affairs;

H.R. 4452. An act to designate the Post Office building at 115 West Chester in Ruleville, Mississippi, as the "Fannie Lou Hamer United States Post Office"; to the Committee on Governmental Affairs;

H.R. 4541. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa; to the Committee on Foreign Relations;

H.R. 4551. An act to designate the Post Office building located at 301 West Lexington in Independence, Missouri, as the "William J. Randall Post Office"; to the Committee on Governmental Affairs;

H.R. 4571. An act to designate the United States Post Office located at 103–104 Estate Richmond in Saint Croix, Virgin Islands, as the "Wilbert Armstrong United States Post Office"; to the Committee on Governmental Affairs; and

H.R. 4950. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill, received from the House of Representatives for concurrence on September 19, 1994, and remaining undisposed of, was read the first and second times by unanimous consent and placed on the calendar:

H.R. 4308. An act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3318. A communication from the Secretary of Defense, transmitting, pursuant to law, a report related to the report on program activities for facilitation of weapons destruction and nonproliferation in the

Former Soviet Union; to the Committee on Armed Services.

EC-3319. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Belarus Environmental Restoration Project; to the Committee on Armed Services.

EC-3320. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to a joint research and development program with the Former Soviet Union; to the Committee on Armed Services.

EC-3321. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report on future career management systems for U.S. military officers; to the Committee on Armed Services.

EC-3322. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report on savings associations; to the Committee on Banking, Housing, and Urban Affairs.

EC-3323. A communication from the Assistant to the President (Economic Policy), transmitting, pursuant to law, a report entitled "Whether Foreign Governments or Companies Have a Coordinated Strategy to Acquire U.S. Critical Technology Companies and Whether Foreign Governments Use Espionage Activities to Obtain Commercial U.S. Critical Technology Secrets"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3324. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of the streamlining plan; to the Committee on Commerce, Science, and Transportation.

EC-3325. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of the Board's budget submission for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-3326. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of claims activity during calendar year 1993; to the Committee on Commerce, Science, and Transportation.

EC-3327. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC-3328. A communication from the Acting Assistant General Counsel (International and Legal Policy), Department of Energy, the notice of a meeting of the Industry Advisory Board of the International Energy Agency; to the Committee on Energy and Natural Resources.

EC-3329. A communication from the Deputy Associate Director for Compliance, Minerals Management Service (Royalty Management Program), Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3330. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on certain genetically modified microbial pesticides; to the Committee on Environment and Public Works.

EC-3331. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to abnormal occurrences at licensed facilities for the period January 1 through March 31, 1994; to the Committee on Environment and Public Works.

EC-3332. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report on the Atlantic Intracoastal Waterway Bridge Replacement at Great Bridge Chesapeake, Virginia; to the Committee on Environment and Public Works.

EC-3333. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of a plan for a new disability claim process; to the Committee on Finance.

EC-3334. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access"; to the Committee on Finance.

EC-3335. A communication from the President of the United States, transmitting, consistent with the War Powers Resolution, a report on Haiti; to the Committee on Foreign Relations.

EC-3336. A communication from the Acting Administrator of the U.S. Agency For International Development, transmitting, pursuant to law, the report of the Development Assistance Program allocations for fiscal year 1994; to the Committee on Foreign Relations.

EC-3337. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report to the United Nations on the Status of Women from 1985 through 1994; to the Committee on Foreign Relations.

EC-3338. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the report entitled "Arms Control, Nonproliferation and Disarmament Studies Completed in 1993"; to the Committee on Foreign Relations.

EC-3339. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on entities that have not submitted audit reports to the Federal Audit Clearinghouse for fiscal years 1991 and 1992; to the Committee on Governmental Affairs.

EC-3340. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on the implementation of the Computer Matching and Privacy Protection Act of 1988 for calendar year 1991; to the Committee on Governmental Affairs.

EC-3341. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report entitled "Temporary Federal Employment: In Search of Flexibility and Fairness"; to the Committee on Governmental Affairs.

EC-3342. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Review of Public Service Commission Agency Fund Deposits and Expenditures for fiscal years 1992 and 1993"; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1995" Rept. No. 103-370).

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1216. A bill to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation (Rept. No. 103-371).

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. DANFORTH (for himself, Mr. BOREN, Mr. WALLOP, Mr. PRYOR, Mr. GRASSLEY, Mr. BAUCUS, Mr. CHAFEE, Mr. RIEGLE, Mr. ROTH, Mr. DASCHLE, and Mr. BREAUX):

S. 2445. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Finance.

By Mr. CRAIG:

S. 2446. A bill for the relief of Pyonghui Gonion Arrington; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2447. A bill to authorize a certificate of documentation for the vessel *Lady Hawk*; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. HEFLIN, and Mr. CRAIG):

S. 2448. A bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 2449. A bill to modify the estate recovery provisions of the medicaid program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURENBERGER, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATHEWS, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. SPECTER, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 220. A joint resolution to designate October 19, 1994, as "National Mammography Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 263. A resolution to express the sense of the Senate condemning the cruel and tortuous practice of female genital mutilation; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. BAUCUS, Mr. BINGAMAN, Mr. DASCHLE, Mr. DeCONCINI, Mr. DOMENICI, Mr. DORGAN, Mr. FEINGOLD, Mr. GORTON, Mrs. KASSEBAUM, Mr. KOHL, Mr. LEVIN, Mr. PRESSLER, Mr. RIEGLE, Mr. SIMON, and Mr. WELLSTONE):

S. Res. 264. A resolution expressing the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education and foster the advancement of the National Education Goals for Indians; to the Committee on Indian Affairs.

By Mr. BROWN (for himself and Mr. DeCONCINI):

S. Res. 265. A resolution to express the sense of the Senate concerning District Council elections in Hong Kong on September 18, 1994; to the Committee on Foreign Relations.

By Mr. BROWN:

S. Res. 266. A resolution to express the sense of the Senate concerning the future commitment of U.S. military forces overseas; to the Committee on Foreign Relations.

S. Res. 267. A resolution concerning the withdrawal of United States troops from Haiti; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH (for himself, Mr. BOREN, Mr. WALLOP, Mr. PRYOR, Mr. GRASSLEY, Mr. BAUCUS, Mr. CHAFEE, Mr. RIEGLE, Mr. ROTH, Mr. DASCHLE, and Mr. BREAUX):

S. 2445. A bill to amend the Internal Revenue Code of 1986 to limit the applicability of the generation-skipping transfer tax; to the Committee on Finance.

THE GENERATION-SKIPPING TRANSFER TAX ACT OF 1994

• Mr. DANFORTH. Mr. President, I am pleased to join with my colleagues, Senators BOREN, WALLOP, PRYOR, GRASSLEY, BAUCUS, CHAFEE, RIEGLE, ROTH, DASCHLE, and BREAUX, to introduce a bill to correct minor flaws in the generation-skipping transfer tax [GSTT] law which we believe were unintentionally overlooked by Congress at the time of enactment and subsequent amendment.

Every year the need for charitable services seems to increase. Thus, it is imperative that the tax law not discourage charitable giving unless absolutely necessary to advance other goals of tax policy. Unfortunately, a needless disincentive to charitable giving exists in a part of the generation-skipping transfer tax law.

The principle behind the GSTT is to ensure that Federal tax is not avoided when property is enjoyed and then transferred from one generation to others. Current law provides that GSTT is imposed on gifts or bequests from, for example, grandparents to grandchildren. However, a grandchild may move-up a generational level if the grandchild's parent predeceases the grandchild. Thus, the gift or bequest would not be subject to the GSTT. This move-up exception is extremely important because the combined application of the GSTT and estate or gift tax is severe: an effective tax rate of almost 80 percent.

Unfortunately, the exception is not extended to transfers to collateral descendants even though there is no tax avoidance purpose. Thus, the law discriminates against gifts or bequests to grandnieces and grandnephews, even when the grandparent has no living lineal descendants.

In addition, under current law a gift or bequest transferred through a trust, that provides income to a charity and then distributes the trust property to a grandchild, would be taxable under the GSTT provisions. Congress has recognized that such trusts are a desirable mechanism to encourage transfers to charities. Thus, the GSTT should not produce dramatically different results based upon the manner in which the transferor chooses to benefit the charity.

Our bill focuses on the so-called move-up exception. The changes we propose would apply to terminations, distributions and transfers occurring after the bill's enactment. These terminations, distributions, and transfers are those which would be generation-skipping transfers and subject to the GSTT except for the application of the move-up exception as amended by this legislation.

First, we propose that the move-up exception include collateral descendants, such as grandnieces and grandnephews. Thus, gifts or bequests to such descendants would not be subject to the GSTT.

Second, we propose that the move-up exception include certain transfers to trusts. Despite Congress' clear intention in the 1986 GSTT amendments to make the application of the law uniform regardless of how property is transferred, the move-up exception is limited to direct gifts and bequests only, and is not available for transfers through a trust. We are particularly concerned that this has the effect of strongly discouraging individuals whose direct gifts or bequests would otherwise be covered by the move-up exception from establishing a charitable trust before distributing property to family members. Such trusts are important sources of support for many types of charities.

In addition to widespread constituent support for our bill, the administration stated that the legislation is fully consistent with the purpose of the predeceased parent exclusion. Indeed, the provisions of this bill were raised during a hearing in the Subcommittee on Select Revenue Measures of the Ways and Means Committee. It was one of four proposals that the Treasury Department did not oppose and that Members seemed to receive favorably.

Moreover, the changes we propose have been recommended as worthwhile technical corrections by members of the real property, probate, and trust law section of the American Bar Association.

Mr. President, I urge my fellow Senators to support this bill. A companion bill, H.R. 4326, was introduced in the House of Representatives on May 3, 1994, by Congressman BREWSTER from Oklahoma with Congressmen HOUGHTON, GEPHARDT, SHAW, and KOPETSKI as well. We welcome other Senators as cosponsors of this bill.•

By Mr. STEVENS:

S. 2447. A bill to authorize a certificate of documentation for the vessel *Lady Hawk;* to the Committee on Commerce, Science, and Transportation.

"LADYHAWK" VESSEL DOCUMENTATION ACT OF 1994

• Mr. STEVENS. Mr. President, today I am introducing a bill to provide a certificate of documentation for the vessel *Lady Hawk*, U.S. Official No. 961095.

The *Lady Hawk* is owned by Ms. Joan Dunn of Seldovia, AK.

The vessel was built in Little Falls, MN, in 1989.

The first owners of the vessel—a married couple—were thought to be U.S. citizens, and a certificate of documentation for the *Lady Hawk* was issued in June 1990.

In November 1990, Ms. Joan Dunn purchased the *Lady Hawk* from the original owners, with the intent to eventually use it as a charter fishing vessel.

On November 11, 1993, Ms. Dunn received notice from the Coast Guard that one of a married couple who originally owned the vessel was, in fact, a Canadian citizen, and that the certificate of documentation for the *Lady Hawk* was therefore invalid.

The Coast Guard determined that Ms. Dunn was a bona fide purchaser in good faith, and informed her that it was pursuing penalty action against the former owner, but that the certificate of documentation for the *Lady Hawk* was nevertheless invalid.

The bill I am introducing today would grant a Jones Act waiver to Ms. Dunn for the vessel *Lady Hawk*. Ms. Dunn, through no fault of her own, cannot use this vessel for fishing charters or other coastwise trade without this waiver.•

By Mr. SHELBY (for himself, Mr. HEFLIN and Mr. CRAIG):

S. 2448. A bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of U.S. citizens and permanent resident aliens; to the Committee on the Judiciary.

IMMIGRATION MORATORIUM ACT OF 1994

• Mr. SHELBY. Mr. President, the United States has long been known as a nation of immigrants. It is said that much of our country's greatness—its strength, historically—is due to the unique, diverse, and rich mix of its social makeup. I couldn't agree more with this characterization. And I couldn't agree more about the important impact immigration holds for the future welfare of our country.

But, Mr. President, the time has come for us to separate our nostalgia for immigration from today's harsher realities. Today, our national interest and the quality of life of many U.S. citizens is being undermined by excessive immigration.

While immigration has helped in the past, times and circumstances have changed. Unless we significantly reduce today's excessive levels of immigration we will continue to increase the temperature on this country's already highly pressurized social and economic condition.

Mr. President, for a country—for a nation of immigrants—that has absorbed wave after wave of immigrants throughout its history, you would think that we would have a carefully crafted policy on immigration that serves our national interests. In fact, however, we do not.

Instead, we have a hodgepodge of annual limits for legal immigration and no effective way of controlling a tide of illegal entrants every year. Indeed, our inability to formulate a comprehensive and effective policy to deal with illegal immigration only highlights the absolute failure of our policy on legal admissions.

Mr. President, our immigration problems are not limited to simply controlling our borders against illegal aliens. It is much broader than that. Most people are shocked to learn that illegal immigration is far less than the amount of legal immigrants we admit to this country.

We're concerned about approximately 300,000 people who emigrate here illegally when—at the same time—we are voluntarily admitting close to 1 million every year.

Mr. President, immigration levels, legal and illegal, are out of control and exceed historical numbers. We admit more legal immigrants today than we did during the Great Wave from 1880 to 1924. Moreover, our legal limits are more like targets than actually restrictions. What good are legal limits that are easily waived, paroled, or amnestied and an immigration policy so easily held hostage to foreign demands to increase the amount of refugees allowed to enter the United States legally?

What do the numbers matter, if every time we are faced with a refugee crisis, like Haiti and Cuba, we end up raising or disregarding the limits by adopting questionable administrative interpretations of existing laws or paroling those who are not entitled to enter legally under our current scheme. Mr. President, the refugee threat is a real one because the United States is already accepting more immigrants than it can absorb each year.

The United States cannot continue at current immigration levels without compromising the quality of life of every American citizen. Lower wages, excessive demands on social, medical, and welfare services are all products of a failed immigration policy.

States and local governments can barely keep up with the Federal Government's promise of a better life for the million or so immigrants that flock here each year. Already States are bringing suit against the Federal Government seeking reimbursement for billions of dollars in immigration-related costs.

Mr. President, the demands of our society are growing far apace of our ability as a government and an economy to satisfy them. Promising better health care and more responsive welfare programs are high on the administration's agenda of needed changes.

But, Mr. President, we must change our immigration policy if we are to effectively deal with these greater issues. Reforming health care and welfare includes creating entirely new entitlement programs and yet we cannot control how many people may be entitled to programs like AFDC or Medicaid or proposed health insurance subsidies because we can't control our borders.

How can we accurately gage the cost of these programs and the value and success of reforming if we cannot control how many people may be entitled to the benefits that they promise?

A comprehensive solution to our immigration policy problems is certainly what we need. Senators REID and SIMPSON have introduced bills designed to help establish such a framework for reform. I support their efforts and hope to work with them in achieving such necessary change.

In the interim, however, we must act. We must answer the demands being placed on our system today. Mr. President, we can do this by lowering how many people we allow into this country legally. We can do this by establishing a 5-year moratorium on what we definitely can control—legal admissions.

While providing only a temporary response to a long-term problem, a 5-year moratorium would nonetheless allow existing immigrants to assimilate and provide Congress sufficient time to address more comprehensive reform.

Under my moratorium bill, spouses and minor children of U.S. citizens would continue to be allowed without limit. In recent years, this amount has remained at about 175,000 per year. This would leave about 150,000 annual admission slots under the moratorium's 325,000 immigrant cap.

These would go to refugees—50,000, highly skilled and priority workers—50,000, and to other relatives of U.S. citizens and permanent resident aliens on current admissions lists—50,000.

Mr. President, I believe this is a responsible and effective way to deal with a problem that overwhelms us more every day. It is important to every American and every person who would like to be an American some day to maintain a healthy and prosperous economy and a diverse, but harmonious society.

The reality of the situation is this: A lifeboat can only hold so many people before it too becomes a sinking ship. Mr. President, I submit our lifeboat—the U.S. lifeboat—is taking on water.

A moratorium will ease that circumstance and allow us as a nation to continue to provide the kind of safe haven that has encouraged individuals in the thousands to take to rafts to reach our shores.

Mr. President, similar proposals have already been introduced in the House of Representatives and are supported by close to 100 Members. I would encourage my colleagues to give this proposal similar support and consideration.•

By Mr. FEINGOLD:

S. 2449. A bill to modify the estate recovery provisions of the Medicaid Program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes; to the Committee on Finance.

MEDICAID PROGRAM ESTATE RECOVERY MODIFICATION ACT OF 1994

• Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation today to eliminate the current mandate on states to place liens on the homes and estates of older Medicaid beneficiaries receiving home and community long-term care services, and to provide more than adequate funding for that change by establishing a certificate of need process to regulate the growth of federally funded nursing home beds.

Altogether, according to the Congressional Budget Office, the measure should generate $365 million in savings over the next 5 years.

As part of last year's Omnibus Budget Reconciliation Act of 1993 [OBRA 93], language was included relating to States recovering Medicaid payments from the estates of beneficiaries, for certain services to people over age 55. The Health Care Finance Administration has interpreted OBRA 93 to mandate the recovery of, among other

things, home and community based long-term care services and related hospital and prescription drug services. Unless changed, States will have no alternative but to implement the mandate.

In the past, States have had the option of recovering payments for those services from the estates of beneficiaries, but in some cases, at least, have chosen not to do so.

Mr. President, in Wisconsin, estate recovery for home and community-based long-term care services was implemented briefly in 1991, but was terminated because of the outcry of caseworkers and consumers. In fact the Coalition of Wisconsin Aging Groups documented cases of consumers refusing community-based care because of their fear of estate recovery or the placement of a lien on their homes.

As the coalition has pointed out, the resulting lack of long-term care could have led to earlier and more costly need for institutional care. The State opted to implement estate recovery only on nursing home care and related services, where, as a practical matter, the potential for estate recovery and liens on homes are much less of a barrier to services.

Indeed, just as we should provide financial incentives to individuals to use more cost-effective care, so too should we consider financial disincentives for more costly alternatives. A recent study in Wisconsin showed that two Medicaid waiver programs saved $17.6 million in 1992 by providing home and community-based alternatives to institutional care. In that context, including the more expensive institutional care alternatives in the estate recovery mandate makes good sense, and my legislation would not change that portion of the law.

Mr. President, the proposed estate recovery for home and community care stemming from OBRA 93 is particularly troubling with the prospect of a home and community-based long-term care program outside of Medicaid—one which will not require liens and other disincentives to care. The Clinton plan, or any plan like it, can provide similar home and community services, possibly even more flexible and consumer oriented services, than the Medicaid alternatives without the need to sign one's house away. If the estate recovery language of OBRA 93 is not clarified, we could have a dual system of home and community care, one providing services without a lien on one's property, the other imposing them. In fact, because Medicaid is targeted at those with lowest income and assets, it will be the disabled poor who will have liens on their homes, while those who are better off, and under the new benefit, will not be so restricted.

The prospect of estate recovery requirements is not a happy one for program administrators either. States, counties, and nonprofit agencies, administrators of Medicaid services, are ill-equipped to be real estate agents. And there were no provisions included in OBRA 93 to provide the additional funding necessary to administer such a program.

Divestment concerns, already a problem, will continue to grow as pressure to utilize existing loopholes increases. Worse, as the coalition has pointed out, children who feel "entitled to inheritance" might force transfers, constituting elder abuse in some cases.

Finally, Mr. President, there is a very real question of age discrimination with the estate recovery provisions of OBRA 93. Only individuals over age 55 are subject to estate recovery. Such age-based distinctions border on age discrimination and ought to be minimized.

All in all, the estate recovery provisions of OBRA 93, as interpreted by HCFA, will generate little additional revenue, is likely to produce more expensive utilization of Medicaid services, will cause an administrative nightmare for State and local government, will aggravate the divestment problem, may result in increased elder abuse, and could well be age discrimination.

The proposed legislation modifies the estate recovery provisions of OBRA 93 to clarify that States may pursue recovery of the cost of Medicaid home and community-based long-term care services from the estates of beneficiaries, but that States are not required to do so.

Though many long-term care experts maintain that mandating estates recovery for home and community-based long-term care services will only lead to increased utilization of more expensive institutional alternatives, and thus increased cost to Federal taxpayers, my proposal has been officially scored as a revenue loss of $20 million in the first year and $260 million over 5 years.

Given the continuing need to lower our Federal budget deficit, I feel strongly that we should fully fund any proposed major expenditure, and to that end, I have included language which will produce more than enough savings to offset the change to the Medicaid estate recovery provisions.

That provision regulates the growth in the number of nursing home beds eligible for Federal funding through Medicaid, Medicare, or other Federal programs by requiring providers to obtain a certificate of need [CON] to operate additional beds. For any specified area, States would issue a CON only if the ratio of the number of nursing home beds to the population that is likely to need them falls below guidelines set by the State and subject to Federal approval.

This approach allows new nursing home beds to operate where there is a demonstrated need, while limiting the potential burden on the taxpayer where no such need has been established.

Slowing the growth of nursing home beds is critical to reforming the current long-term care system. In Wisconsin, limiting nursing home bed growth has been central to the success of the long-term care reforms initiated in the early 1980's. While the rest of the country experienced a 24 percent increase in Medicaid nursing home bed use during the 1980's, Wisconsin saw Medicaid nursing home bed use decline by 19 percent.

The certificate of need provision is far more modest than the absolute cap on nursing home beds adopted in Wisconsin, and recognizes that there needs to be some flexibility to recognize the differences of long-term care services among States. It is also consistent with the kind of long-term care reform proposed by President Clinton and others.

Certainly, our ability to reform long-term care will depend not only on establishing a consumer-oriented, consumer-driven home and community-based benefit that is available to the severely disabled of all ages, but also on establishing a more balanced and cost-effective allocation of public support of long-term-care services by eliminating the current bias toward institutional care.

An analysis by the Congressional Budget Office estimated the lost revenue from eliminating the State mandate on home- and community-based services at $20 million in the first year, and $260 million over 5 years. However, in their spending and revenue options document for 1994, CBO estimates that the proposed regulation of nursing home bed growth would generate savings of $35 million in the first year, and $625 million over 5 years. The combined effect of this proposal, then, would be to generate about $15 million in savings in the first year, and $365 million over 5 years.

Mr. President, taken together, the change in the estate recovery provisions and the slowing of nursing home bed growth, these two provisions will help shift the current distorted Federal long-term-care policy away from the institutional bias that currently exists and toward a more balanced approach that emphasizes home- and community-based services.

This is the direction that we will need to take if we are to achieve significant long-term-care reform.

Mr. President, I ask unanimous consent that the text of the legislation as well as a letter from the Coalition of Wisconsin Aging Groups be printed in the RECORD.

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

S. 2449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAID ESTATE RECOVERIES.

Section 1917(b)(1)(B) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B) is amended by striking "consisting of—" and all that follows and inserting the following: "consisting of—

"(i) nursing facility services and related hospital and prescription drug services; and

"(ii) at the option of the State, any additional items or services under the State plan.".

SEC. 2. REQUIRING STATES TO REGULATE GROWTH IN THE NUMBER OF NURSING FACILITY BEDS.

(a) IN GENERAL.—A nursing facility shall not receive reimbursement under the medicare program under title XVIII of the Social Security Act, the medicaid program under title XIX of such Act, or any other Federal program for services furnished with respect to any beds first operated by such facility on or after the date of the enactment of this Act unless a certificate of need is issued by the State with respect to such beds.

(b) ISSUANCE OF CERTIFICATE.—A certificate of need may be issued by a State with respect to a geographic area only if the ratio of the number of nursing facility beds in such area to the total population in such area that is likely to need such beds is below the ratio included in guidelines that are established by the State and approved by the Secretary under subsection (c).

(c) APPROVAL OF GUIDELINES.—The Secretary shall promulgate regulations under which States may submit proposed guidelines for the issuance of certificates of need under subsection (b) for review and approval.

COALITION OF WISCONSIN AGING GROUPS,
Madison, WI, September 20, 1994.

Hon. RUSSELL FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: I am writing to indicate our strong support for your bill to permit, rather than mandate, states to implement estate recovery programs for Medicaid services other than nursing facility services and related hospital and prescription drug services.

As you know we are extremely concerned about the federal law which will require Wisconsin to implement estate recovery for home- and community-based long-term care services in April, 1995. Our concern is based on real experience not abstract thinking. Wisconsin implemented estate recovery for home- and community-based services and it was a disaster. We documented numerous cases of people refusing needed services because they did not want the state to take a lien on their homes. Refusing needed community services is likely to hasten the need for more expensive nursing home care which will be paid for by state and federal funds under the Medicaid program.

As a matter of public policy we should be encouraging the use of less expensive, more desirable home- and community-based care and discouraging the use of more expensive institutional care. Your bill does that by requiring estate recovery for institutional care and requiring states to regulate the number of nursing home beds through a state-administered certificate of need process. I believe your bill will encourage more states to do what Wisconsin, Oregon and Washington have done; i.e., reduce nursing home utilization through a policy of controlling institutional growth and expanding the use of home- and community-based services. These states have been very successful according to an August, 1994 GAO report entitled "Medicaid Long-Term Care—Successful State Efforts to Expand Home Services While Limiting Costs."

Our organization has never opposed Medicaid estate recovery for nursing home services because we believe it does not create a disincentive (i.e., people already have a strong desire to avoid institutionalization), and we understand that public funds alone cannot meet the large and increasing costs of nursing facilities. But requiring estate recovery for home- and community-based services may have the unintended consequence of being more expensive as the growing elderly population receives long-term care services in nursing homes instead of their own homes.

States have been very effective and creative in providing home- and community-based services as an alternative to institutional care. Your bill will allow states the flexibility of continuing to be creative in meeting the long-term care needs of their elderly populations by requiring estate recovery for institutional care, but giving states the option of implementing estate recovery for other Medicaid services. Some states are likely to pursue estate recovery for other services but, based on our experience in Wisconsin, the Governor and the legislature repealed estate recovery for community-based services as soon as they saw the negative impact. Your bill will allow states the flexibility to make changes when the circumstances indicate a need for change rather than being required to implement a policy even when it is clearly not in the best interest of the state or its citizens.

We appreciate your efforts to change a law which could have the opposite effect than the one intended.

Sincerely,

THOMAS L. FRAZIER,
Executive Director.●

By Mr. BIDEN (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURENBERGER, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATHEWS, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. SPECTER, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 220. A joint resolution to designate October 19, 1994, as "National Mammography Day"; to the Committee on the Judiciary.

NATIONAL MAMMOGRAPHY DAY

Mr. BIDEN. Mr. President, I rise today to introduce a joint resolution designating October 19, 1994 as "National Mammography Day."

Last year, I was pleased to sponsor similar legislation that designated October 19, 1993, as a special day to encourage women to get mammograms as part of the early detection process in the fight against breast cancer. That measure received positive support among cancer and women's groups from around the country, and was successful in focusing attention on the value of mammography.

According to the American Cancer Society, national figures on breast cancer indicate that, in 1994 alone, 182,000 women will be diagnosed with breast cancer. Forty-six thousand women will succumb to this disease.

My home State of Delaware still ranks among the worst in breast cancer mortality, with an estimated 600 new breast cancer cases and 150 breast cancer deaths in 1994.

While many areas of breast cancer remain unknown, significant progress has been made to help unlock the mysteries of the disease. Research funding has been greatly increased, along with heightened awareness and education.

For example, last year in my own State of Delaware, a working group—comprised of my wife Jill, Lieutenant Governor Ruth Ann Minner, County Councilwoman Karen Venezky, and a number of breast cancer survivors, business and community leaders, and health professionals—was established to educate and raise consciousness about the importance of early detection throughout the State. Subsequently, this group has created a health awareness program that has focused on educating young women about breast cancer and mammography. I applaud this group and others, in Delaware and across the Nation, who have united for the fight against breast cancer.

Although a cure for breast cancer may be some time away, early detection and treatment are crucial to ensure survival. Studies have shown and experts agree, that mammography is one of the best methods to detect breast cancer in its early stages. Mammograms can reveal the presence of small cancers up to 2 years before regular clinical breast examinations or breast self-examinations [BSE], saving as many as a third more lives of those diagnosed with the disease.

Mammograms are especially important to older women, with 50 percent of the breast cancer cases occurring in women over age 65. In addition, no woman can be considered immune from the disease; in fact, 80 percent of the women who get breast cancer have no family history of the disease.

Finally, when conducted by professionals, mammograms are a relatively quick and safe procedure, and numerous efforts have been made to make mammograms more accessible and affordable. For instance, groups such as Mammography of Delaware have been

operating mobile diagnostic centers, with the cost of the mammogram determined by the woman's ability to pay. In addition, many of the health care reform proposals before Congress include mammograms as part of the standard benefit package.

Mr. President, the resolution I am introducing today is the result of the hard work of a number of organizations. It sets aside one day in the midst of National Breast Cancer Awareness Month—which was passed by the Senate earlier this year—to encourage women to receive or sign up for a mammogram, as well as to bring about greater awareness and understanding of one of the key components in fighting this disease.

The organizations promoting National Mammography Day include: the American Cancer Society, the American Academy of Family Physicians, the American College of Radiology, the American Medical Women's Association, the American Society of Clinical Oncology, Cancer Care Inc., Cancer Research Foundation of America, the Centers for Disease Control and Prevention, the National Alliance of Breast Cancer Organizations, the National Cancer Institute, National Medical Association, Oncology Nursing Society, the Susan G. Komen Foundation, the American College of Obstetricians and Gynecologists, Y-ME, and the Zeneca Pharmaceuticals Group.

Once again, I am pleased to sponsor this resolution, and ask unanimous consent that the full text of this joint resolution be printed in the RECORD.

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

S.J. RES. 220

Whereas according to the American Cancer Society, 182,000 women will be diagnosed with breast cancer in 1994, and 46,000 women will die from this disease; and

Whereas in the decade of the 1990's, it is estimated that about two million women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths; and

Whereas the risk of breast cancer increases with age, with 50 percent of the breast cancer cases occurring in women over age 65; and

Whereas 80 percent of women who get breast cancer have no family history of the disease; and

Whereas mammograms, when operated professionally at an accredited facility, can provide a safe and quick diagnosis; and

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives; and

Whereas mammograms can reveal the presence of small cancers up to two years before regular clinical breast examinations or breast self-examinations (BSE), saving as many as a third more lives; Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That October 19, 1994, be designated as "National Mammography Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

ADDITIONAL COSPONSORS

S. 526

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 526, a bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills.

S. 689

At the request of Mr. BRADLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 689, a bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes.

S. 1225

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 1225, a bill to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

S. 1889

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1889, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

S. 2071

At the request of Mr. LIEBERMAN, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Montana [Mr. BAUCUS], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 2071, a bill to provide for the application of certain employment protection and information laws to the Congress, and for other purposes.

S. 2300

At the request of Mr. PRESSLER, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 2300, a bill to prohibit all U.S. military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligations under international law.

S. 2347

At the request of Mr. SASSER, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 2347, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution.

S. 2411

At the request of Mr. DOLE, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2411, a bill to amend title 10, U.S. Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2427

At the request of Mr. HEFLIN, the names of the Senator from Washington [Mr. GORTON], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2427, a bill to require the Secretary of Agriculture to offer to enter into an agreement with the National Academy of Sciences to coordinate the development of recommendations to carry out an improved inspection program for meat and poultry products, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Virginia [Mr. ROBB] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 219

At the request of Mr. LEAHY, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Joint Resolution 219, a joint resolution to commend the U.S. rice industry, and for other purposes.

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Maryland [Mr. SARBANES], the Senator from Idaho [Mr. CRAIG], the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. GRAHAM], the Senator from Ohio [Mr. GLENN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Missouri [Mr. DANFORTH], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Hawaii [Mr. AKAKA], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE RESOLUTION 257

At the request of Mrs. KASSEBAUM, the names of the Senator from Kansas [Mr. DOLE], the Senator from Georgia [Mr. NUNN], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of Senate Resolution 257, a resolution to express the sense of the Senate regarding the appropriate portrayal of men and women of the Armed Forces in the upcoming National Air

and Space Museum's exhibit on the *Enola Gay*.

SENATE RESOLUTION 259

At the request of Mr. GRAHAM, his name was added as a cosponsor of Senate Resolution 259, a resolution commending the President and the special delegation to Haiti, and supporting the U.S. Armed Forces in Haiti.

SENATE RESOLUTION 261

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Resolution 261, a resolution commending Ambassador Mou-shih Ding, representative of the Taipei Economic and Cultural Representative Office in Washington, DC.

SENATE RESOLUTION 263—TO EXPRESS THE SENSE OF THE SENATE CONDEMNING THE CRUEL AND TORTUOUS PRACTICE OF FEMALE GENITAL MUTILATION

Mr. REID submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 263

Whereas the Senate recognizes the importance of traditions and ritual rites of passage in the cultures of all nations;

Whereas such traditions and rites should not impede or violate the human rights of any person;

Whereas the practice of female genital mutilation of girls and young women under the age of 18 represents an act of cruelty and a basic violation of a person's human rights;

Whereas the aftereffects of female genital mutilation include shock, infection, psychological scarring, hemorrhaging, and death;

Whereas the practice of female genital mutilation represents a threat to the health of girls and young women who undergo the procedure; and

Whereas the government of Egypt should be commended for the recent arrest and detention of 2 men who performed circumcision on a 10-year old girl while she was bound and arranged for the filming of the tortuous procedure for the Cable News Network: Now therefore, be it

Resolved, That it is the sense of the Senate that the practice of female genital mutilation of girls and young women under the age of 18 by any nation or individual is condemned, and that the government of Egypt and that all other governments that aggressively and appropriately decry, prevent, and deter this practice through education and other means be, and they hereby are, commended by the United States Senate.

Mr. REID. Mr. President, I received a phone call last week from a long-time friend who lives in Las Vegas, NV, and we were talking about a number of different things. She has been involved politically in southern Nevada for many years. And she mentioned to me had I watched a certain program dealing with female genital mutilation, and I said no, I had not watched it.

Well, Mr. President, as a result of her pointing out this program to me—I listened to her describe what she watched on television and I became almost sick to my stomach by listening to her describe what she watched on television. Coincidentally, the next day there was an account of this in a local Washington newspaper. Then I saw, a day or two later, an article reporting the arrest of two men in Egypt who arranged for the filming of this harrowing ritual procedure of female genital mutilation which was being performed on a bound, that is, tied up, 10-year-old girl. Words, Mr. President, cannot describe the feelings that one has in reading about or watching this procedure.

As a result of reading what I did and listening to my friend Sandra Jolley, I became aware of the fact that I should know more about this. Since then, in the past week, I have read a lot and had my staff do research about this practice.

Mr. President, I want everyone within the sound of my voice to understand that what I am going to talk about here today does not deal with religion and it does not deal with sex. It deals with violation of a person's human rights. It deals with degradation of women and young girls. It deals with the most inhumane thing a person can imagine.

I have, in studying and researching this, become aware of the significance this ritual plays in the culture and social system in communities in Africa, Asia and the Middle East that practice female genital mutilation. At the same time, I cannot ignore the cruel and tortuous nature of this procedure, which is generally performed on very young girls who often are not aware of what is about to happen to them.

Mr. President, I am not making statements that I just dreamed up. Alice Walker, who became famous for writing "The Color Purple," also wrote an article for Ms. magazine entitled "A Legacy of Betrayal," which tells the story of a 4-year-old girl in Gambia who is held down by several women, her eyes taped shut while this "rite of passage," this mutilation is performed on this little baby girl. Alice Walker said,

> I thought of the woman grabbing her and of little Mary, her eyes taped shut, not even knowing what or who was grabbing her or what was sought. I finally started to weep, looking at those small feet.

Mr. President, what went on on cable news a little over a week ago involved a 10-year-old girl, who came in—it was all filmed on television—wearing a party dress. It was a festive occasion, this little girl thought. Her family was there. Other people were there. This little 10-year-old girl was held down by two men and her legs spread apart and "the cut," as they call it, took place. This little girl screamed in pain. And as my friend from Las Vegas described, it reminded her of the birth that she had given to her children, because many times after a woman gives birth she begins shaking, after the pain is over, the most intense pain. That is what happened to this little girl, as she sobbed out, "Daddy, why did you do this to me?"

Mr. President, it is estimated that over 80 million young girls have been mutilated in this ritual. Excision and infibulation are the most common practices. What is infibulation? It is practiced in many countries and entails the excision of all the female genitalia. The remaining tissue is stitched together, leaving only a small opening for urine and menstrual fluid. Female genital mutilation has no medical justification for being performed on otherwise healthy young girls and women and is usually performed with crude, unsterile instruments without anesthetic. The aftereffects of this include shock, to say the least, infection, emotional trauma, hemorrhaging, debilitating scarring, infertility and death.

Mr. President, although I believe this practice is a torturous act when performed on any woman, I am most concerned about it being performed on children and tiny young girls under the age of 18, an age at which a person cannot give consent. A child does not have the ability to consent to or even understand the significance and the consequence of this ritual and the consequence it will have on her life, on her health, or on her dignity.

An April 1992 report by the Minority Rights Group called "Female Genital Mutilation: Proposals for Change," describes the reality and effect of this procedure on children. The report states:

> The descriptions available of the reactions of children — panic and shock from extreme pain, biting through their tongues, convulsions, necessity for six adults to hold down an 8-year-old, and death—indicate a practice comparable to torture.

Mr. President, the societal pressures for this ritual are great, and I acknowledge that. But, in some of these countries even the protestations of a young girl's parents or relatives is not enough many times to stop the act. The Minority Rights Group report contains the testament of a young girl from Egypt on her experience:

> Once I learned I was going to be circumcised [as she called it], I was filled with fear and ran as fast as my legs could carry me. Soon the assistant of the operator caught up with me. However, once my aunt saw how pale and frightened I looked, she wanted to put off the operation. The operator categorically refused and retorted: "Do you want to change your mind after all this effort? Whether you have it done now or put it off to another time, the little girl will experience the same fear. Let us finish with it now." The assistant caught hold of me, stretched my legs apart and the operator sterilized the area with oven ashes and alcohol, and cut off the pieces with a razor.

Mr. President, many nations have made efforts to deter the practice of female genital mutilation with legislation against its execution, as well as creating educational programs for

women, and I think that is good. Unfortunately, despite some of these initiatives, a blind eye is most often turned to the continuation of ritual female genital mutilation. One example is that of the country of Sudan. Sudan has the longest record of efforts to combat the practice of female genital mutilation and has legislated against the procedure.

Yet, according to the 1992 Minority Rights Group report, 80 percent of Sudanese women continue to be infibulated. Nevertheless, it is stated in this sense-of-the-Senate resolution, which I am going to submit today—and I hope that this Senate will send out a resounding approval of this resolution prior to our adjourning this year—that it is important that any effort by any nation, like the recent arrests by the Government of Egypt, to curb female genital mutilation be recognized and commended. In effect, what my resolution does is condemn the practice, and commend countries like Egypt for trying to do something to stop it.

The most successful endeavors to prevent this practice have been at the grassroots level by women, many of whom have undergone this excruciating operation, unnecessary operation, with support from the World Health Organization, UNICEF, and other international human rights groups. But I say respectfully to these groups and others that they have not done nearly enough.

African and Arab women have begun to speak out and we must do what we can to support their efforts because they are voices crying in the wilderness. They are working under difficult circumstances and in often hostile social environments for the preservation of a woman's health, dignity, and human rights. We must work to support and encourage their efforts to end this violent degradation of female children throughout the world and we can begin with the adoption of the sense-of-the-Senate resolution

African and Middle Eastern countries are not the only ones faced with the difficult responsibility of bringing an end to this practice. As immigrants from these countries have traveled to other nations, this practice has traveled with them. And it has traveled to the United States, Mr. President.

I am introducing today a sense-of-the-Senate resolution. I am going to introduce legislation in the immediate future with my colleague, Senator CAROL MOSELEY-BRAUN, legislation that has companion legislation in the House to make it a crime to do this in the United States. That is I think the least we can do.

The United Kingdom, Sweden, and Switzerland have all passed legislation prohibiting this practice in their countries. France and Canada maintain that this practice violates already established statutes prohibiting body mutilation and have taken action against its practice. The United States, I repeat, is also faced with the responsibility of abolishing this practice within its borders.

I will be introducing with Senator MOSELEY-BRAUN, as I have indicated, legislation next week to outlaw this practice and to establish educational programs for our Nation's immigrant communities, that they no longer will have this done to them and that there are certain rights they have.

Mr. President, I do not like to come to the Senate floor and talk about something that is as personal as this. It is difficult to talk about. But ignoring this issue because of the discomfort it causes any of us does nothing but perpetuate the silent acquiescence of its practice. The women of Africa and the Middle East and the world are standing up. But they need help against tremendous pressure and defiance to fight for the health, and dignity of their sisters, friends, mothers, and daughters. The least we can do is to support and encourage their struggle, to continue to talk about female genital mutilation, and to condemn its practice and its perpetuation.

Education will be our most important and effective tool against this practice. I intend to do my part to educate my colleagues, constituents, and friends to the horrors of this ritual practice.

Awa Thiam, a Senegalese woman, is quoted from her book, "La Parole aux Negresses," in the Minority Rights Group report:

> If one just casts an eye over the history of the condition of women—marked by struggles, it has continued to evolve, * * * it's a question not of a sprint but of a marathon. So women should prepare with this in mind, in order to succeed.

The abolition of FGM is just another mile in the marathon of international equality for women. I am prepared to continue to talk about FGM, and talk about it, and talk about it, and join women across the globe in reaching for the finish line in the race of equality.

Mr. President, there is a lot of information on this subject. There has been a lot written about it. I am surprised at how much has been written about it. My colleagues should know that it is not an issue that has been ignored. It is an issue that no one will touch because people are afraid because it may deal with the subject we do not like to talk about much, and that is sex, and another subject we do not like to talk about much, and that is religion. I repeat this has nothing to do with sex or religion. It has everything to do with human dignity and women's health. And, therefore, I send my resolution to the desk.

I yield the floor.

SENATE RESOLUTION 264—RELATIVE TO INDIAN INSTITUTIONS OF HIGHER EDUCATION

Mr. MCCAIN (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. BAUCUS, Mr. BINGAMAN, Mr. DASCHLE, Mr. DECONCINI, Mr. DOMENICI, Mr. DORGAN, Mr. FEINGOLD, Mr. GORTON, Mrs. KASSEBAUM, Mr. KOHL, Mr. LEVIN, Mr. PRESSLER, Mr. RIEGLE, Mr. SIMON, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 264

Whereas the Federal Government has a special trust relationship and a fiduciary duty to Indians;

Whereas the progressive development of policies of the Federal Government with respect to the education of Indians has provided for the establishment, control, and administration by Indian tribes of institutions of higher education and other educational institutions on or near Indian reservations;

Whereas Indian institutions of higher education were established pursuant to the Navajo Community College Act (25 U.S.C. 640a et seq.), the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.), the Tribally Controlled Vocational Institutions Support Act of 1990 (20 U.S.C. 2397 et seq.), part A of title XIV of the Higher Education Act Amendments of 1986 (20 U.S.C. 4411 et seq.) and the Act of November 2, 1921 (popularly referred to as the "Snyder Act") (42 Stat. 208, chapter 115; 25 U.S.C. 13) to provide post-secondary educational opportunities to Indian students for whom such opportunities may not otherwise exist;

Whereas as of the date of adoption of this resolution, Indian institutions of higher education have a combined enrollment of more than 16,000 students and serve more than 300 Indian tribes nationwide;

Whereas such institutions are located in 13 States, including Arizona, California, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Washington, and Wisconsin;

Whereas Indian institutions of higher education promote tribal sovereignty and self-determination and individual academic achievement;

Whereas despite the overall improvement of educational opportunities of Indians within the 20-year period preceding the date of adoption of this resolution, Indian institutions of higher education remain severely underfunded and Indians continue to experience the lowest overall attendance rate at institutions of higher education in the United States;

Whereas the lack of Federal assistance for promoting the national Education Goals contained in the Goals 2000: Educate America Act for Indians and the lack of awareness of the successful contributions of tribal colleges to tribal communities and tribal members has frustrated the efforts of Indian institutions of higher education to secure continuing and sufficient funding, staff, and educational resources that are vital to successful academic institutions; and

Whereas on November 1, 1993, the President issued Executive Order No. 12876, establishing a Presidential Advisory Committee on Historically Black Colleges and Universities and on February 22, 1994, the President issued Executive Order No. 12900 establishing an Advisory Commission on Educational Excellence for Hispanic Americans to advance the National Education Goals contained in

the Goals 2000: Educate America Act and increase opportunities for underserved African-Americans and Hispanic-Americans to participate in the benefits of Federal education programs: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education and foster the advancement of the National Education Goals contained in the Goals 2000: Educate America Act for Indians.

Mr. MCCAIN. Mr. President, I rise to submit a resolution to express the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education. I am pleased that Senators INOUYE, CAMPBELL, BAUCUS, BINGAMAN, DASCHLE, DECONCINI, DOMENICI, DORGAN, FEINGOLD, GORTON, KASSEBAUM, KOHL, LEVIN, PRESSLER, RIEGLE, SIMON, and WELLSTONE have joined me in introducing this resolution.

Mr. President, my colleagues and I believe that Federal support for Indian institutions of higher education is vital to the continuing success of tribally controlled community colleges, vocational programs, post-secondary institutions, and the individuals they serve. Unfortunately, although Indian educational institutions are experiencing an overall rise in college attendance rates, they have not experienced the benefits of Federal resources and programs to the extent of other underserved populations. It is my hope that an Executive order, similar to those issued for historically black colleges and universities and educational excellence for Hispanic-Americans, will correct this oversight.

In keeping with the Federal Government's trust responsibility and fiduciary duty to Indian tribes, an Executive order would serve to advance the Federal policy on Indian education. One of the earliest examples of this policy is the establishment in 1884 of the Haskell Indian School located in Lawrence, KS. Originally, Haskell enrolled Indian children in grades one through five and emphasized agricultural development. Today, Haskell Indian Nations University has evolved into an institution with a much broader curriculum. The proposed Executive order would also promote tribal sovereignty and recognize the accomplishments of the existing tribal colleges established pursuant to the Navajo Community College Act of 1970 and the Tribally Controlled Community College Assistance Act of 1978. Each of the cosponsors of this resolution are keenly aware of the benefits which Indian institutions of higher education provide to residents of their States. Not only do these colleges enroll Indian students in post-secondary programs, they also provide the same opportunities for non-Indian students residing in rural areas. I strongly believe that these colleges provide an excellent example of what Indian tribes are capable of accomplishing.

Mr. President, 4 years ago less than 10 percent of the reservation Indian students who went directly from high school graduation to a non-Indian 2-year or 4-year institution succeeded in obtaining a degree. Since only about 10 percent of the high school graduates attempted to go to a non-Indian institution, the overall success rate for high school graduates was actually around 1 percent. Today, tribal colleges encourage Indian students who might otherwise be deterred from pursuing a college education to continue their education. They enroll over 16,000 Indian students and provide courses comparable to State community colleges and have established a successful track record of retention, matriculation, and ongoing educational and job placement. Although student enrollment continues to grow and the area of Indian education has generally improved in the last 20 years, Indian tribes continue to experience the lowest overall college attendance rate in the United States.

Clearly, Indians experience different obstacles as compared to African-American and Hispanic-American students which should be taken into consideration by the responsible Federal agencies. Among the greatest barriers to increased resources and program availability for tribal colleges is the lack of awareness within the Federal Government of their existence. Therefore, at the very least, an Executive order would bring to the attention of all Federal departments and agencies the fact that tribal colleges do exist and to require the inclusion of tribal colleges and vocational institutions in Federal policies and programs intended for institutions of higher education.

Mr. President, a similar resolution sponsored by Congressman JOE SKEEN and approximately 20 cosponsors is being considered in the House. Clearly Members of both Houses believe that promoting higher education for Indians is a matter of great importance for Indian tribes and the entire Nation. Twila Martin-Kekahbah, the former chairperson of the Turtle Mountain Chippewa Tribe summarized it best when she testified before the Committee on Indian Affairs during a hearing to reauthorize the Tribally Controlled Community College Act of 1978, when she stated, "Each of these successful students represent an individual insurance policy against unemployment and virtually assures that one more American Indian will become an effective and contributing citizen of the American democracy."

Mr. PRESSLER. Mr. President, I would like to express my support for a sense-of-the-Senate resolution introduced today by Senator MCCAIN. This resolution calls for an Executive order to aid tribal colleges. In effect, the order would require Federal departments and agencies to make an effort to include tribal colleges in programs targeted at higher education institutions. Federal aid is vitally important to tribal colleges because they are located on Federal trust territory and receive little or no State funding.

This action is long overdue. Other minority colleges and universities, including historically black and Hispanic institutions, have had similar orders for many years. This resolution would provide a great boost to the 29 tribally controlled and American Indian colleges across the country. My home State of South Dakota has five tribal colleges that would benefit including: the Cheyenne River Community College, Oglala Lakota College, Sinte Gleska College, Sisseton Wahpeton Community College, and the Standing Rock Community College.

Some very disheartening statistics were released last week by the Census Bureau. South Dakota has three of the five poorest counties in the country. Shannon County is once again ranked the poorest in the country. Todd County is fourth on the list and Buffalo County is fifth. Sadly, all three of these counties have predominantly Indian populations.

Education can be a powerful weapon in fighting poverty. Two of the counties I just mentioned, Shannon and Todd Counties, have tribal colleges. It is my hope that with these resolution, our tribal colleges could effectively ward off the unemployment and poverty that has plagued these areas. I commend our colleague from Arizona, Senator MCCAIN, for his diligence on this issue. I am proud to add my name as an original cosponsor.

SENATE RESOLUTION 265—RELATING TO THE DISTRICT COUNCIL RESOLUTIONS IN HONG KONG

Mr. BROWN (for himself and Mr. DECONCINI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 265

Whereas the United States strongly supports the development of effective, functioning democratic institutions worldwide;

Whereas the government of Hong Kong successfully conducted its first District Board elections on September 18th;

Whereas voter registration for the September 18th district council elections in Hong Kong was higher than ever before;

Whereas the number of candidates running for District Board positions is higher than in any previous election in Hong Kong's history;

Whereas Hong Kong has recently taken bold strides to increase democracy and expand the rule of law;

Whereas the rule of law is essential to the effective functioning of a market economy;

Whereas Hong Kong currently is one of the world's leading market economies;

Whereas recent electoral reforms in Hong Kong are consistent with the Joint Declaration and the Basic Law for Hong Kong;

Whereas Hong Kong is an important friend and trading partner of the United States;

Whereas the people of the United States and Hong Kong have long maintained close, friendly ties;

Whereas the stability of Hong Kong and the continuance of its special status are of great importance to the United States;

Whereas to be effective, the rule of law must be firmly based upon the consent of those it governs;

Whereas one of the most effective methods to protect against corruption is to ensure a government that is accountable to those it governs.

Therefore, it is the sense of the Senate that—

(1) Free and fair elections are an essential component of a stable, democratic government in Hong Kong that is free from corruption;

(2) The people of Hong Kong should be congratulated for the recent success of the District Board elections and for the progress of democratic reforms that support the rule of law in Hong Kong;

(3) The United States should make every effort to support the progress of democratic reforms in Hong Kong and to encourage all parties to protect these gains as the 1997 transition approaches.

SENATE RESOLUTION 266—RELATIVE TO THE COMMITMENT OF U.S. FORCES IN FUTURE CONFLICT SITUATIONS

Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 266

It is the sense of the Senate that in the commitment of U.S. forces in future conflict situations, the United States—

(a) Should not commit forces to combat unless the particular commitment or occasion is deemed vital to our national interest;

(b) Should, after determining the introduction of combat troops is an absolute necessity, commit troops wholeheartedly and with the clear intention of winning;

(c) Should have clearly defined political and military objectives and should know precisely how U.S. forces will accomplish these clearly defined objectives;

(d) Should continually reassess and readjust if necessary the relationship between U.S. objectives and the U.S. forces that have been committed, including the size, composition and disposition of those troops;

(e) Should commit no forces without the reasonable assurance that the American people and their elected representatives in Congress support the action;

(f) Should only commit U.S. forces to combat as a last resort.

SENATE RESOLUTION 267—RELATIVE TO UNITED STATES TROOPS IN HAITI

Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 267

It is the sense of the Senate that U.S. troops should be withdrawn from Haiti not later than December 31, 1994.

AMENDMENTS SUBMITTED

DISTRICT OF COLUMBIA APPROPRIATIONS ACT OF 1995

GRAMM AMENDMENT NO. 2585

Mr. GRAMM proposed an amendment to the House amendment to the Senate amendment No. 3 to the bill (H.R. 4649) and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes making appropriations for the government of the District of Columbia; as follows:

At the end of the pending amendment insert the following:

TITLE ___—AMENDMENT OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

SEC. ___01. REDUCTION OF ADDITIONAL FUNDING FOR THE MODEL INTENSIVE GRANT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitle C.

SEC. ___02. REDUCTION OF ADDITIONAL FUNDING FOR THE LOCAL PARTNERSHIP GRANT PROGRAM.

Title III of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking subtitle J.

SEC. ___03. REDUCTION OF ADDITIONAL FUNDING FOR THE 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. ___04. REDUCTION OF ADDITIONAL FUNDING FOR THE 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. ___05. ASSURED VIOLENT OFFENDER INCARCERATION AND PROVISION OF 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.

"(c) CONSIDERATION.—The Attorney General, in making such grants, shall give consideration to the special burden placed on States which incarcerate a substantial number of inmates who are in the United States illegally.

"SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

"(a) TRUTH IN SENTENCING GRANT PROGRAM.—Forty 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. ___06. 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 herein.".

SEC. ___07. MANDATORY MINIMUM PRISON SENTENCES FOR ADULTS 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. ___08. MANDATORY MINIMUM PRISON SENTENCES FOR ADULTS 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. ___09. 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.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of 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. ___10. 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 provision of law, any defendant who has been sentenced pursuant to section 3553(f) who is subsequently convicted of a violation of the Controlled Substances Act or any crime of violence for which imposition of a mandatory minimum term of imprisonment is required, he or she 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).

TECHNICAL CORRECTIONS CONCURRENT RESOLUTION

NUNN AMENDMENT NO. 2586

Mr. CONRAD (for Mr. NUNN) proposed an amendment to the concurrent resolution (H. Con. Res. 285) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182; as follows:

At the end of the concurrent resolution, add the following new paragraphs:

(3) In section 132(a)(1)(C), strike out "(described in subsection (i))" and insert in lieu thereof "(described in subsection (h))".

(4) In section 924, strike out "Court of Military Criminal Appeals" each place it appears and insert in lieu thereof "Court of Criminal Appeals".

(5) In section 1661(b)(4)—

(A) strike out "by adding at the end" in subparagraph (A) and insert in lieu thereof "by inserting after section 3020"; and

(B) strike out "by adding at the end" in subparagraph (B) and insert in lieu thereof "by inserting after section 8020".

(6) In section 2832, strike out "Authority" each place it appears (other than in the caption of subsection (b)) and insert in lieu thereof "Agency".

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Thursday, September 29, 1994, at 10:30 a.m. in SR-332, to consider the nomination of Marsha P. Martin, of Texas, to be a member of the Farm Credit Administration. Senator KENT CONRAD will preside.

For further information, please contact Christine Sarcone of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, September 21, 1994, at 2 p.m. in executive session to consider certain pending military nominations.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 21, beginning at 10 a.m. to conduct a hearing on U.S. competitiveness and trade policy.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 21, 1994, at 9:30 a.m. on the nomination of Thomas R. Carper [DE] and Celeste Pinto McClain [CA] to be members of the board of directors of the National Railroad Passenger Corporation [AMTRAK].

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., September 21, 1994, to consider pending calendar business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 21, 1994 at 10 a.m. to hold nomination hearings on the following ambassadorial appointments:

Mr. Marc Grossman, of Virginia, to be Ambassador to the Republic of turkey.

Mr. Alfred H. Moses, of Virginia, to be Ambassador to Romania.

Mr. Charles E. Redman, of Florida, to be Ambassador to the Federal Republic of Germany.

Mr. Kenneth Spencer Yalowitz, of Virginia, to be Ambassador to the Republic of Belarus.

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

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 21, 1994, at 10 a.m., in room 628 Senate Dirksen Office Building to consider the nominations of David S. Tatel to be Maryland U.S. circuit judge for the District of Columbia Circuit, Robert J. Cindrich to be U.S. district judge for the Western District of Pennsylvania, David H. Coar to be U.S. district judge for the Northern District of Illinois, David F. Hamilton to be U.S. district judge for the Southern District of Indiana, Catherine D. Perry to be U.S. district judge for the Eastern District of Missouri and Paul E. Riley to be U.S. district judge for the Southern District of Illinois.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 21, 1994, at 2 p.m. to hold a hearing on new nationalisms in Europe.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy Trade, Oceans and Environment of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, September 21, 1994, at 10 a.m. to hold a hearing on Iraq claims legislation.

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

SUBCOMMITTEE ON LABOR

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Labor be authorized to meet for a hearing on child labor and the new global marketplace, during the session of the Senate on September 21, 1994, at 9:30 am.

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

ADDITIONAL STATEMENTS

SEVENTH COMMANDMENT: THE SOCIAL TEACHINGS OF THE CHURCH ARE MOST COMPLETELY EXPRESSED

• Mr. SIMON. Mr. President, I happen to be affiliated with the Lutheran Church, and my wife happens to be Roman Catholic. Recently, we spent a weekend in New York City and, while there, attended St. Patrick's Cathedral, the great Roman Catholic edifice, and attended services at St. Peter's Lutheran Church.

While at St. Patrick's Cathedral, I picked up a statement issued by Cardinal O'Connor on the Seventh Commandment, in connection with the publication of the New Catechism by the Roman Catholic Church.

It contains insights for people of every faith and persuasion.

For example, he says:

The Seventh Commandment is a negative sounding commandment, "You shall not steal," but it is actually talking about how we treat one another, how we respect one another, how we respect one another's time, property, efforts, and labor.

At another point, he quotes the New Catechism saying:

Stealing is not simply the pick-pocket in the subway, or a robbery at Tiffany's. Stealing is an exercise of injustioe toward anyone else's rights, depriving anyone of that which is his or her due.

And he has a great quotation from "Spartacus": "The law often allows what honor forbids."

At another point in his essay, Cardinal O'Connor states:

We have to keep looking at various of our practices. Corporate takeovers, for example, may be carried out with civil justice but not moral justice. Very often today people don't know *who* it is that they work for, who actually owns the company and so this personal touch is lost and makes lawful negotiations very difficult. We have seen that happen right here in this city when out-of-town companies own what seems to be a local corporation. Then when it comes time for workers to bargain they are bargaining with faceless out-of-towners in the person of their representatives here.

Is it possible that in some corporate takeovers pension funds are plundered and people who have worked for a lifetime find themselves without jobs and without pensions? This is stealing. This is a gross violation of the Seventh Commandment.

I ask that the entire essay of Cardinal O'Connor be placed into the RECORD at this point.

The essay follows:

[From the Catholic New York, Sept. 15, 1994]

SEVENTH COMMANDMENT—THE SOCIAL TEACHINGS OF THE CHURCH ARE MOST COMPLETELY EXPRESSED

This is the official text of Cardinal O'Connor's 33rd homily on the new Catechism of the Catholic Church which was delivered in St. Patrick's Cathedral Sept. 11.

Today we continue our study of the new Catechism of the Catholic Church. Our session today will focus on the Seventh Commandment which most completely expresses the social teaching of the Church particularly in areas of special concern to labor. And because today we honor labor it is most appropriate.

First, however, I want to go back to today's second reading. It is taken from the letter of St. James, written around the year 45 A.D. To me it synthesizes everything that could be said, everything that should be said, about what our relations with one another should be, and in a very special way what relations between employers and employees, labor and management should be.

St. James asks the question, "What good is it to profess faith without practicing it?" Our Lord Himself said, "Lots of people cry out to me, 'Lord, Lord,' but their hearts are far from me." St. James asks:

"What good is it to profess faith without practicing it? Such faith has no power to save one, has it? If a brother or sister has nothing to wear and no food for the day, and you say to them, 'Goodbye and good luck! Keep warm and well fed,' but do not meet their bodily needs, what good is that? So it is with the faith that does nothing in practice. It is thoroughly lifeless." [Jas. 2:14–16]

This spells out what we call the social gospel, the gospel of justice and of charity, the gospel of carrying what we purport to believe into action.

I watch a lot of parades. During those parades I get many hats and many T-shirts. Frequently, the hats and the T-shirts will have some poignant message on them, something very clear and meaningful. This is especially true during the Labor Day Parade. If I were going to create a T-shirt for this purpose I would select these words from St. James and put them right up and down the T-shirt: "If a brother or sister has nothing to wear and no food for the day, and you say to them, 'Goodbye and good luck! Keep warm and well fed,' but do not meet their bodily needs, what good is that?" What good is that? This is not simply a Christian teaching, a teaching merely from the Gospels. This is deeply rooted in the Old Testament, what we call the Jewish Scriptures, and it is spelled out quite explicitly in the Ten Commandments from beginning to end.

The Seventh Commandment is a negative sounding commandment, "You shall not steal," but it is actually talking about how we treat one another, how we respect one another, how we respect one another's time, property, efforts, and labor. The Catechism says:

"The seventh commandment forbids unjustly taking or keeping the goods of one's neighbor and wronging him in any way with respect to his goods. It commands justice and charity in the care of earthly goods and the fruits of men's labor. For the sake of the common good, it requires respect for the universal destination of goods and respect for the right to private property. Christian life strives to order this world's goods to God and to fraternal charity."[2401]

The Church has been teaching this kind of thing all through its history, but it has come into full blossom since 1891 and the encyclical of Pope Leo XIII called *Rerum Novarum* or "Of New Things." We will see in a few moments why it has that title.

The Catechism goes on:

"* * * The goods of creation are destined for the whole human race. However, the earth is divided up among men to assure the security of their lives, endangered by poverty and threatened by violence. The appropriation of property is legitimate for guaranteeing the freedom and dignity of persons, and for helping each of them to meet his basic needs and the needs of those in his charge. It should allow for a natural solidarity to develop between men."[2402]

It can hardly be argued that one of the triggering factors in the breakdown of the Soviet Union was what the Polish unions called "solidarity."

The Catechism continues:

"In his use of things man should regard the external goods he legitimately owns not merely as exclusive to himself but common to others also, in the sense that they can benefit others as well as himself * * *. [2404]

As St. James said, it is no good to say goodbye and good luck, keep warm and well fed but not meet peoples' bodily needs. That is a lifeless faith.

The Catechism says:

"Even if it does not contradict the provisions of civil law, any form of unjustly taking and keeping the property of others is against the seventh commandment: thus, business fraud; paying unjust wages; forcing up prices by taking advantage of the ignorance or hardship of another * * *". [2409]

Civil law may allow a number of these things, but the moral law does not. We are still suffering, all of us, because of the manipulations of savings and loans, a major scandal for which the country, that means all working people, are still paying.

The Catechism continues:

"* * * The following are also morally illicit: speculation in which one contrives to manipulate the price of goods artificially, in order to gain an advantage to the detriment of others; corruption in which one influences the judgment of those who must make decisions according to law; appropriation and use for private purposes of the common goods of an enterprise; work poorly done; [Work poorly done means taking money for what hasn't been done. Stealing is not simply the pick-pocket in the subway, or a robbery at Tiffany's. Stealing is an exercise of injustice toward anyone else's rights, depriving anyone of that which is his or her due.]; tax evasion; forgery of checks and invoices; excessive expenses and waste. Willfully damaging private or public property is contrary to the moral law and requires reparation. [Sometimes, unfortunately this is done during strikes. It is always self-defeating as well as immoral.] [2409]

Promises must be kept and *contracts* strictly observed to the extent that the commitments made in them are orally just. [It used to be good enough just to shake hands. Now contracts are very, very complex but to the degree that they are morally just they must be kept] * * *" [2410]

In the plays of Shakespeare you find that beyond the law is honor, a plain, old-fashioned virtue, Or as we read in "Spartacus," "The law often allows what honor forbids."

The Catechism continues:

"In virtue of commutative justice, *reparation for injustice* committed requires the restitution of stolen goods to their owner." [2412]

It is not enough to be sorry for having stolen, to be sorry for depriving someone of his or her rights. There must be restitution.

The Catechism continues:

"The seventh commandment forbids acts or enterprises that for any reason—selfish or ideological, commercial or totalitarian—lead to the enslavement of human beings, to their being bought, sold and exchanged like merchandise, in disregard for their personal dignity * * *" [2412]

These are not dead, abstract words in the Catechism. We have to keep looking at various of our practices. Corporate takeovers, for example, may be carried out with civil justice but not moral justice. Very often today people don't know *who* it is that they work for, who actually owns the company and so this personal touch is lost and makes lawful negotiations very difficult. We have seen that happen right here in this city when out-of-town companies own what seems to be a local corporation. Then when it comes time for workers to bargain they are bargaining with faceless out-of-towners in the person of their representatives here.

Is it possible that in some corporate takeovers pension funds are plundered and people who have worked for a lifetime find themselves without jobs and without pensions? This is stealing. This is a gross violation of the Seventh Commandment.

The Catechism talks explicitly about the social doctrine of the Church. It says:

"* * * The Church receives from the Gospel the full revelation of the truth about man * * * She teaches him the demands of justice and peace in conformity with divine wisdom." [2419]

Pope John Paul II is *constantly* preaching about the dignity of the human person, of all human persons, with emphasis on the working person. He gets discredited by so many, he gets blamed for so much, but so many ignore what he fearlessly says about our obligations toward one another.

The Catechism continues:

"The Church makes a moral judgment about economic and social matters, 'when the fundamental rights of the person or the salvation of souls requires it.' * * * [2420]

"The social doctrine of the Church developed in the nineteenth century when the Gospel encountered modern industrial society with its new structures for the production of consumer goods, its new concept of society, the state and authority, and its new forms of labor and ownership. The development of the doctrine of the Church on economic and social matters attests the permanent value of the Church's teaching at the same time as it attests the true meaning of her Tradition, always living and active." [2421]

At the risk of being tedious and sounding abstract let me spend a moment on this. This passage is talking about the period in the Church immediately following Karl Marx who lived from 1818 to 1883. Pope Leo XIII came out with his encyclical "Of New Things" in 1891 precisely because there had been a revolution in society. Everything had been turned topsy-turvy. The industrial revolution had taken place and all sorts of new attitudes had developed.

Karl Marx taught the principle of so-called economic determinism which argued that the economy determined everything. By "the economy" Karl Marx meant money. Money was the determinant of everything. Free will meant nothing. The place of God meant nothing. The dignity of the human person meant nothing. It sounded as though it was for the purpose of helping the human person but it was exactly the opposite. Marx borrowed from the philosopher-historian Hegel who believed that class struggle, class conflict is absolutely inevitable. It's in the very nature of things that the "have-nots" will always turn against the "haves." Then there will be a period of equilibrium. Then it starts all over again as though there were no free will, as though we couldn't bargain intelligently, in dignified civil human fashion with one another, respecting one another as made in the image and likeness of God. This is what Karl Marx was saying. It was part of his teaching, that only by bloody revolution could equity and justice be brought about.

It was against this that Pope Leo XIII was speaking in "Of New Things." This is why he fostered and encouraged the development of unions, of working peoples' associations, of voluntarily coming together, of recognizing that we are social human beings, that we naturally should unite out of justice, out of charity, out of self-protection. We should do this voluntarily, not by force and not letting any superior force—state, management, whoever it might be—prevent us from negotiating in good faith as human beings.

The Catechism continues:

"Any system in which social relationships are determined entirely by economic factors is contrary to the nature of the human person and his acts." [2423]

What we have to ask today in our own country is, even though communism has generally been dissipated, do we have a mirror image of it, or of economic determinism? Is it still money that matters most?

The Catechism says:

"A theory that makes profit the exclusive norm and ultimate end of economic activity is morally unacceptable * * * It is one of the causes of the many conflicts which disturb the social order." [2424]

The profit motive is a legitimate motive. But do we exist only for profit, only for money? Does that determine everything? Are people good or bad in accordance with whether or not they have money, or don't have money? Are industrialists good or bad in accordance with how much profit they make or don't make? Is a union leader good or bad in proportion to how much more money he or she can get for workers regardless of how, regardless of whether it is just? That's the mirror image of economic determinism. It is just as bad if it is practiced in capitalism as if it is practiced in communism.

The Catechism continues:

"A system that 'subordinates the basic rights of individuals and of groups to the collective organization of production' is contrary to human dignity * * * [2424]

"The Church has rejected the totalitarian and atheistic ideologies associated in modern times with 'communism' or 'socialism.' She has likewise refused to accept, in the practice of 'capitalism,' individualism and the absolute primacy of the law of the marketplace over human labor * * *" [2425]

We can not permit abstract laws, so-called historical laws to rob us of free will.

The Catechism goes on to say:

"* * * Economic life is not meant solely to multiply goods, produce and increase profit or power; it is ordered first of all to the service persons, of the whole man, and of the entire human community * * *"[2426]

The Catechism talks about human work in very exalted terms.

"*Human work* proceeds directly from persons created in the image of God and called to prolong the work of creation by subduing the earth, both with and for one another. Hence work is a duty * * * Work honors the Creator's gifts and the talents received from him. It can also be redemptive. By enduring the hardship of work in union with Jesus, the carpenter of Nazareth and the one crucified on Calvary, [we] collaborate in a certain fashion with the Son of God in his redemptive work * * * Work can be a means of sanctification and a way of animating earthly realities with the Spirit of Christ. [2427]

"In work, the person exercises and fulfills in part the potential inscribed in his nature * * * Work is for man, not man for work.

"Everyone should be able to draw from work the means of providing for his life and that of his family, and of serving the human community. [2428]

"*Economic life* brings into play different interests, often opposed to one another. This explains why the conflicts that characterize it arise. Efforts should be made to reduce these conflicts by negotiation that respects the rights and duties of each social partner: those responsible for business enterprises, representatives of wage earners—for example, trade unions—and public authorities when appropriate." [2430]

We have to have the right to negotiate but somehow, somewhere, in my judgment, we have gone wrong. Sometimes it appears that we think ourselves back in the early decades of this century. We want to use the same tools, the same instruments in negotiation. For example, in 1938 the Supreme Court of the United States delivered a decision which, in my judgment, was terribly destructive of the whole concept of negotiation if not actually immoral—the decision that authorized permanent replacements for striking laborers.

We are still using that today. It was used in the newspaper strike here in New York quite recently. The threat of permanent replacements makes it a charade to say that working people have the right to negotiate and the right to strike. The right to strike should be exercised *only* after all negotiations in good faith have been exhausted.

Is the move to strike the first step taken? Is it used as an instrument of threat? Do we believe that management negotiates with labor instead of human persons negotiating with human persons? Have we lost something or are we losing something, something that must be restored, something vital to true, honest, effective, productive and fruitful negotiations between persons in management and persons who constitute the labor force? Management is not negotiating with unions; *persons* in management are negotiating with *persons* in unions.

Pope John Paul II said, "The primacy of man over the instrument of capital, the primacy of the person over things, the priority of human labor over capital. Upon this we must insist." *Then* we will get rid of the potential of violence. *Then* we will get rid of the strike as the first approach rather than

the last. *Then* we will get rid of the arrogant use of power.

Something has gone wrong. I can say that as an employer myself and on behalf of everyone in a position in the Church who must exercise equity, justice and charity for those who work for the Church, with the Church, to those who build for the Church, to those who work in Church offices. Each is a person as I am supposed to be a person. We have to right whatever it is that is wrong. We can not start out from the principle how can I get more, how can I give less. This to me is enormously important.

The Catechism takes up justice and solidarity among nations and reminds us of the almost singular voice of our Holy Father in Cairo trying to bring about justice and charity for all the peoples of the world rather than an obsession with population control. it seems to me that labor should be on this side rather than on the side of those obsessed with reducing the number of people in the world. Labor should be on the side of those who opt for development rather than the side of those intent on reducing the numbers of black peoples and Hispanic peoples and other peoples who are non-white labor. Pragmatically that is where the jobs are: to build dams in the Third World, to provide engineers and agriculturalists for the Third World, to help develop the enormous resources in the Third World and throughout the world.

The Catechism says:

"God blesses those who come to the aid of the poor and rebukes those who turn away from them * * * [2443]

"The Church's love for the poor * * * is a part of her constant tradition * * * Love for the poor is even one of the motives for the duty of working so as to 'be able to give to those in need.' [Eph. 4:28] It extends not only to material poverty but also to the many forms of cultural and religious poverty. [2444]

"The works of mercy are charitable actions by which we come to the aid of our neighbor in his spiritual and bodily necessities. Instructing, advising, consoling, comforting, are spiritual works of mercy, as are forgiving and bearing wrongs patiently. The corporal works of mercy consist especially in feeding the hungry, sheltering the homeless, clothing the naked, visiting the sick and imprisoned, and burying the dead * * * [2447]

"In its various forms—material deprivation, unjust oppression, physical and psychological illness and death—human misery is the obvious sign of the inherited condition of frailty and need for salvation in which man finds himself as a consequence of original sin * * * " [2448]

It has been clearly demonstrated for any who are willing to listen with an open mind that there can be more than enough food for any one who could be born. But we have to work. Work is a great gift and a great privilege.

I can never preach in this cathedral about work without being again reminded of the beauty of the cathedral itself. I didn't build it. It was built by management. Archbishop John Hughes had to take the risks of management. It was built physically by the hands of working people, by the hands of artists, as is everything done by human beings: a beautiful piece of music, a beautiful work of art, the molding of bricks, the digging of sewers, the emptying of bed pans, the administration of medicines, the practice of surgery, the typing of letters, all of these are the work of human hands. Even if the work is done by machines, they are machines created by the human mind. How we must respect this! And how I, who profit so much as do we all by the work of others, must respect everyone who contributes to society. Everything that we wear, everything that we eat is the result of the work of human hands.

In this Mass, when we offer the bread to Almighty God that we believe becomes the Body of His Son, we call it "the work of human hands." We offer the wine, the "fruit of the vine, and the work of human hands" to become the Blood of the Son of God. What reverence and what respect we must have!

Not too long ago I was criticized for saying at a union rally that I am proud to be the son of a union man. Let me tell you I am proud to have my responsibilities in management. I am proud of all of the wonderful people in the Archdiocese of New York in management who help the archdiocese, who help the poor, who help keep kids in our schools, who help keep our hospitals open, people in corporate management in the corporate structure. I am proud of all of them. I am proud and humbled to be the Cardinal Archbishop of New York. But the title of which I am as proud as any that I could ever have is the title of being the son of a union man! God bless you.●

MINNESOTA BLACK MUSIC AWARDS

● Mr. WELLSTONE. Mr. President, I want to take this occasion to bring to the attention of my colleagues an extraordinary achievement in the State of Minnesota. On Friday, September 2, I had the privilege of attending the 13th Annual Minnesota Black Music Awards, which was a part of the Minnesota Black Music Expo '94. This event recognized Mr. Gary Hines and the Sounds of Blackness for their 23d year in music.

I was honored to issue a proclamation which I was able to present that evening, and I ask that a copy of the proclamation be included in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas: September 1–4th has been designated as the celebration of the Minnesota Black Music Expo '94, which over 50,000 individuals have attended to this date; and

Whereas: The Minnesota Black Music Expo '94 music and artist conference attracts artists and industry patrons from major cities throughout the country; and

Whereas: They continue to promote and encourage new music, products and services while serving as an inspiration to all who encounter their work; and

Whereas: This year represents the Minnesota Black Music Expo's 13th annual Minnesota Black Music awards, honoring Mr. Gary Hines and The Sounds of Blackness for their 23rd year in music; and

Whereas: Through their proud heritage and rich culture, Mr. Gary Hines and the Sounds of Blackness have enriched our state and nation's history, pride and diversity; and

Whereas: This year the Minnesota Black Music Awards also hosts the presentation of keys to the cities and presents to Mr. Jerry Boulding the Vanguard award for outstanding industry contributions; and

Whereas: Our state holds deep pride in all of the people and achievements of the Minnesota Black Music Expo '94;

Now therefore, I, Paul D. Wellstone, United States Senator for the State of Minnesota, do hereby congratulate The Minnesota Black Music Expo '94 and this year's Minnesota Black Music award recipients Mr. Gary Hines and the Sounds of Blackness, with highest recognition of their dedication, achievements and continuing enthusiasm which have been instrumental in helping to make Minnesota the great state that it is.

PAUL DAVID WELLSTONE,
U.S. Senator.●

NATIONAL GANG VIOLENCE PREVENTION WEEK

● Mr. SIMON. Mr. President, it has become all too clear that young people are increasingly the victims and the perpetrators of violent crime. The tragedy of Robert Sandifer, an 11-year-old boy in Chicago suspected of killing one of his 14-year-old neighbors and then murdered by a 14-year-old and a 16-year-old in an apparent gang related killing, illustrates the problem. Robert was 8 years old when he was first arrested by the police. Although Robert's story is chilling, it has sadly become a familiar one. How can a 8-year-old child commit murder? How can an 11-year-old child be murdered by other children? Most importantly, what can we do to stop this?

The crime bill signed by President Clinton makes some important contributions to the fight against crime. Many of the prevention programs in the bill will make an important difference in young people's lives. But there is a limit to what the Federal Government can achieve in each community. That is why community programs, local activism and parental involvement are essential elements of any effort to protect young people from violence.

In Chicago, the groups Parents against Gangs, founded by Betty Major-Rose and her husband, James Rose, and Broader Urban Involvement and Leadership Development have sponsored "Gang Awareness Week" for several years. Citizens participate in activities designed to raise awareness about the problems of gangs and to encourage their involvement in efforts to curve gang violence. This year, I sponsored a resolution in the Senate to designate the week of September 12, 1994, National Gang Violence Prevention Week.

On Saturday, September 10, President Clinton issued a proclamation designating this week National Gang Violence Prevention Week. This week will serve to highlight community achievements in the effort to stem the tide of youth violence, and to encourage more communities across the Nation to join in this important effort. I commend the President for his proclamation and Ms. Major-Rose and other community leaders for their commitment to this cause.

Mr. President, I ask that President Clinton's proclamation be entered into the RECORD at this point.

The proclamation follows:

A PROCLAMATION—BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Robert Sandifer was 8 years old the first time he was arrested by police. He was 11 years old when he died, a victim, police believe, of a gang-related killing. He was also suspected of killing Shavon Dean, an innocent victim of an earlier gang-related shooting. In Shavon and Robert's hometown, the number of gang homicides has nearly tripled since 1980. And in neighborhoods across America, too many mothers and fathers have experienced the anguish of losing a child to the meanness of the streets. For them and for all of us, it is past time to end the violence.

At younger and younger ages, boys and girls are turning to gangs. For a child without an involved family, a gang offers a feeling of belonging. For a young person without options for tomorrow, a gang offers a sense of purpose. For all those born in a home cordoned off against danger, with bars on the windows and chains on the doors, life on the streets seems all too often a taste of freedom they have never known. But American freedom is better than that. We know this. We see freedom at work every day in the determined faces of parents striving to make a better life for themselves and their children. And we see it every day in big cities and small towns across the country as Americans come together to put the spirit of community to work.

Confronted with the horror of children planning their own funerals, our Nation has begun planning for the future. Our first, best hope is in the common cause of those around us. A community that shares life's experiences can be an important source of strength and understanding in a world that seems filled with growing violence and diminishing hope. Families and communities are coming together across the country to bring hope to even our most troubled youth. In Birmingham, Alabama, where police officers are sponsoring athletic teams and tutoring programs in 52 neighborhoods, youth crime has dropped by 30 percent. In Los Angeles, teachers and sheriffs are working in teams to show kids alternative methods of resolving conflicts, encouraging them to develop a sense of self-worth apart from gangs. The 1994 crime bill seeks to provide grassroots programs like these the resources they need to push forward in their efforts and to succeed in their fight.

In an invaluable victory for citizens across the country, the Congress passed, and I will soon sign, a crime bill that is designed to save the lives of children like Shavon and Robert. This path-breaking legislation will punish hardened young criminals by requiring stronger penalties, and it will expand the use of community boot camps, drug courts, and other alternative sanctions to stop first-time offenders from beginning a lifetime of crime. It bans 19 of the deadliest assault weapons, and it goes a long way toward keeping guns out of the hands of juveniles. With strong measures of discipline and training, drug treatment and education, this bill takes on the sickness of gangs and drugs and gives our young people a new chance at life. Ours is important work: It is about trying to save a generation of children and to secure the future life of a country. It is a job we can surely do.

Ours remains the greatest Nation the world has ever known because we have not shied away from challenges. Rather, we have consistently sought to surmount them. The problem of gang violence is among the most profound we as a people have ever faced. We must respect our young people enough to give them a positive choice for the future. We must take responsibility for teaching them to choose what is right. The solutions are within our reach. The power to change America is within ourselves. Together, we must work to redeem the promise that every young life holds.

Now, therefore, I William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 12 through September 16, 1994, as "National Gang Violence Prevention Week." I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

In witness whereof, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and nineteenth.

WILLIAM J. CLINTON•

ORDERS FOR TOMORROW

Mr. CONRAD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Thursday, September 22; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; that Senator GRAHAM of Florida and Senator HATFIELD of Oregon be recognized for a total of 30 minutes; that at 10:30 a.m., there be 1 hour for debate on the motion to invoke cloture on the motion to disagree to the amendments of the House to S. 3, with the time equally divided and controlled between Senators FORD and MCCONNELL, or their designees; that upon the use or yielding back of time, the Senate vote on the motion to invoke cloture.

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

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. CONRAD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:31 p.m., recessed until Thursday, September 22, 1994, at 10 a.m.

NOMINATION

Executive nomination received by the Senate September 21, 1994:

DEPARTMENT OF STATE

VONYA B. MCCANN, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.

HOUSE OF REPRESENTATIVES—*Wednesday, September 21, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 21, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for these people who serve this institution with grace and integrity, whose dignity and honor are standards for any conduct. We remember those who have committed themselves to public service and who freely give of their commitment to the important responsibilities of this assembly. May their dedication to their tasks and their accountability to high principles be marks of their service and a profound gift to us all. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will ask the gentleman from Ohio [Mr. TRAFICANT] to come forward and lead the Members in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GOOD NEWS—MORE HEALTH BENEFITS ALLOWED BY OFFICE OF PERSONNEL MANAGEMENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, this is an exciting occasion, and I thank all the Members of this body who joined me in my bill asking that the Federal employees health benefits include bone marrow transplants for people with breast cancer or ovarian cancer. I can tell the Members that we did not have to pass the bill. The very good news is that we made such a good case that you can tell by this morning's newspaper that the Office of Personnel Management has now announced that benefits will be increased to cover those items.

This is going to save many, many lives, and it is going to save an awful lot of dollars. I thank them for having an open mind and not forcing us to pass legislation. That is how things should be done here.

But I thank all the Members who helped us make the case, too. I think for everybody in America this is good news because the Federal employees health benefits package is the model for many others, and we hope that we will soon see CHAMPUS and many States joining and including these things in the benefits package that goes out to people, because we know it is now beyond the experimentation level and really does work.

SAVING FACE IN HAITI?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, ever since the Clinton administration's Haiti deal, we have been hearing about how important it was to allow Haiti's military rulers to save face.

America has a much lower opinion of what part of the anatomy the Clinton administration was trying to save down in Haiti.

Whatever was accomplished in last minute discussions it does not put an end to the basic questions.

Now that there is no invasion, not even a rag-tag army to defeat, what exactly is the military's mission down there?

How long will they have to do it? Not in the vague diplomacy-speak of nation-building or democracy-restoring but in the real world, everyday language of days, weeks, months, and years.

Who will pay for whatever it is they are doing and however long they will be doing it? Will an already slashed military budget have to pick up these costs too? At the same time shaving off a little more of America's own security?

In the White House the celebrations have begun; it is now time the answers came.

CONFUSION IN HAITI

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America is now buying guns from the Haitian people for $50. American troops have landed. They are confused, and they do not know what to do. Some of them are sightseeing.

The White House has said that Jimmy Carter's deal has gone too far, and Jimmy Carter said that the White House has not gone far enough. President Clinton said that Cedras is a thug, but Jimmy Carter said that Cedras is OK.

Aristide is upset. He did not ride in on some big charger.

Mr. Speaker, what is going on in Haiti? We have gone from a policy of "Come to America" to "Stay out. Stay out of America." Then we have gone from "We'll invade you if you don't straighten out" to "Now let's be friends."

Mr. Speaker, what is our role in Haiti? I say it is time, before we go from John Wayne to Woody Allen, that we figure out why we are spending $1 billion in Haiti and not investing that money in America where we have our own problems.

Think about it.

HAITI: WHAT TYPE OF MISSION IS THIS?

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, after only 2 full days of this mission, I am becoming increasingly concerned about the role that the United States is playing in Haiti. The following incidents highlight my concern.

First, two pro-Aristide civilians were clubbed to death in broad daylight in front of U.S. military forces.

Second, it is now being reported that we will be offering $50 hard-earned, taxpayer dollars for each Haitian gun that is turned in.

And third, it is also being reported that in order to ensure that we have control of the Haitian military, the United States will begin paying the salaries of Haitian soldiers.

Mr. Speaker, what do you suppose White House Chief of Staff Leon Panetta's response was to these points: "We are reconsidering the mission and its terms of engagement." So is this administration changing its tune after only 2 days?

This is unbelievable. Should we not have thought these points through long before we sent our young men and women into harm's way?

Mr. Speaker, I would urge you to join me in calling on my colleagues to ask the Democratic leadership for a full and fair debate on this new policy before we end up losing brave young lives like we did in Somalia.

REAL CHANGE, NOT REDEFINITION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the administration is claiming credit for solving the problem in Haiti they themselves created—like a kid who intentionally jumps into the mud and then wants a reward for taking a bath.

Worse than this spectacle is the specter of thousands of American troops remaining indefinitely in Haiti. Occupation is better than invasion, but it is still bad policy.

President Clinton told America he ordered troops to Haiti because General Cedras and his henchmen were murderers, rapists, and torturers. Now, out of mutual respect he has agreed to give these same people amnesty and honorable retirement.

The administration's redefinition of good foreign policy is as misguided as their redefinition of good domestic policy: more spending and regulations, higher taxes and interest rates, and the systematic deconstruction of family values.

America wants real change, not redefinition. Next Tuesday, Republicans will guarantee it by signing a contract with America.

A campaign promise is one thing, a signed contract is another. Real change, not redefinition; Republicans will guarantee it in writing.

PROMPT AND ORDERLY WITHDRAWAL OF TROOPS FROM HAITI NEEDED

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, is it not ironic we are now working closely with Haiti's military rulers that President Clinton once trounced? In plain view of American soldiers, who are under orders not to intervene, Haitian police yesterday attacked crowds of demonstrators and killed a coconut vendor who was cheering the U.S. intervention. Some mission. No defined mission. Yet we are told by the administration that we are in Haiti to train the police, disarm the Haitian military, restore democracy, and secure a safe environment. Yet how will we know when that is done? And, to top it all, Aristide is not grateful for what we have done. He is a leftist leader who supports antidemocratic ways of settling disputes, including necklacing and inciting mob violence to intimidate opponents. How long will it be until he stirs up the Haitian people to say Yankee go home? Will American soldiers be targeted by these mobs?

Mr. Speaker, America has no mission in Haiti. We should return immediately. But now that we are there, let us set a deadline, possibly October 15, which is the date by which Mr. Aristide is to resume power.

TRIBUTE TO MISS AMERICA 1995, MISS HEATHER WHITESTONE

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, my home State of Alabama is literally bursting with pride this week as one of our own, Miss Heather Whitestone of Birmingham, was crowned Miss America at the 68th annual pageant held in Atlantic City, NJ.

Clearly the crowd favorite from the moment the curtain rose, Heather also captivated the Nation early in the evening as she performed a 2½-minute ballet to the Sandy Patti hit, "Via Dolorosa." As we now know, what made this particular performance even more special is that Heather can't hear music when she dances, because she has been deaf since childhood.

Mr. Speaker, Heather Whitestone is a wonderful example of everything that is good and decent and admirable about America's youth. You can tell just by looking at her, and listening to her talk that her beauty is anything but skin deep.

I know with all certainty that our new Miss America will be one of the best ambassadors for good will our Nation has ever had. And with the same confidence, I also know that Heather Whitestone's win last Saturday night will do even more for the millions of other young people all across this land who also have some type of disability. Heather's attitude and outlook on life is really pretty simple: She says if you work hard and never quit, there is nothing you cannot accomplish.

That is pretty good advice for people of all ages. And she is living proof that it works.

On behalf of the people of south Alabama, I salute Miss America 1995, Miss Heather Whitestone.

THE GIANT SUCKING SOUND OF ENTANGLEMENT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, yesterday, we heard about how little American troops knew about the parameters of their mission in Haiti, except as one soldier from Florida said, "not to shoot anybody." Today, the headlines scream: "U.S. Finds Itself Stuck in the Middle" with reports of mob violence in Port-au-Prince that left two Haitians dead. This morning, we hear that the rules of engagement may have to change. To what? Will our troops now become active referees in this deadly struggle? We are hearing the giant sucking sound of entanglement, and still the President does not understand that the quagmire of Haiti's internal strife is no place for American troops. With President Aristide—the man at the center of this whole operation—refusing to endorse the agreement, and the United Nations refusing to lift the punishing economic embargo, I fear the violence will only get worse and the terms of the contract abrogated. I urge the President not to wait for the first American casualty; put a stop to this misguided mission now.

MODIFICATION IN APPOINTMENT OF CONFEREES ON H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The SPEAKER pro tempore. Without objection, the Chair announces that under the authority granted in clause 6 of rule X, the Speaker hereby modifies the appointment of conferees on the bill (H.R. 6) to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, as follows:

As an additional conferee from the Committee on Education and Labor, for consideration of the House bill and Senate amendment (except sections 601–03 and 801–05), and modifications committed to conference:

Mr. MILLER of California.

There was no objection.

SMALL BUSINESS REAUTHORIZATION AND AMENDMENT ACT OF 1994

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 494 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the

Union for the consideration of the bill, H.R. 4801.

□ 1018

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4801) to amend the Small Business Act, and for other purposes, with Mr. WATT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. LAFALCE] will be recognized for 30 minutes, and the gentlewoman from Kansas [Mrs. MEYERS] will be recognized for 30 minutes.

The Chair recognizes the distinguished gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4801, the Small Business Reauthorization and Amendment Act of 1994.

□ 1020

Mr. Chairman, this bill provide authorizations for programs administered by the Small Business Administration for fiscal years 1995 through 1997. I will be offering an amendment on behalf of myself and Mrs. MEYERS to make reductions in some of the authorizations for the venture capital programs.

For 1995, all of the SBA programs would include $153 million in direct loans and purchases of preferred stock, $12.2 billion in guarantees of loans and debentures, and $1.8 billion in guarantees of surety bond guarantees.

This compares with an administration request for $23 million, $12.45 billion, and $1.76 billion for these programs.

For 1996, these programs would include $209 million in direct loans and purchases of preferred stock, $14.4 billion in guarantees of loans and debentures, and $1.8 billion in guarantees of surety bond guarantees.

For 1997, these programs would include $275 million in direct loans and purchases of preferred stock, $18.4 billion in guarantees of loans and debentures, and $1.8 billion in guarantees of surety bond guarantees.

Over the next 3 years, almost all of these increases are in the 7(a) General Business Loan Program, the Certified Development Company Loan Guarantee Program which provides long term financing for plant and equipment and in the new participating security financing mechanism being made available to small business investment companies which are licensed by SBA to provide venture capital to small firms.

Other provisions of this reauthorization bill make improvements in the Microloan Program which provides loans averaging $10,000 per borrower, conform terms of export loans to more closely equate with needs of sellers in foreign commercial markets, and facilitate loans through delegation of authority to the participants in the Certified Lenders Program.

Other titles in the bill will provide some relief to participants in the 503 Development Company Program, and two other programs, who are paying interest rates well above market rates and yet due to exorbitant prepayment penalties are precluded from prepaying these loans now held by the Government.

In addition, the bill restructures the National Women's Business Council and reestablishes an Interagency Committee of Federal Policymakers to examine the ways to promote the development of women-owned businesses.

The committee approved this legislation by a vote of 34 to 9. I believe that the main objections to this bill in committee were caused by the proposed increases in the Small Business Investment Company and Specialized Small Business Investment Company Programs. These programs license private companies which provide venture capital to small businesses. I would also note that in the aggregate, even higher levels were requested by the administration, but that my mark, which the committee approved, reduced the amount of the increase which would be provided.

Some have said that these programs have problems and should not be increased in size. I would agree that the Small Business Investment Company Program did have problems, but I believe that the 1992 legislation, and the implementing regulations, corrected these problems. It did this by:

Emphasizing the need for better quality SBIC management; Providing higher standards of applicants for licenses;

Minimizing an SBIC's cash-flow problems by use of participating securities;

Requiring more accurate valuations by each SBIC of its investments; and

Increasing the frequency of audits of each SBIC and doing the audit within the investment division of the agency, the division which is responsible for supervision and approving funding requests.

In any event, use of the new participating security was not part of any problem. It should not be held captive while we are more closely examining the old program to be sure that the problems have been fixed and while we await a report on the Specialized Small Business Investment Company Program from a private sector council.

In the spirit of compromise, however, Mrs. MEYERS and I have reached an agreement on these issues.

Basically, we have agreed to continue the levels now authorized by law for both SSBIC Programs and for the SBIC Debenture Guarantee Program for fiscal years 1995 through 1997; and our agreement would set the program level for the new SBIC participating security at existing law for 1995—$400 million—but would split the difference between existing law and the amounts approved by the committee for the 2 out-years. Thus the amounts authorized for the Participating Securities Program would be $650 million for 1996 and $900 million for 1997.

At the appropriate time, I will offer an amendment to accomplish the necessary changes in the bill.

I want to point out that interest in this program has been phenomenal; 75 companies with private capital of $1.3 billion have sought Small Business Investment Company licenses this year. This amount would fill much of the need for venture capital by small businesses. But, these private investors are putting up this money contingent upon the Government becoming funding partners and making additional capital available to these companies.

This legislation requires the SBA to submit a detailed report on the Small Business Investment Company Program next spring. If it is favorable, as I anticipate, it will be my intention to revisit the out-year authorizations for the Small Business Investment Company Program.

This legislation also requires SBA to convene a blue ribbon private sector panel to examine the Specialized Small Business Investment Company Program and to make recommendations. If this panel does as well as the Cloherty Commission which examined the regular Small Business Investment Company Program several years ago, I expect we will receive information upon which to formulate legislation to reinvigorate the Specialized Small Business Investment Company Program so that it can more fully serve the venture capital needs of minority small businesses.

Before concluding, I want to thank all of the Members of the committee for their work and cooperation in formulating this bill and presenting it to the House. Particularly, I want to thank Mrs. MEYERS for her assistance and cooperation and acknowledge the contributions of many other Members such as Representative MARJORIE MARGOLIES-MEZVINSKY and Representative LUCILLE ROYBAL-ALLARD who worked closely to develop title VI of the bill to enhance the development of women-owned enterprises.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS].

(Mr. LEWIS of Georgia asked and was given permission to proceed out of order.)

REMEMBERING JEAN YOUNG

Mr. LEWIS of Georgia. Mr. Chairman, I rise today with a deep sense of sadness and sorrow over the passing of Jean Childs Young, the wife of Ambassador Andrew Young. Our prayers are

with Andy, her children, her grandchildren, and other members of her family.

Many of us in the civil rights movement got to know this beautiful and gifted woman as she worked with her husband, Ambassador Young, during the early days of the movement. In Jean Childs Young, we had a pillar of the civil rights movement. She was the personification of grace, charm, intellect, beauty, and compassion.

Jean Childs Young represented the very best of America. She was a source of inspiration to thousands. For many of us and especially those who participated in the civil rights movement, her passing means the loss of a dear and special friend.

Mrs. Young was always charming and generous. She was a great supporter of children's issues and education. She worked tirelessly to improve conditions for the world's children and to improve educational opportunities for all.

Mrs. Young will be missed by the many who knew her and her life's work. Her passing is a great loss.

□ 1030

It is a great loss to the city of Atlanta, to the State of Georgia, to the Nation, and to the world.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4801, the Small Business Administration Reauthorization Act. H.R. 4801 is our basic 3-year reauthorization for the Small Business Administration. H.R. 4801 sets the program levels for the SBA's various direct and guaranteed loan programs. Included in the bill are authorization levels for the major small business financial assistance programs, such as the 7(a) General Business Loan Program, the Certified Development Company Program, and the Small Business Investment Company Programs.

A major function of the SBA is assisting small businesses in their quest for capital, and these reauthorization levels are set to meet the anticipated demand through 1997. The majority of SBA loan programs are run on a guaranteed basis, giving the taxpayer the most bang for the buck. For example, the 7(a) Loan Program, the SBA's flagship program, will be authorized to guarantee over $9 billion in loans with an outlay of less than $250 million. Programs like this provide the vital capital assistance necessary to make small business the effective job creator that drives our economy, a benefit that far outweighs the cost to the taxpayer.

H.R. 4801 also reauthorizes the counseling and assistance programs at the SBA. These programs, like the Small Business Development Centers and SCORE, provide valuable, affordable advice to small business men and women, giving them access to experience and knowledge which might otherwise be hard to find.

In addition to reauthorizing programs, H.R. 4801 also makes numerous improvements in several SBA programs. The committee has voted to establish new Accredited and Premier Lender Programs that will give the Certified Development Companies more flexibility and discretion in their lending, and reduce the impediments to their efforts to promote growth and job creations.

The committee has also increased the limits on the International Trade Lending Program to enable small business to access foreign markets and help expand our economy by expanding our markets.

The SBA reauthorization bill removes a provision prohibiting the SBA from adjusting the size standards for the five industries in the Competitiveness Demonstration Program. These industries—construction, dredging, waste removal, architecture and engineering, and ship repair—have been frozen at outdated size standards for several years as a result of the prohibition. In addition, we are granting the Administrator of the SBA greater flexibility to try some new methods for determining proper small business size standards.

H.R. 4801 also offers a solution to the long-standing problem of debenture prepayment penalties in the 503 Loan Program. I am pleased that the appropriators have found at least some of the funds necessary to alleviate this inequitable situation.

I am pleased that H.R. 4801 takes important steps to strengthen our efforts to assist small businesses owned and controlled by women through the creation of an Interagency Committee on Women's Business Enterprise. This committee, consisting of policymakers from all cabinet departments and other Federal agencies, will work in concert with the private sector advisory entity, the National Women's Business Council. Together they will identify, and take steps toward solving, problems that act as barriers to the success of women-owned businesses.

Finally, this legislation instructs the Office of Advocacy at the SBA to conduct a comprehensive study of the impact of Federal regulation, paperwork, and taxes on small business. This has been a growing concern both in Congress and the small business community and I am glad that we are taking steps to address it.

Mr. Chairman, this is a good bill. The committee worked hard and held a series of seven hearings, in addition to our usual oversight efforts, and Chairman LAFALCE deserves a great deal of credit for his efforts. I ask my colleagues to support this bill and support small business.

Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER of Louisiana. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I wish to express my appreciation to the gentlewoman from Kansas [Mrs. MEYERS], the ranking member, and the members of the committee for the inclusion of an important and, I think, innovative program in SBA authorization. America today is constructed of a number of business interests, but far and above all others, mom and pop businesses are what America is all about.

In fact, when we look at the number of employees in businesses around the country today, as an example, over 90 percent of the businesses in America today employ less than 25 people. Seventy percent or more employ less than 10, yet, when we look at the traditional definition of a small business in terms of the administration's definition of a small business, we find it is 500 employees, or total receipts of less than $5 million a year, so many of the programs requiring government enterprises to do business with small firms, in fact, turn out to be very large businesses. One-half of 1 percent of all the approved 8(a) contractors in my State, for example, get over 90 percent of all the contracts. Yes, they are the very large firms, not the small mom and pops that make up Main Street America.

Mr. Chairman, a new program, a new requirement, has been included in this legislation called a very small business set-aside, which creates for the first time an ability for a Federal procurement agency to do business with a company with less than 10 employees, thereby allowing the mom and pops on Main Street America to compete successfully for Federal dollars which are spent on goods and services.

Mr. Chairman, this set-aside has nothing to do with race or sex or any other normal demographic. It simply allows any businessman who truly is a small business to compete with others for the opportunity to see their firm grow from 5 employees to perhaps 10.

Mr. Chairman, if we are indeed to see economic expansion and real job creation across our country, it is going to come from allowing small businesses to participate in the huge Federal expenditures for goods and services. This is a very important new initiative, and I certainly wish to express my appreciation to the Members on both sides of the aisle who allowed this innovative approach to be tested. I am optimistic that over the coming months, as we look seriously at the problems of the 8(a) program, we can find a way to allow small business to truly share in the expenditures of massive Federal Government. It is an appropriate and logical step for us to take.

Mr. LAFALCE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ROYBAL-ALLARD], so we might engage in a colloquy.

Ms. ROYBAL-ALLARD. Mr. Chairman, first of all, I rise in strong support of H.R. 4801, the Small Business Reauthorization and Amendments Act of 1994. This act helps provide critically needed support for the small businesses in this country.

I would also like to thank the committee for allowing me, in conjunction with my distinguished colleague, the gentlewoman from Pennsylvania [Ms. MARGOLIES-MEZVINSKY], to amend H.R. 4801 to preserve the independence and the funding of the National Women's Business Council so it may continue its crucial work of promoting women's business ownership, and for adopting my amendment to authorize the use of Mobile Resource Centers to expand SBA's outreach efforts to traditionally underserved urban and rural areas.

Mr. Chairman, as previously agreed, at this time, I would like to engage in a brief colloquy with the distinguished chairman of the Small Business Committee.

Mr. Chairman, during the committee's deliberations on H.R. 4801, I raised concerns about the distribution of loan guarantees made to minorities and women under the SBA's 7(a) loan program.

As you know, the 7(a) loan represents 90 percent of the SBA's total loan commitment. There is evidence, however, that minorities and women are not being adequately served by this program.

The most recent report on the 7(a) program found that women-owned businesses received only 11.5 percent of the total 7(a) guaranteed loans, and that all minority groups combined received only 12.7 percent of these loans.

Mr. Chairman, I would ask the chairman of the committee, am I correct in my understanding that he agrees that the distribution of 7(a) loan guarantees needs closer congressional scrutiny, and that the committee, under your leadership, will work to ensure that the SBA provides accurate information to the committee on the equitable distribution of 7(a) loan guarantees to women and minorities?

□ 1040

Mr. LAFALCE. Mr. Chairman, I thank the gentlewoman very much for taking the lead in these very important issues.

Our committee is extremely concerned about the amount of loans being provided to women and to minorities and, therefore, we have discussed this on many occasions with Administrator Bowles. He shares this deep concern.

In fact, this month after examination of data on a district-by-district basis, the Administrator and each and every district director agreed on specific goals for improvements in lending to minorities and to women; indeed, entered into contracts to achieve certain goals.

There are, however, some problems with the statistics now maintained by the SBA. The agency and its program participants are working to not only identify the problems but then to correct them.

In addition, there may be a conflict between an SBA requirement that lenders compile and report loan data based upon sex or race and what is known as Regulation B of the Federal Reserve Board which seems to prohibit lenders from considering such factors.

The committee will continue to work with the SBA and the Federal Reserve Board to resolve this situation and allow the SBA to compile accurate and meaningful data which this committee can then evaluate as part of the oversight function with respect to SBA lending.

It is my belief that the amount of lending to women and to minorities is far too low and I assure the gentlewoman that we will continue to work very closely with her to secure significant improvement.

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentleman. As always, I appreciate his willingness to work with the committee members.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of this legislation and commend the committee chairman and ranking member on their leadership on small business issues and on this reauthorization.

There are many good things in this reauthorization bill from the point of view of the ability of small businesses to grow and develop in America, but there are a couple of provisions that I am very concerned about. I am disappointed with the cut in the budget of the Office of Women's Business Ownership and I regret also the reduction in support for the National Women's Business Council, because the majority of small businesses in America are being founded by women. They are founding very small businesses. The challenge to America if we are going to continue to create jobs at a pace that serves our people is to help those small businesses grow into medium-sized businesses and finally into big businesses. The Office of Women's Business Ownership has been more practical, has been more closely allied with the women business ownership community than any other office of Government and has developed realistic resources to help those small businesses founded by women to grow into stronger small businesses and finally into medium-sized businesses.

Women-owned businesses do face barriers in today's economy. That is why the interagency committee that is set up in this legislation is really a very significant contribution. There are many barriers to small businesses participating in, for example, Government purchasing contracts and there are even additional barriers for women-owned small businesses, and that is still true in the broader, private economy. Access to credit and those kinds of things are more difficult for women-owned small businesses. Since women are founding the majority of small businesses in America, it is indeed unfortunate, and was a very, I think, unfortunate signal from this administration—which is where I know this initiative originated—to send. We should not be cutting the support for the Office of Women's Business Ownership and the National Women's Business Council in our appropriations process, and which two oppose that cut, two nonetheless, appreciate this committee's strong support for the small business community and sensitivity to the needs and interests of our small business owners, many of whom are inventive, resourceful, strong women of America.

Mr. LAFALCE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in support of the bill. Small Business Administration programs are often overlooked by those of us who frequently praise small business as an engine of growth in our economy. Smaller firms certainly have been the source of most of this country's new jobs and innovations in recent years. And no one deserves more credit for that fact than the thousands of entrepreneurs and managers who undertake risk and devote much of their lives to pursuing the special satisfactions of owning and managing their own companies. Still, I think it is important to note the growing role of, and the increasing demand for, SBA programs that assist this crucial sector.

I would like to praise the role of the chairman of the Small Business Committee, Mr. LAFALCE, for his stewardship over this bill and for his leadership on the committee. This bill contains significant program innovations, and its authorization levels for SBA's crucial credit programs reflect both the increased demand for and the success of those programs.

These SBA programs deliver great direct benefit to our domestic economy at low taxpayer cost. They constitute a sound investment in the truest sense, generally more than paying for themselves in returned revenue. And I believe Administrator Erskine Bowles is revitalizing the SBA to promote even better service to its ultimate customer—the country's small businesses.

Today's bill contains one new program, the Accredited Lender Program, which I would like to mention. The

Small Business Committee included the ALP concept, drawn from a bill which I had previously introduced. The Accredited Lender Program will allow certified development companies participating in the 504 loan program, who have a proven record of success in that program, to receive expedited processing from SBA on their loan applications—usually within 5 working days.

By avoiding duplication of paperwork, the Accredited Lenders Program will allow small businesses to receive approval and credit promptly, which we know can often be the difference between a deal happening and its falling through. It can be the difference between jobs being created or not. I am confident that this new ALP program will help the 504 program to deliver even more benefit than that successful program does now, with no significant increase in exposure of taxpayer dollars to risk of loss.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield back the balance of my time.

Mr. LAFALCE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise in support of H.R. 4801, and congratulate the gentleman from New York and the gentlewoman from Kansas for crafting legislation that has drawn bipartisan support in the Small Business Committee. This reauthorization bill contains several programs which will foster the growth of small business.

Small business, as we all recognize, represents the fabric of economic recovery and future growth in both large and small communities. I have witnessed first hand in my district the benefits of flourishing small businesses. These benefits include higher employment rates and reduced crime. Perhaps the greatest benefit, however, are the partnerships that have formed between business, local government, and community groups. These groups should be commended, but they should also be assisted by the Federal Government.

The SBA serves in this capacity and Congress would be remiss if it did not allocate adequate resources and programs to assist small business. Through export loans, accredited lenders programs, assistance for women-owned businesses, and other programs, H.R. 4801 provides innovative assistance to small business.

Mr. BAKER from Louisiana also deserves commendation for his amendment which establishes a 3-year pilot program to provide procurement opportunities for businesses with 10 employees or less. I concur with my colleague from Louisiana, and believe that mom-and-pop style business deserve assistance from the SBA. Finally, I urge support for this bill, despite its lowered levels of funding for the SBIC and SSBIC programs. Although I would prefer the levels proposed by the administration, I still recognize that the overall bill contains the essential programs required to assist small business. I would therefore urge strong bipartisan support for this legislation.

□ 1050

Mr. LAFALCE. Mr. Chairman, I thank the gentleman from New York for his fine remarks.

Before yielding back the balance of my time, I would be remiss if I did not point out that one of the previous speakers, the gentleman from Illinois [Mr. POSHARD] was extremely helpful in the formation of this bill, and indeed authored the legislation establishing the accredited lenders program as part of the CDC or 504 program whereby experienced community development companies will receive priority processing of their applications. So my special thanks to him, too.

Ms. SNOWE. Mr. Chairman, I rise in support of H.R. 4801, the Small Business Reauthorization Act of 1994 to authorize funding for the Small Business Administration [SBA] for the next 3 fiscal years. Small businesses play a critical role in the long-term growth and prosperity of our Nation by providing stable, permanent jobs. The SBA has made a significant contribution in helping create and maintain small businesses around the country and in my home State of Maine, so I am proud to support the reauthorization of the Small Business Administration.

Small business means jobs. Nationally, 54 percent of American workers are employed in small business—those firms with fewer than 500 employees—according to the SBA. Small businesses are the backbone of Maine's economy. Roughly, 97 percent of businesses owned in Maine are small businesses, and these employ 62 percent of Maine's nonfarm workers.

The Small Business Administration has played an integral part in the formation and successful operation of Maine's small businesses. Through the first 6 months of this year, the SBA has provided $33.46 million in the form of direct loans and guaranteed funding for Maine's small businesses. Since 1992, SBA funding for Maine has totaled $128.9 million.

In part because of SBA's involvement, Maine businesses continue to increase. According to the latest SBA data, new business formations rose 6.2 percent in Maine from 1991 to 1992. This compares with a 1.1 percent rise nationally over the same period. Maine ranked 16th in the Nation in business formations.

The contribution of the SBA toward creating a productive small business environment is unquestionable. Over my years of service in Congress, including 4 years as a member of the House Small Business Committee, I have been proud to work with the SBA to help develop small business and address its concerns.

In June 1991, I helped the Small Business Administration announce the launching of a new program in New England designed to address the credit crunch. Called the Revolving Line of Credit Program, it enabled the SBA to guarantee up to 75 percent of a revolving line of credit extended by a commercial lender. Such federally guaranteed loans can be used as working capital by small manufacturing businesses. I also cohosted then-SBA Administrator Pat Saiki's visit to Maine in 1992 to discuss what the SBA could do to help small business in Maine.

Recently, I have been working with my colleagues on the New England Congressional Caucus to address the difficulties of small businesses in our region. As cochair of the caucus, I held a meeting on June 10, 1993, with the four Federal regulatory agencies to discuss why Maine small businesses have trouble obtaining credit and what approaches can be taken to fix the problem. Part of the solution is to relieve the regulatory burden on lending institutions, and legislation is currently pending in Congress to do just that.

Mr. Chairman, I supported the SBA reauthorization in 1990 and I will support this SBA reauthorization bill because the SBA works for small business. Maine small business benefit from SBA programs, like the microloan program, inaugurated during the Bush administration by Senator BUMPERS, and which provides direct small business loans up to $25,000 to entrepreneurs.

Microloans were created as a demonstration project in the Senate version of the fiscal year 1992 Commerce, Justice, State appropriations bill and Senator BUMPERS is credited for crafting the language for the microloan program. Senator BUMPERS' demonstration microloan program was later incorporated into H.R. 4111, the Small Business Credit Crunch Relief Act of 1992.

Maine has one of the oldest microloan programs in the country. In the spring of 1992, Coastal Enterprises, Inc. of Maine was selected as one of 35 qualifying organizations nationwide to initiate the Microloan Demonstration Program. However, as far back as 1984, some Maine localities were creating loan pools to make small loans to start-up businesses and served a similar purpose as the subsequent SBA microloan program.

From the fall of 1992 through March 1994, 87 microloans were made in Maine, creating 134 jobs. During this period, Maine has received over $1 million in microloans. I am pleased that this bill authorizes $130 million for microloans in fiscal year 1995, with increased authorizations in the subsequent 2 fiscal years.

I further support the bill's establishment of an Accredited Lenders Program, which will facilitate processing of loan applications and eventually allow qualified lenders to approve SBA-guaranteed loans on behalf of the SBA directly.

As cochair of the congressional Caucus for Women's Issues, I strongly support the bill's provisions on the development of women-owned businesses. According to the latest Census Bureau statistics, women-owned businesses increased 65.3 percent during the 1980's. The bill establishes an Office of Women's Business Ownership at SBA. It also restructures the National Women's Business Council as an advisory council to the SBA and Congress, although I regret that funding for the NWBC has been reduced by more than

half of what it has been in the past—from $500,000 to $200,000.

Mr. Chairman, the Small Business Administration works for small business and small business makes America work. Small business and entrepreneurship are the engines that drive the American economy. The Small Business Administration fulfills a vital role in support of American small business and therefore I am proud to support SBA reauthorization.

Ms. SCHENK. Mr. Chairman, I rise today in support of H.R. 4801, the Reauthorization of the Small Business Administration. As the Federal agency responsible for providing assistance to the Nation's small businesses, the Small Business Administration performs many important functions. Reauthorization is crucial to the thousands of businesses that rely on SBA loans and guarantees.

The bill makes a number of key changes in SBA programs that will lead to the expansion of opportunities for small businesses, but I would like to focus for a moment on one program in particular—the Microloan Program. The Microloan Program makes loans to local intermediaries such as an Economic Development Corporation or a Chamber of Commerce which in turn, loan money to very small business or entrepreneurs who otherwise would not be able to borrow money. This allows local organizations, not the Federal bureaucracy to makes the lending decisions. Since its inception 3 years ago, the program has met with remarkable success. Unfortunately, current legislative limitations have constrained its expansion.

H.R. 4801 rightly removes arbitrary State funding caps and restrictions on the number of intermediaries per State. These limitations penalize large States such as California and prohibit many worthy organizations from competing to become an intermediary. The bill also eliminates the intermediary cap of $1.25 million so that regions can expand their program as business opportunities grow.

Expansion of the Microloan Program is a smart, sensible way to encourage new start-up business which are the key to reviving many local economies. By eliminating caps and increasing the amount of money available to small business owners, we can give more Americans something many have always dreamed of—the opportunity to own their own business. I urge my colleagues to support passage of this important bill.

Mr. LAFALCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the bill modified by the amendments printed in the bill and the additional amendments printed in part 1 of House Report 103-627 is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 4801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Reauthorization and Amendment Act of 1994".

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking all of such section after subsection (k), as added by section 115(a) of the Small Business Credit and Business Opportunity Enhancement Act of 1992, and by inserting in lieu thereof the following:

"(l) The following program levels are authorized for fiscal year 1995:

"(1) For the programs authorized by this Act, the Administration is authorized to make $142,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $12,000,000 in loans as provided in section 7(a)(10) and $130,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $12,320,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $9,315,000,000 in general business loans as provided in section 7(a);

"(B) $2,200,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $33,000,000 in purchases of preferred securities;

"(B) $285,000,000 in guarantees of debentures, of which $55,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $500,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,500,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,000,000.

"(m) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(n) The following program levels are authorized for fiscal year 1996:

"(1) For the programs authorized by this Act, the Administration is authorized to make $208,000,000 in direct and immediate participation loans; and of such sum the Administration is authorized to make $13,000,000 in loans as provided in section 7(a)(10) and $195,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $14,610,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $10,935,000,000 in general business loans as provided in section 7(a);

"(B) $2,500,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $39,000,000 in purchases of preferred securities;

"(B) $405,000,000 in guarantees of debentures, of which $55,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $750,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,675,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,150,000.

"(o) There are authorized to be appropriated to the Administration for fiscal year 1996 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(p) The following program levels are authorized for fiscal year 1997:

"(1) For the programs authorized by this Act, the Administration is authorized to make $284,000,000 in direct and immediate participation loans; and of such sum the Administration is authorized to make $14,000,000 in loans as provided in section 7(a)(10) and $270,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $18,875,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $14,175,000,000 in general business loans as provided in section 7(a);

"(B) $3,000,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $45,000,000 in purchases of preferred securities;

"(B) $555,000,000 in guarantees of debentures, of which $55,000,000 is authorized in

guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $1,125,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,860,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,310,000.

"(q) There are authorized to be appropriated to the Administration for fiscal year 1997 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.".

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

SEC. 201. MICROLOAN FINANCING PILOT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding the following new paragraph at the end:

"(12) DEFERRED PARTICIPATION LOAN PILOT.—During fiscal years 1995 through 1997, on a pilot basis, in lieu of making direct loans to intermediaries as authorized in paragraph (1)(B), the Administration may participate on a deferred basis of up to 100 percent on loans made to intermediaries by a for-profit or non-profit entity or by alliances of such entities subject to the following conditions:

"(A) NUMBER OF LOANS.—The Administration shall not participate in providing financing on a deferred basis to more than ten intermediaries in urban areas per year and to more than ten intermediaries in rural areas per year.

"(B) TERM OF LOANS.—The term of such loans shall be ten years. During the first five years of the loan, the intermediary shall be required to pay interest only; and during the second five years of the loan, the intermediary shall be required to fully amortize principal and interest payments.

"(C) INTEREST RATE.—The interest rate on such loans shall be the rate specified by paragraph (3)(F) for direct loans.".

SEC. 202. MICROLOAN STATE LIMITATION.

Section 7(m)(7)(C) of the Small Business Act (15 U.S.C. 636(m)(7)(C)) is repealed.

SEC. 203. LIMIT ON PARTICIPATION.

Section 7(m)(7)(A) of the Small Business Act (15 U.S.C. 636(m)(7)(A)) is amended to read as follows:

"(A) NUMBER OF PARTICIPANTS.—During this demonstration program, the Administration is authorized to fund, on a competitive basis, not more than 240 microloan programs.".

SEC. 204. EQUITABLE DISTRIBUTION.

Section 7(m)(8) of the Small Business Act (15 U.S.C. 636(m)(8)) is amended to read as follows:

"(8) EQUITABLE DISTRIBUTION OF INTERMEDIARIES.—In approving microloan program applicants, the Administration shall select participation by such intermediaries as will ensure appropriate availability of loans to small businesses located in urban areas and in rural areas.".

SEC. 205. AMOUNT OF LOANS TO INTERMEDIARIES.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended to read as follows:

"(C) LOAN LIMITS.—In determining the amount of funding which the Administration may provide to one intermediary, it shall take into consideration the small business population in the area served by the intermediary.".

SEC. 206. LOANS TO EXPORTERS.

Section 7(a)(14)(A) of the Small Business Act (15 U.S.C. 636(a)(14)(A)) is amended to read as follows:

"(A) The Administration may provide extensions, standby letters of credit, revolving lines of credit for export purposes, and other financing to enable small business concerns, including small business export trading companies and small business export management companies, to develop foreign markets. A bank or participating lending institution may establish the rate of interest on such financings as may be legal and reasonable.".

SEC. 207. WORKING CAPITAL INTERNATIONAL TRADE LOANS.

Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended to read as follows:

"(B) if the total amount outstanding and committed (on a deferred basis) solely for the purposes provided in paragraph (16) to the borrower from the business loan and investment fund established by this Act would exceed $1,250,000, of which not more than $750,000 may be used for working capital, supplies, or financings under section 7(a)(14) for export purposes; and".

SEC. 208. GUARANTEES ON INTERNATIONAL TRADE LOANS.

Section 7(a)(2)(B)(iv) of the Small Business Act (15 U.S.C. 636(a)(2)(B)(iv)) is amended to read as follows:

"(iv) not less than 85 percent nor more than 90 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (14) or under paragraph (16).".

SEC. 209. ACCREDITED LENDERS PROGRAM.

(a) Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 507. ACCREDITED LENDERS PROGRAM.

"(a) The Administration is authorized to establish an Accredited Lenders Program for qualified State and local development companies which meet the requirements of subsection (b).

"(b) The Administration may designate a qualified State or local development company as an accredited lender if such company—

"(1) has been an active participant in the development company program for at least the last 12 months;

"(2) has well-trained, qualified personnel who are knowledgeable in the Administration's lending policies and procedures for the development company program;

"(3) has the ability to process, close, and service financing for plant and equipment under section 502 of this Act;

"(4) has a loss rate on its debentures that is acceptable to the Administration;

"(5) has a history of submitting to the Administration complete and accurate debenture guaranty application packages; and

"(6) has demonstrated the ability to serve small business credit needs for financing plant and equipment as provided in section 502 of this Act.

"(c) The Administration shall expedite the processing of a loan application or servicing action submitted by a qualified State or local development company that has been designated as an accredited lender in accordance with subsection (b).

"(d) The designation of a qualified State or local development company as an accredited lender may be suspended or revoked if the Administration determines that the development company has not continued to meet the criteria for eligibility under subsection (b) or that the development company has failed to adhere to the Administration's rules and regulations or is violating any other applicable provision of law. Suspension or revocation shall not affect any outstanding debenture guarantee.

"(e) For purposes of this section, the term 'qualified State or local development company' has the same meaning as in section 503(e).".

(b) The Administration shall promulgate regulations to carry out this section within 90 days of the date of the enactment of this Act.

(c) The Administration shall report to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives within one year, and annually thereafter, on the implementation of this section, specifically including data on the number of development companies designated as accredited lenders, their debenture guarantee volume, their loss rates, and the average processing time on their guarantee applications, along with such other information as the Administration deems appropriate.

SEC. 210. PREMIER LENDERS PROGRAM.

(a) Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is further amended by adding at the end the following new section:

"SEC. 508. PREMIER LENDERS PROGRAM.

"(a) The Administration is authorized to establish a Premier Lenders Program for certified development companies which meet the requirements of subsection (b).

"(b) The Administration may designate a participant in the accredited lenders program as a premier lender if such company—

"(1) has been an active participant in the accredited lenders program for at least the last 12 months: *Provided*, That prior to January 1, 1996, the Administration may waive this provision if the applicant is qualified to participate in the accredited lenders program;

"(2) has a history of submitting to the Administration adequately analyzed debenture guarantee application packages; and

"(3) agrees to assume and to reimburse the Administration for 5 percent of any loss sustained by the Administration on account of default by the certified development company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administration under this section.

"(c) Upon approval of an applicant as a premier lender, the certified development company shall establish a loss reserve in an amount equal to the anticipated losses to the certified development company pursuant to subsection (b)(3) based upon the historic loss rate on debentures issued by such company, or 3 percent of the aggregate principal amount of debentures issued by such company and guaranteed by the Administration

under this section, whichever is greater. The loss reserve shall be comprised of segregated assets of the development company which shall be securitized in favor of the Administration or of such unqualified letters of credit or indemnity agreements from a third party as the Administration deems appropriate.

"(d) Upon designation and qualification of a company as a premier lender, and subject to such terms and conditions as the Administration may determine, and notwithstanding the provisions of section 503(b)(6), the Administration may permit a premier lender to approve loans to be funded with the proceeds of and to authorize the guarantee of a debenture issued by such company. The approval by the premier lender shall be subject to the final approval as to eligibility of any such guarantee by the Administration pursuant to subsection 503(a) of this Act, but such final approval shall not include decisions by the company involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

"(e) The designation of a qualified State or local development company as a premier lender may be suspended or revoked if the Administration determines that the company—

"(1) has not continued to meet the criteria for eligibility under subsection (b);

"(2) has not established or maintained the loss reserve required under subsection (c); or

"(3) is failing to adhere to the Administration's rules and regulations or is violating any other applicable provision of law.

"(f) Suspension or revocation shall not affect any outstanding debenture guarantee.".

(b) The Administration shall promulgate such regulations to carry out this section within 180 days of the date of the enactment of this Act.

(c) The Administration shall report to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives within one year, and annually thereafter, on the implementation of this section, specifically including data on the number of development companies designated as premier lenders, their debenture guarantee volume, and the loss rate for premier lenders as compared to accredited and other lenders, along with such other information as the Administration deems appropriate.

(d) Section 508 of the Small Business Investment Act of 1958 is repealed on October 1, 1999.

(e) The table of contents contained in section 101 of the Small Business Investment Act of 1958 is amended by adding at the end of the matter relating to title V the following:

"Sec. 507. Accredited lenders program.
"Sec. 508. Premier lenders program.".

SEC. 211. SSBIC ADVISORY COUNCIL.

(a) COUNCIL ESTABLISHED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall appoint an Investment Advisory Council for the Specialized Small Business Investment Company Program. The Council shall consist of not less than 12 individuals from the private sector, including individuals—

(1) who have experience in providing venture capital to small business, particularly minority small business;

(2) who are current participants in the Specialized Small Business Investment Company Program;

(3) who are former participants in the Specialized Small Business Investment Company Program; or

(4) who are or who represent small business concerns.

(b) CHAIRMAN AND STAFF.—The Administrator shall designate one of the members of the Council as chairperson. The Investment Division of the Small Business Administration shall provide such staff, technical support, and information as shall be deemed appropriate. Council members shall be deemed to be an advisory board pursuant to section 8(b)(13) of the Small Business Act for purposes of reimbursement of expenses.

(C) REPORT.—Within six months of the date of appointment, the Council shall make a written report with findings and recommendations on the venture capital needs, including debt and equity, of socially or economically disadvantaged small business concerns and any needed Federal incentives to assist the private sector to meet such needs. The report shall specifically address—

(1) the history of the Specialized Small Business Investment Company program in providing assistance to such concerns and the impact of such assistance on the economy;

(2) the appropriateness and ability of the Specialized Small Business Investment Company Program to meet these needs;

(3) the problems affecting the Specialized Small Business Investment Company Program; and

(4) the effectiveness of the Specialized Small Business Investment Company Program and its administration by the Small Business Administration.

SEC. 212. PARTICIPATING SECURITIES FOR SMALLER SBICS.

Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by adding the following new paragraph at the end:

"(13) Of the amount of the annual program level of participating securities approved in Appropriations Acts, 50 percent shall be reserved for funding Small Business Investment Companies with private capital of less than $20,000,000; except that during the last quarter of each fiscal year, the Administrator may, if he determines that there is a lack of qualified applicants with private capital under such amount, utilize all or any part of the securities so reserved.".

SEC. 213. REPORT ON SBIC PROGRAM.

The Small Business Administration shall provide the Committee on Small Business of the House of Representatives and Senate with a comprehensive report on the status and disposition of all Small Business Investment Companies, active or in liquidation, and a complete accounting of the assets in and the basis of their portfolios, the projected and actual loss rates for all portfolios in liquidation or active, and a detailed accounting of valuation of the SBIC program's investments. This report shall be delivered to the respective Committees on Small Business no later than April 15, 1995.

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

SEC. 301. COMPETITIVE DEMONSTRATION PROJECT SIZE STANDARDS.

Section 732 of the Business Opportunity Development Reform Act of 1988 (Public Law 100-656) is amended by repealing the second sentence of such section.

SEC. 302. SIZE STANDARD CRITERIA.

Section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is amended to read as follows:

"(2) In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of this Act or any other Act. Such standards may utilize number of employees, dollar volume of business, net worth, net income, or a combination thereof. Unless specifically authorized by statute, no Federal department or agency may prescribe a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(A) is being proposed after an opportunity for public notice and comment;

"(B) provides for determining—

"(i) the size of a manufacturing concern as measured by its average employment based upon employment during each of the concern's pay periods for the preceding twelve calendar months;

"(ii) the size of a concern providing services on the basis of the annual average gross receipts of the concern over a period of not less than 3 years; and

"(iii) the size of other concerns on the basis of data over a period of not less than 3 years; and

"(C) is approved by the Administrator if it is not being proposed by the Small Business Administration.".

SEC. 303. SUNSET ON PREFERRED SURETY BOND GUARANTEE PROGRAM.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (Public Law 100-590) is amended by striking "September 30, 1994" and by inserting in lieu thereof "September 30, 1997".

SEC. 304. VERY SMALL BUSINESS CONCERNS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 30 as section 41 and by inserting after section 29, as redesignated by section 606 of this Act, the following:

"SEC. 30. PILOT PROGRAM FOR VERY SMALL BUSINESS CONCERNS.

"(a) ESTABLISHMENT.—The Administration shall establish and carry out a pilot program in accordance with the requirements of this section to provide procurement opportunities to very small business concerns.

"(b) SUBCONTRACTING OF PROCUREMENT CONTRACTS.—

"(1) IN GENERAL.—In carrying out the program, the Administration is authorized to enter into procurement contracts with the United States Government and to arrange for the performance of such contracts through the award of subcontracts to very small business concerns.

"(2) TERMS AND CONDITIONS.—The authority of the Administration under paragraph (1) shall be subject to the same terms and conditions as apply to the authority of the Administration under section 8(a), except that—

"(A) the Administration may make such modifications to such terms and conditions as the Administration determines necessary; and

"(B) all contract opportunities offered for award under the program shall be awarded on the basis of competition restricted to eligible program participants.

"(c) PROGRAM PARTICIPATION.—Very small business concerns participating in the program shall be subject to the same terms and conditions for program participation as apply to program participants under sections 7(j) and 8(a); except that—

"(1) the Administration may make such modifications to such terms and conditions as the Administration determines necessary; and

"(2) eligibility shall be determined on the basis of qualifying as a very small business concern as defined in subsection (g), in lieu

of the requirements contained in paragraphs (4), (5), and (6) of section 8(a).

"(d) TECHNICAL AND FINANCIAL ASSISTANCE.—In order to assist very small business concerns participating in the program, the Administration is authorized—

"(1) to provide technical assistance to such concerns in the same manner and to the same extent as technical assistance is provided to small business concerns pursuant to section 7(j); and

"(2) to provide pre-authorization to such concerns for the purpose of receiving financial assistance under section 7(a).

"(e) PROGRAM TERM.—The Administration shall carry out the program in each of fiscal years 1995, 1996, and 1997.

"(f) REPORT TO CONGRESS.—On or before December 31, 1996, the Administration shall transmit to Congress a report containing an analysis of the results of the program, together with recommendations for appropriate legislative and administrative actions.

"(g) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) PROGRAM.—The term 'program' means the program established pursuant to subsection (a).

"(2) VERY SMALL BUSINESS CONCERN.—The term 'very small business concern' means a small business concern that—

"(A) has 10 employees or less; or

"(B) has average annual receipts that total $1,000,000 or less.".

TITLE IV—MANAGEMENT ASSISTANCE

SEC. 401. SUNSET ON COSPONSORED TRAINING.

(a) The authority of the Small Business Administration to cosponsor training as authorized by section 5(a) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is hereby repealed September 30, 1997.

(b) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is amended by striking the second sentence.

SEC. 402. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.

Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended to read as follows:

"(4) The Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 per centum cash and not more than 50 per centum of indirect costs and in-kind contributions: *Provided*, That this matching amount shall not include any indirect costs or in-kind contributions derived from any Federal program: *Provided further*, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a national program based upon the population to be served by the Small Business Development Center as compared to the total population in the United States, plus $125,000, or $200,000, whichever is greater, per year. The amount of the national program shall be—

"(A) $70,000,000 through September 30, 1995;

"(B) $77,500,000 from October 1, 1995 through September 30, 1996; and

"(C) $85,000,000 beginning October 1, 1996.

The amount of eligibility of each Small Business Development Center shall be based upon the amount of the national program in effect as of the date for commencement of performance of the Center's grant.".

SEC. 403. FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.

(a) Section 21(a)(5) of the Small Business Act (15 U.S.C. 648(a)(5)) is amended to read as follows:

"(5) A Small Business Development Center may enter a contract with a Federal department or agency to provide specific assistance to small business concerns if the contract is approved in advance by the Deputy Associate Administrator of the Small Business Development Center program. Approval shall be based upon a determination that the contract will provide assistance to small business concerns and that its performance will not hinder the Center in carrying out the terms of its grant from the Administration. The amount of any such contract shall not be subject to the matching funds requirements of paragraph (4) nor shall the amount of eligibility under such paragraph: *Provided*, That notwithstanding any other provision of law, such contracts for assistance to small business concerns shall not be counted toward any Federal department or agency's small business, women-owned business, or socially and economically disadvantaged business contracting goal as established by section 15(g) of the Small Business Act (15 U.S.C. 644(g)).".

(b) Section 21(a)(6) of the Small Business Act (15 U.S.C. 648(a)(6)) is amended by striking "paragraphs (4) and (5)" and by inserting in lieu thereof "paragraph (4)".

SEC. 404. CENTRAL EUROPEAN SMALL BUSINESS DEVELOPMENT.

Section 25(i) of the Small Business Act (15 U.S.C. 652(i)) is amended by striking "and $2,000,000 for each of fiscal years 1993 and 1994" and by inserting in lieu thereof ", $2,000,000 for each of fiscal years 1993 and 1994, and $1,000,000 for fiscal year 1995".

SEC. 405. MOBILE RESOURCE CENTER PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Small Business Administration may establish and carry out in each of fiscal years 1995, 1996, and 1997 a mobile resource pilot program (in this section referred to as the "program" in accordance with the requirements of this section.

(b) MOBILE RESOURCE CENTER VEHICLES.—Under the program, the Administration may use mobile resource center vehicles to provide technical assistance, information, and other services available from the Small Business Administration to traditionally underserved populations. Two of such vehicles should be utilized in rural areas and 2 of such vehicles should be utilized in urban areas.

(c) REPORT TO CONGRESS.—If the Administrator conducts the program authorized in this section, not later than December 31, 1996, he shall transmit to Congress a report containing the results of such program, together with recommendations for appropriate legislative and administrative actions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 $900,000 to carry out this section. Of such sums—

(1) $800,000 may be made available for the purchase or lease of mobile resource center vehicles; and

(2) $100,000 may be made available for studies, startup expenses, and other administrative expenses.

Such sums shall remain available until expended.

TITLE V—RELIEF FROM FFB DEBENTURE PREPAYMENT PENALTIES

SEC. 501. CITATION.

This title may be cited as the "Small Business Prepayment Penalty Relief Act of 1994.".

SEC. 502. MODIFICATION OF DEVELOPMENT COMPANY DEBENTURE INTEREST RATES.

(a) IN GENERAL.—Upon the request of the issuer and the concurrence of the borrower, the Small Business Administration is authorized to transfer to the Federal Financing Bank such sums as may be necessary to carry out the provisions of this section in order to reduce the interest rate on a debenture issued by a certified development company. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture.

(b) INTEREST RATE MODIFICATION.—Upon receipt of such payment, the Federal Financing Bank shall modify the interest rate of each debenture for which the payment is made. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "issuer" means the issuer of a debenture pursuant to section 503 of the Small Business Investment Act of 1958 which has been purchased by the Federal Financing Bank if the debenture is outstanding on the date of enactment of this Act, and neither the loan that secures the debenture nor the debenture is in default on such date; and

(2) the term "borrower" means the small business concern whose loan secures a debenture issued pursuant to such section.

(d) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer or borrower which are otherwise authorized by contract or by law.

(e) REFINANCING.—Debentures authorized by sections 504 and 505 of the Small Business Investment Act of 1958 may be used to refinance debentures issued under section 503 of such Act if the amount of the new financing is limited to such amounts as are needed to repay the existing debenture, including any prepayment penalty imposed by the Federal Financing Bank. Any such refinancing shall be subject to all of the other provisions of sections 504 and 505 of such Act and the rules and regulations of the Administration promulgated thereunder, including, but not limited to, rules and regulations governing payment of authorized expenses and commissions, fees and discounts to brokers and dealers in trust certificates issued pursuant to section 505: *Provided, however*, That no applicant for refinancing under section 504 of this Act need demonstrate that the requisite number of jobs will be created or preserved with the proceeds of such refinancing: *Provided further*, That a development company which provides refinancing under this subsection shall be limited to a loan processing fee not to exceed one-half of one percent to cover the cost of packaging, processing and other nonlegal staff functions.

SEC. 503. MODIFICATION OF SMALL BUSINESS INVESTMENT COMPANY DEBENTURE INTEREST RATES.

(a) IN GENERAL.—Upon the request of the issuer, the Small Business Administration is authorized to transfer to the Federal Financing Bank such sums as may be necessary to carry out the provisions of this section in order to reduce the interest rate on a debenture issued by a Small Business Investment Company under the provisions of title III of the Small Business Investment Act of 1958. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture.

(b) INTEREST RATE MODIFICATION.—Upon receipt of such payment, the Federal Financing Bank shall modify the interest rate of

each debenture for which the payment is made. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(c) DEFINITIONS.—For the purposes of this section, the term "issuer" means the issuer of a debenture pursuant to section 303 of the Small Business Investment Act of 1958 which has been purchased by the Federal Financing Bank if the debenture is outstanding on the date of enactment of this Act, and is not in default on such date.

(d) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer which are otherwise authorized by contract or by law.

SEC. 504. MODIFICATION OF SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY DEBENTURE INTEREST RATES.

(a) INTEREST RATE MODIFICATION.—Upon the request of the issuer, the Small Business Administration is authorized to modify the interest rate on a debenture issued by a Small Business Investment Company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958 and which is held by the Administration. No debenture which has been sold to a third party shall be eligible for modification under this section. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(b) DEFINITIONS.—For the purposes of this section, the term "issuer" means a Specialized Small Business Investment Company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958 which has issued a debenture which has been funded by the Small Business Administration, providing the debenture is outstanding on the date of enactment of this Act and is not in default on such date.

(c) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer which are otherwise authorized by contract or by law.

SEC. 505. INTEREST RATE REDUCTIONS.

(a) IN GENERAL.—Upon enactment of an Appropriations Act providing funds to carry out the provisions of this Act and limited to amounts specifically provided in advance in Appropriations Acts, the Small Business Administration shall evaluate the outstanding portfolio of debentures which are eligible for interest rate relief under this Act. The Administration shall apply the funds appropriated to carry out this Act in order to reduce the highest interest rate on all eligible debentures to a uniform rate.

(b) AUTHORIZATION.—There are authorized to be appropriated $30 million to carry out the provisions of this Act in fiscal year 1995.

TITLE VI—DEVELOPMENT OF WOMEN-OWNED BUSINESSES

SEC. 601. STATUS OF COUNCIL.

Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 405 of such Act and, as redesignated, is amended—

(1) in the heading by inserting "**OF THE COUNCIL**" after "**ESTABLISHMENT**"; and

(2) by striking the period at the end and inserting the following: "which shall serve as an independent advisory council to the Interagency Committee on Women's Business Enterprise, to the Administrator of the Small Business Administration, and to the Congress of the United States. The Council, in order to carry out its function as an independent advisory council to the Congress, is authorized and directed to report independently of the Interagency Committee directly to the Congress at such times and on such matters as it, in its discretion, deems appropriate.".

SEC. 602. DUTIES OF NATIONAL WOMEN'S BUSINESS COUNCIL.

Section 402 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 406 of such Act and, as redesignated, is amended to read as follows:

"SEC. 406. DUTIES OF THE COUNCIL.

"The Council shall meet at such times as it determines necessary in order to advise and consult with the Interagency Committee on Women's Business Enterprise on matters relating to the activities, functions, and policies of such Committee as provided in this title. The Council shall make annual recommendations for consideration by the Committee. The Council also shall provide reports and make such other recommendations as it deems appropriate to the Committee, to the Administrator of the Small Business Administration, and to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives.".

SEC. 603. MEMBERSHIP OF THE COUNCIL.

Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 407 of such Act, and, as redesignated, is amended to read as follows:

"SEC. 407. MEMBERSHIP OF THE COUNCIL.

"(a) The Council shall be composed of 15 members who shall be appointed by the Administrator of the Small Business Administration and who shall serve at the Administrator's discretion. In making the appointments, the Administrator shall include racial, geographic and economic diversity, and representation from diverse sectors of the economy, including manufacturing, high technology, services and credit institutions, and shall give priority to include representation of major women's business organizations.

"(b) Only the owner, operator or employee of a woman-owned business shall be eligible for appointment, and not more than eight appointees shall be members of the same political party. If any member of the Council subsequently becomes an officer or employee of the Federal Government or of the Congress, such individual may continue as a member of the Council for not longer than the thirty-day period beginning on the date such individual becomes such an officer or employee.

"(c) The Council annually shall select one member to serve as its Chairperson. The Chairperson of the Council, or her designee, shall be the representative of the Council to all meetings of the Interagency Committee on Women's Business Enterprise.

"(d) The Council shall meet not less than four times per year. Meetings shall be at the call of the Chairperson at such times as she deems appropriate.

"(e) Members of the Council shall serve without pay for such membership, except they shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council, in the same manner as persons serving on advisory boards pursuant to section 8(b) of the Small Business Act.".

SEC. 604. INTERAGENCY COMMITTEE.

Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by striking section 404 and by inserting the following new sections prior to section 405 as redesignated by section 601 of this Act:

"SEC. 401. ESTABLISHMENT OF THE COMMITTEE.

"There is established an Interagency Committee to be known as the 'Interagency Committee on Women's Business Enterprise' (hereinafter in this title referred to as the Committee).

"SEC. 402. DUTIES OF THE COMMITTEE.

"The Committee shall—

"(1) promote, coordinate and monitor the plans, programs and operations of the departments and agencies of the Federal Government which may contribute to the establishment, preservation and strengthening of women's business enterprise. It may, as appropriate, develop comprehensive interagency plans and specific program goals for women's business enterprise with the cooperation of Federal departments and agencies;

"(2) promote the better utilization of the activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and women's business enterprise, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies;

"(3) consult with the Council to develop and promote new initiatives designed to foster women's business enterprise, and to develop policies, programs, and plans intended to promote such development;

"(4) consider the Council's recommendations and public and private sector studies of the problems of women entrepreneurs, and promote further research into such problems; and

"(5) design a comprehensive plan for a joint public-private sector effort to facilitate the development and growth of women-owned businesses. The Committee should submit the plan to the President for review within six months of the effective date of this Act.

"SEC. 403. MEMBERSHIP OF THE COMMITTEE.

"(a) The Committee shall be composed of representatives of the following departments and agencies: The Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Education, Housing and Urban Development, Interior, Justice, Labor, Transportation, Treasury, the Federal Trade Commission, General Services Administration, National Science Foundation, Office of Federal Procurement Policy, and the Director of the Office of Women's Business Ownership of the Small Business Administration, who shall serve as Vice Chairperson of the Committee. The head of each such department and agency shall designate a representative who shall be a policy making official within the department or agency.

"(b) The Committee shall have a Chairperson appointed by the President, after consultation with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration. The Chairperson shall be the head of a Federal department or agency. If the Chairperson is the head of one of the departments or agencies enumerated in subsection (a), he or she shall also serve as the representative of such department or agency.

"(c) The Committee shall meet not less than four times per year. Meetings shall be at the call of the Chairperson at such times as he or she deems appropriate.

"(d) The members of the Committee shall serve without additional pay for such membership.

"(e) The Chairperson of the Committee may designate a Director of the Committee, after consultation with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration.

"(f) The Chief Counsel for Advocacy is authorized to appoint to his staff under the provisions of section 204 of Public Law 94-305 (15 U.S.C. 634(d)) the person so designated under subsection (e). He or she is also authorized to provide additional staff and administrative support for the Committee.

"(g) The Director of the Office of Women's Business Ownership of the Small Business Administration is authorized to provide additional staff and administrative support for the Committee.

"SEC. 404. REPORTS FROM THE COMMITTEE.

"The Committee shall transmit to the President and to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives a report no less than once in every twelve-month period. The first such report shall be submitted no later than March 31, 1995. Such reports shall contain any recommendations from the Council and any comments of the Committee thereon, a detailed statement on the activities of the Committee, the findings and conclusions of the Committee, together with its recommendations for such legislation and administrative actions as it considers appropriate to promote the development of small business concerns owned and controlled by women.".

SEC. 605. REPEALER.

Sections 404 through 407 of the Women's Business Ownership Act of 1988, as in effect on the day before the date of the enactment of this Act, are repealed and the following new section is added at the end of title IV of such Act:

"SEC. 408. DEFINITIONS.

"For the purposes of this Act, the term—

"(1) 'woman-owned business' shall mean a small business which is at least 51 percent owned by a woman or women who also control and operate it;

"(2) 'control' shall mean exercising the power to make policy decisions;

"(3) 'operate' shall mean being actively involved in the day-to-day management; and

"(4) 'women's business enterprise' shall mean a woman-owned business or businesses or the efforts of a woman or women to establish, maintain, or develop such a business or businesses.".

SEC. 606. EXTENSION OF AUTHORITY FOR DEMONSTRATION PROJECTS.

Section 28 of the Small Business Act, as added by section 2 of Public Law 102-191, is redesignated as section 29 and, as so redesignated, is amended by striking from subsection (g) "1995" and by inserting "1997".

SEC. 607. ESTABLISHMENT OF OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29 of the Small Business Act, as redesignated by section 606 of this Act, is amended by adding the following new subsection at the end:

"(h) There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises as defined in section 408 of the Women's Business Ownership Act of 1988. The Office shall be headed by a director who shall be appointed by the Administrator.".

SEC. 608. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Title IV of the table of contents of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISE

"Sec. 401. Establishment of the Committee.
"Sec. 402. Duties of the Committee.
"Sec. 403. Membership of the Committee.
"Sec. 404. Reports from the Committee.
"Sec. 405. Establishment of the Council.
"Sec. 406. Duties of the Council.
"Sec. 407. Membership of the Council.
"Sec. 408. Definitions.".

(b) The heading to title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISES".

SEC. 609. AUTHORIZATION.

There is authorized to be appropriated $200,000 in each of fiscal years 1995 through 1997 to carry out the provisions of title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note).

TITLE VII—MISCELLANEOUS AMENDMENTS

SEC. 701. HANDICAPPED PARTICIPATION IN SMALL BUSINESS SET ASIDE CONTRACTS.

Section 15(c) of the Small Business Act (15 U.S.C. 644(c)) is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(2)(A) During each fiscal year, public or private organizations for the handicapped shall be eligible to participate in programs authorized under this section in an aggregate amount not to exceed $50,000,000."; and

(2) by adding the following new paragraph at the end thereof:

"(7) Any contract awarded to such an organization pursuant to the provisions of this subsection may be extended for up to two additional years.".

SEC. 702. SBA INTEREST PAYMENTS TO TREASURY.

Section 4(c)(5)(B)(ii) of the Small Business Act (15 U.S.C. 633(c)(5)(B)(ii)) is amended to read as follows:

"(ii) The Administration shall pay into the miscellaneous receipts of the Treasury following the close of each fiscal year the actual interest it collects during that fiscal year on all financings made under the authority of this Act.".

SEC. 703. IMPOSITION OF FEES.

Section 5(b) of the Small Business Act (15 U.S.C. 634(b)) is amended—

(1) in paragraph (10) by striking "and" at the end;

(2) in paragraph (11) by striking the period at the end and inserting a semicolon; and

(3) by adding the following new paragraphs at the end:

"(12) impose, retain and use only those fees which are specifically authorized by law or which are in effect on September 30, 1994, and in the amounts and at the rates in effect on such date. The administrator is authorized to impose, retain and utilize, subject to approval in appropriations Acts, the following additional fees—

"(A) not to exceed $100 for each loan servicing action requested after disbursement of the loan, including substitution of collateral, loan assumptions, release or substitution of guarantors, reamortizations or similar actions;

"(B) to recover the direct, incremental cost involved in the production and dissemination of compilations of information produced by the Administration under the authority of the Small Business Act and the Small Business Investment Act of 1958; and

"(13) to collect, retain and utilize, subject to approval in appropriations Acts, any amounts collected by fiscal transfer agents and not used by such agent as payment of the cost of loan pooling or debenture servicing operations: *Provided*, That any monies so collected shall be utilized solely to facilitate the administration of the program which generated the excess monies.".

SEC. 704. SBIR VENDORS.

Section 9(q)(2) of the Small Business Act (15 U.S.C. 638(q)(2)) is amended to read as follows:

"(2) VENDOR SELECTION.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1). Such selection shall be competitive using merit-based criteria, for a term not to exceed 3 years.".

SEC. 705. MANUFACTURING CONTRACTS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

"(p) MANUFACTURING MODERNIZATION PILOT PROGRAM.—

"(1) ESTABLISHMENT.—The Administrator may establish and carry out a manufacturing modernization pilot program (hereinafter in this section referred to as the 'program') for the purpose of promoting the award of Federal procurement contracts to small business concerns that participate in manufacturing application and education centers that are established or certified pursuant to paragraph (2).

"(2) MANUFACTURING APPLICATION AND EDUCATION CENTERS.—The Administrator may establish manufacturing application and education centers which will provide training to small business concerns on new and innovative manufacturing practices in a shared-use production environment and which will assist such concerns in carrying out Federal procurement contracts for the manufacture of components and subsystems. The Administrator may also certify existing manufacturing application and education centers for participation in the program.

"(3) USE OF PRIVATE CENTERS AS EXAMPLES.—In establishing any manufacturing application and education centers pursuant to paragraph (2), the Administrator may use as examples manufacturing application and education centers in the private sector that provide the following services: technology demonstration, technology education, technology application support, technology advancement support, and technology awareness.

"(4) IDENTIFICATION OF CONTRACTS.—The Administrator and the head of a contracting agency may identify for additional small business set-asides pursuant to subsection (a) any procurement, and in particular any procurement which is being foreign-sourced or is considered critical, which is susceptible to performance by a small business concern if the concern is assisted by a manufacturing application and education center under the program. Any such procurement shall be subject to the requirements of subsection (a), including requirements relating to any failure of the Administrator and the head of the contracting agency to agree on procurement methods.

"(5) NONAPPLICABILITY OF PERFORMANCE REQUIREMENT.—The requirement of subsection (o)(1)(B) shall not apply with respect to any contract carried out by a small business concern under the program with the assistance

of a manufacturing application and education center.

"(6) REGULATIONS.—Not later than 6 months after the date of the enactment of this subsection, the Administrator shall issue regulations to carry out this subsection if he determines it appropriate to carry out the program authorized by this subsection.

"(7) REPORTS.—

"(A) PROGRESS REPORT.—Not later than 3 months after the last day of the fiscal year in which final regulations are issued pursuant to paragraph (6), the Administrator shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report on the progress of the program.

"(B) FINAL REPORT.—If the Administrator establishes the program authorized herein, not later than March 31, 1999, he shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report on the success of the program in—

"(i) enabling deployment of technology to small business concerns participating in the program, and

"(ii) assisting manufacturing application and education centers in achieving self-sufficiency,

together with recommendations concerning continuation, modification, or discontinuance of the program.

"(8) PROGRAM TERM.—The Administrator may carry out the program during the period beginning on the date of issuance of final regulations under paragraph (5) and ending on September 30, 1999.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.".

SEC. 706. DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 30, as added by section 304 of this Act, the following:

"SEC. 31. DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

"None of the funds made available pursuant to this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Administrator of the Small Business Administration or the official to which the funds are made available that the individual is not lawfully within the United States.".

SEC. 707. OFFICE OF ADVOCACY EMPLOYEES.

Section 204 of Public Law 94-305 (15 U.S.C. 634d) is amended as follows—

(1) by striking "after consultation with and subject to the approval of the Administrator,"; and

(2) in paragraph (1) by striking "GS-15 of the General Schedule" and all that follows and inserting "GS-15 of the General Schedule: Provided, however, That not more than 14 staff personnel at any one time may be employed and compensated at a rate in excess of GS-15, step 10, of the General Schedule;".

SEC. 708. ADVOCACY STUDY OF PAPERWORK AND TAX IMPACT.

The Chief Counsel for Advocacy of the Small Business Administration shall conduct a study of the impact of all Federal regulatory paperwork and tax requirements upon small business and report its findings to the Congress within 1 year of the date of the enactment of this Act.

The CHAIRMAN. No other amendment to the bill is in order except the amendments printed in part 2 of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, is considered as read, shall be debatable under the terms specified in report, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part 2 of House Report 103-627.

AMENDMENT OFFERED BY MR. LAFALCE

Mr. LAFALCE. Mr. Chairman, I offer amendment No. 1 made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LAFALCE:

Page 2, line 19, strike "$12,320,000,000" and insert "$11,535,000,000".

Page 3, strike lines 6 through 17 and insert the following:

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $23,000,000 in purchases of preferred securities;

"(B) $244,000,000 in guarantees of debentures, of which $44,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $400,000,000 in guarantees of participating securities.

Page 5, line 3, strike "$14,610,000,000" and insert "$13,455,000,000".

Page 5, strike lines 13 through 24 and insert the following:

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $24,000,000 in purchases of preferred securities;

"(B) $256,000,000 in guarantees of debentures, of which $46,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $650,000,000 in guarantees of participating securities.

Page 7, line 10, strike "$18,875,000,000" and insert "$17,195,000,000".

Page 7, strike line 20 and all that follows through line 7 on page 8 and insert the following:

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $25,000,000 in purchases of preferred securities;

"(B) $268,000,000 in guarantees of debentures, of which $48,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $900,000,000 in guarantees of participating securities.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. LAFALCE] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment on behalf of myself and my ranking minority member, Mrs. MEYERS of Kansas. The amendment is directed toward accommodating concerns expressed by the gentlelady from Kansas and others about proposed increases in program levels for the Small Business Investment Company and Specialized Small Business Investment Company Program.

Clearly these programs have experienced problems in the past, but it is my belief that legislation enacted in 1992 provided the necessary remedy to most of the problems. And I would point out that this 1992 legislation was fully supported on a bipartisan basis by the House and Senate, as well as by the Bush administration.

Nonetheless, to accommodate these concerns, we have requested a detailed report from the Small Business Administration. In the interim, we are holding the program to amounts now authorized by law except on a new Participating Securities Program which in no way is part of any problem, either past or present.

In addition, the amendment makes technical changes to conform the aggregate amount of program levels to those agreed to.

Mr. Chairman, I appreciate Mrs. MEYERS' willingness to address this issue and I assure her that we will work together to carry out appropriate oversight of the Small Business Investment Company Program and all of the programs administered by the SBA.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Mrs. MEYERS of Kansas. Mr. Chairman, I would like to speak in support of the amendment.

The CHAIRMAN. Without objection, the gentlewoman from Kansas [Mrs. MEYERS] is recognized for 10 minutes to speak in support of the amendment.

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, offered by Chairman LAFALCE and me, represents a compromise reached on authorization levels for SBA venture capital programs. The Small Business Investment Company [SBIC] and specialized SBIC programs pair private capital with SBA financing to provide equity and long-term financing for small businesses. SBA financing is loaned to these entities through the purchase of preferred stock, the issuance of guaranteed debentures, or participating securities.

Unfortunately, the SSBIC and SBIC programs, with the exception of the Participating Securities Program

which is just getting up and running, have been experiencing problems. According to the SBA, as many as 194 SBIC's and SSBIC's are in trouble, with as much as $500 million to risk. SBA Administrator Erskine Bowles has been working hard to restore fiscal soundness to the programs. He has brought in Mr. Robert Stillman, a respected expert in the venture capital industry, to run the SBIC program. Expectations are high that the problems will be resolved and the program will help fill the void of venture capital for small firms.

However, I believe we should see the results of these efforts before authorizing higher levels for these programs. In 1992, when our committee created, and Congress adopted, legislation revamping the SSBIC and SBIC programs, we authorized these programs through fiscal year 1997. H.R. 4801 proposed increases for these programs, above and beyond the amounts in current law for fiscal years 1995, 1996, and 1997.

At the Small Business Committee's markup of H.R. 4801, I expressed my strong reservations about the authorization levels for the SBIC/SSBIC programs in the bill. I offered an amendment to severely cut program levels, bringing them in line with the appropriated levels, which was defeated. This amendment was defeated, but the chairman agreed to work with me in reaching a compromise on authorization levels we could both accept.

This amendment represents that compromise. I would like to thank Chairman LAFALCE for his efforts to offer an amendment reducing SBIC and SSBIC authorization levels that I could accept. The levels provided in the LaFalce-Meyers amendment takes the authorization levels for all SBIC and SSBIC programs back to current law, with the exception of the participating securities program in fiscal year 1996 and fiscal year 1997. These years were increased by $100 and $200 million, respectively—a sizable increase, to be sure, but much less than the administration requested.

I believe this is a fair, reasonable amendment, reflecting the desire to get the programs back on track, without killing vital venture capital programs for small business. I would like to state for the record that I will be watching these programs very carefully in the coming months, to make sure that they are, indeed, getting back on track. H.R. 4801 requires a comprehensive study of the SBIC program be presented to the committee by April 1995, and an advisory council is established to study and make recommendations on the SSBIC program. I will await these studies and recommendations with interest, and am taking my oversight responsibilities for these programs very seriously.

Again, I thank Chairman LAFALCE for his cooperation in this matter, I strongly urge the amendment's adoption.

Mr. Chairman, I include statistics on SBIC's and SSBIC's as follows:

MEYERS/LaFALCE AMENDMENTS ON SBIC/SSBIC [1]

[In millions of dollars]

Program	H.R. 4801	LaFalce/ Meyers
SSBIC preferred stock:		
Fiscal year 1995	33	23
Fiscal year 1996	39	24
Fiscal year 1997	45	25
SSBIC guaranteed debentures:		
Fiscal year 1995	55	44
Fiscal year 1996	55	46
Fiscal year 1997	55	48
SBIC guaranteed debentures:		
Fiscal year 1995	230	200
Fiscal year 1996	350	210
Fiscal year 1997	500	220
SBIC participating security:		
Fiscal year 1995	500	400
Fiscal year 1996	750	650
Fiscal year 1997	1,125	900

[1] Amendment reduces the authorized amounts for the SSBIC preferred stock (direct loan program); the SSBIC and SBIC guaranteed debenture program; and the SBIC participating securities program.

Mr. Chairman, I yield back the balance of my time.

Mr. LAFALCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAFALCE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 2 of House Report 103–627.

AMENDMENT OFFERED BY MR. KNOLLENBERG

Mr. KNOLLENBERG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KNOLLENBERG:

Page 4, line 21, strike "$208,000,000" and insert "$198,000,000".

Page 4, line 24, strike "$195,000,000" and insert "$185,000,000".

Page 5, line 3, increase the pending figure by $10,000,000.

Page 5, line 11, strike "$20,000,000" and insert "$30,000,000".

Page 7, line 3, strike "$284,000,000" and insert "$264,000,000".

Page 7, line 6, strike "$270,000,000" and insert "$250,000,000".

Page 7, line 10, increase the pending figure by $20,000,000.

Page 7, line 18, strike "$20,000,000" and insert "$40,000,000".

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. KNOLLENBERG] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to H.R. 4801, a bill to reauthorize the Small Business Administration.

This is a very straightforward amendment concerning the SBA's Microloan Program.

The Clinton administration has expressed its desire to move from direct lending in the SBA, toward loans made on a guaranteed basis. This shift not only allows for the leveraging of funds in order to stretch our scarce dollars, but it also protects the taxpayer from the cost of defaulted loans.

Chairman LAFALCE and others have recognized the administration's proposal through the creation and continuation of a well-crafted Guaranteed Microloan Pilot Program, for which the chairman has authorized $20 million per year over the next 3 years.

My amendment seeks to build on these foundations laid by Chairman LAFALCE by expanding the authorized levels by $10 million in 1996, and by $20 million in 1997. We will accomplish this by transferring funds from the Direct Microloan Program.

Not only will my amendment expand the Pilot Program, but there will also be ample funds remaining in the Direct Microloan Program to adequately serve small business needs.

For example, in 1996, $10 million is transferred to the Pilot Program from the $195 million authorized in the bill for direct microloans. In 1997, $20 million is transferred from the $270 million authorized in the bill for direct microloans.

As you can see, my amendment will not threaten access to capital for small businesses which are unable to find banks willing to take the time to work with the SBA and the loan applicant to make a guaranteed loan of such a small size, as microloans, by definition, are.

The Guaranteed Microloan Pilot Program, as it stands, is a good one. My amendment seeks to expand on the chairman's hand work by giving it the financing that it will need to ensure that it becomes a successful and effective program.

I realize that with many small businesses, the last person to actually get paid each month is the small business owner himself. As a former small businessman myself, I can remember times when I had to make payroll out of my own pocket.

For large corporations, and even for some individuals, loans of this size are simply small change. But for many very small businesses, these microloans of under $25,000 may be the difference between success and failure.

The SBA Microloan Program is an important source of capital for all types of very small businesses throughout our Nation. These are the true mom-and-pop businesses, often run out of peoples homes primarily in our Nation's urban and rural areas, perhaps the very areas most in need of business development. These businesses are important to the individual owners, to their local areas, and to our economy as a whole.

This amendment will be good for small business by providing more bang for each appropriated buck. It will be

good for the American taxpayer by providing some protection from the inevitable cost associated with making loans.

Mr. Chairman, I urge support for my amendment.

□ 1100

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. LAFALCE. Mr. Chairman, I do not oppose the amendment, but I would intend to claim the time.

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] will be recognized for 5 minutes.

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not oppose the amendment. In fact, I am very willing to accept the amendment.

We do not believe that to transfer additional money from direct loans, loan guarantees, is necessary. The amendment simply increases the amount of guaranteed money available for a trial program which has not been tested.

The gentleman had offered a much more extensive amendment in committee and has now reduced the amount of the transfer very substantially. I appreciate the conciliatory approach he has taken, the changes he has made, and in the spirit of cooperation, accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS], the ranking minority member.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of the amendment offered by Mr. KNOLLENBERG. The Microloan Program is an excellent program aimed at aiding the smallest of small businesses—mostly startups—in urban and rural areas. The administration had proposed moving the entire Microloan Program from a direct to a guaranteed basis. H.R. 4801 initiates a pilot program to start a gradual move in that direction. The Knollenberg amendment simply increases the levels of pilot program in fiscal years 1996 and 1997, decreasing the Microloan Direct Program by identical amounts in those same years.

The Knollenberg amendment just increases our commitment to making microloans on a guaranteed basis, and gives it every opportunity for success. I hope that these efforts will be successful, allowing us to assist even more small businesses with limited funds.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to again thank the chairman, the gentleman from New York [Mr. LAFALCE], for his work and his spirit of cooperation, and the ranking member, the gentlewoman from Kansas [Mrs. MEYERS].

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. KNOLLENBERG].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part 2 of House Report 103-627.

AMENDMENT OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BILIRAKIS: Page 54, after line 21, insert the following:

SEC. 709. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 31, as added by section 706 of this Act, the following:

"SEC. 32. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

"Each applicant for financial assistance under this Act, including applicants for direct loans and loan guarantees, shall certify, as a condition for receiving such assistance, that the applicant is not in violation of the terms of any administrative order, court order, or repayment agreement entered into between the applicant and the custodial parent or the State agency providing child support enforcement services which requires the applicant to pay child support, as such term is defined by section 462(b) of the Social Security Act.".

The CHAIRMAN. The gentleman from Florida [Mr. BILIRAKIS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first extend my thanks to the distinguished chairman of the Small Business Committee, Mr. LAFALCE, and the distinguished ranking member, Mrs. MEYERS, as well as their staffs, for their willingness to work with me on this amendment. I know they share my desire to improve the enforcement of child support, and I appreciate their efforts.

I would further extend my appreciation and commendations to my L.A., Todd Tuten. I said to him, "Todd, find some way in which we might be able to address this very abysmal picture regarding child support in this country." He came upon this method, and worked with the staffs of the committee, and we were able to come up with this amendment.

My amendment is not designed to address the fundamental flaws in our Nation's child support enforcement system. Rather, it is intended to send a clear message—that paying child support is a fundamental civic responsibility. Parents who neglect that obligation simply transfer the costs to the rest of society, and they should not be rewarded for such action.

My staff and I have worked carefully to draft language which will achieve this policy objective without being excessively broad in scope. We want to ensure that the amendment will not exclude individuals who should rightfully receive assistance, and that it will not impose any hardship on the Small Business Administration.

In that regard, the Small Business Administration has informed me that the amendment would not impose a significant administrative burden on the agency.

Briefly, the amendment would require applicants for financial assistance to certify that they are not in violation of the terms of any administrative order, court order, or repayment agreement under which the applicant is required to pay child support.

Applicants will only be required to sign an affirmative statement—they will not be asked to present documentation from the court or administrative body. This requirement would be enforced through an existing provision of the Small Business Act, which establishes penalties for fraud in obtaining financial assistance.

My amendment will prevent the use of taxpayers' dollars to assist those who refuse to satisfy their most basic parental obligation—providing adequate support for their child. However, my primary intent is to encourage payment of child support. In that respect, the amendment can be likened to a "carrot and stick" approach.

By denying assistance only to those individuals who are currently in violation of an order or repayment agreement, the amendment provides an incentive for noncustodial parents to pay their past-due child support. Once the terms of the order or repayment agreement are met, the individual is no longer precluded from applying for such assistance.

Mr. Chairman, failure to pay child support is not merely being late or forgetful of one's obligations. It is a violation of a lawful court order. It may also be considered contempt of court. Thus, it is not unreasonable to require applicants for SBA assistance to comply with their legal duties.

I believe we must also look to the end result of failure to pay support: A lack of financial assistance designed to ensure the health and well-being of children, who are, by definition, innocent victims of the delinquency.

In conclusion, Mr. Chairman, my amendment is designed to send a simple message—that we as a society place a high value on the health and well-being of our children. I remain willing to work with my colleagues on any necessary refinements to the language of this proposal, and I urge Members to support this important amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] will be recognized for 5 minutes.

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, everyone wants fathers to assume financial responsibility for their children, and this includes compliance with court-ordered child support.

The gentleman's amendment would preclude the SBA loan assistance to any applicant who was more than 1 month in arrears in these payments. This does sound good, but it could create problems. For example, a father remarries and establishes a second family. If the new family's home is damaged by disaster, do we want to deny them a loan to repair or replace it? Should the new wife and possible children be denied disaster loan assistance?

There could be countless other examples. I could go on, but I will not.

□ 1110

The point is I do agree with the intent of the gentleman's amendment.

Mr. Chairman, since the gentleman first brought the amendment to my attention, he has revised it to mitigate some of the harshness by removing the prohibition if the applicant enters into some type of a repayment agreement to eliminate the delinquency. I believe the language solves most of the problems. Therefore, I am willing to accept the amendment and hope that as other problems are pointed out we can further refine the amendment to solve those problems in conference.

Therefore, Mr. Chairman, in that spirit I would accept the amendment.

Mr. BILIRAKIS. Mr. Chairman, I appreciate the comments of the chairman. I believe, I say to the gentleman, I know that we have worked with his staff to try to get that worked out, and I think it has been satisfactorily worked out. If not, as I have already indicated, we are willing to work with the gentleman from New York [Mr. LAFALCE] further on it.

Mr. LAFALCE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

I thank the gentleman from Florida [Mr. BILIRAKIS] for his amendment.

I think this is a very important amendment. Many of us have been working hard to make sure the Federal Government is doing everything it can to make sure that parents do not run away from their kids. The most important decision anybody makes is to be a parent. These responsibilities should not be treated lightly. I think the taxpayers get tired of both giving people some money to get started in business and also pay for their first family that they wish to shed.

So the gentleman is absolutely correct. I thank him for bringing this amendment up. I am delighted it has been accepted. I think we have to do everything we can to make sure it is enforced, and enforced rigorously. I think the compromise is the way to go, and that is that anyone who is in arrears gets no Federal money until they show a plan for how they are going to repay their arrears. I think that makes sense. That is a compromise, and that says you cannot just throw families away the way you throw bottles or the way you throw away trash. These are not trash, they are children. I thank the gentleman for his compassion and for bringing this up.

Mr. Chairman, I thank the gentleman from New York [Mr. LAFALCE] for working this all out.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentlewoman for her kind remarks and assistance in this regard.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the Bilirakis amendment, and I want to commend the gentleman for his leadership and foresight on this issue.

Mr. Chairman, simply put, the state of our child support enforcement system is a national shame, and a scandal of epidemic proportion. Despite years of efforts and reforms we have undertaken in the past, billions of dollars of child support still go unpaid every year.

And make no mistake: this is not a victimless crime. The children who go without the support to which they are legally and morally entitled are the first victims. But ultimately, the American taxpayers are the victim as these children fall onto the welfare rolls.

As we in Congress prepare to debate welfare reform, we should not lose sight of this simple fact: child support enforcement is welfare prevention. A tough and effective child support title must be a component of any effective reform legislation.

The gentleman's amendment would prohibit the SBA from using taxpayer dollars for the deadbeats who do not live up to their moral and legal obligations. It requires SBA applicants to certify that they are not in violation of any existing child support order, and uses the existing fraud and abuse enforcement mechanisms already in place under SBA statute.

In fact, this amendment mirrors and is consistent with a provision in comprehensive child support legislation I have introduced, as well as the Child Support Responsibility Act recently introduced by the Caucus on Women's Issues.

Under that legislation, we would apply these commonsense prohibitions in Mr. BILIRAKIS' amendment to all Federal programs or guarantees. Our bill would once and for all prohibit the Federal Government from aiding and abetting those who refuse to pay child support, through a job, benefits, subsidies, or loan guarantee.

Be it a federally guaranteed mortgage, a government-backed student loan, or a cash or benefits program like food stamps, our bill will definitively prohibit payment to those who fail to make their child support payments, unless they show they are in compliance with a plan to repay their legal and financial obligations.

As we move toward adopting these reforms for all Federal programs, we should start here and now with the Bilirakis amendment, and the Small Business Administration.

Mr. Chairman, let this be a first step. It has become crystal clear over the past several weeks that an omnibus welfare reform package is not going to be enacted this year. That's exactly why this Congress should move quickly to approve tough child support enforcement reforms now.

The Speaker has indicated his support. The majority leader has indicated his support. The Republican leadership is on board. The chairman of the subcommittee has indicated his support. Let's get on with it.

Do not make the children wait another year. Do not let the deadbeats escape their moral and legal obligation another day. Let us pass comprehensive child support reforms now.

Support the Bilirakis amendment. The Bilirakis amendment paves the way for more comprehensive reforms.

Mr. BILIRAKIS. Mr. Chairman, I am informed the gentlewoman from Kansas [Mrs. MEYERS], the ranking member of the committee, would like to speak on this matter. I realize I have no further time. Possibly the gentleman from New York may have.

Mr. LAFALCE. Mr. Chairman, I believe I have some remaining time, and I yield such time as she may consume to the distinguished ranking member, the gentlewoman from Kansas [Mrs. MEYERS].

The CHAIRMAN. The gentlewoman from Kansas [Mrs. MEYERS] is recognized for up to 1½ minutes.

Mrs. MEYERS of Kansas. Mr. Chairman, I thank the gentleman from Florida [Mr. BILIRAKIS] for offering the amendment, and I thank the gentleman from New York [Mr. LAFALCE] for yielding this time.

Mr. Chairman, I rise in support of this amendment. I appreciate the effort of the gentleman from Florida to make this amendment effective and yet not place an overwhelming burden on the Small Business Administration.

I agree with the gentleman it is clear unpaid child support and single-parent families are creating a disastrous situation in our Nation, and I appreciate his efforts to remedy this appalling problem and support the amendment.

Mr. LAFALCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. BILIRAKIS].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4. Does the sponsor of amendment No. 4 wish to proceed?

If not, it is now in order to consider amendment No. 5. Does the sponsor of that amendment wish to proceed?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KLECZKA) having assumed the chair, Mr. WATT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4801) to amend the Small Business Act, and for other purposes, pursuant to House Resolution 494, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as modified, as amended?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KIM

Mr. KIM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman [Mr. KIM] opposed to the bill.

Mr. KIM. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KIM moves to recommit the bill H.R. 4801 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendment:

Page 37, after line 3, insert the following:

(c) ADDITIONAL AMOUNTS.—Notwithstanding any other provision of law, the Administration is authorized to transfer, subject to subsequent appropriations, appropriations made available to carry out this title the unobligated balance of the following amounts appropriated by title IV of the Department of State of Related Agencies Appropriations Act, 1995:

(1) $15,000,000 made available to the Administration under the heading "Salaries and Expenses" to implement section 24 of the Small Business Act.

(2) $23,750,000 made available to the Administration under the heading "Business Loans Program Account" to carry out the projects specified in the second sentence of the first paragraph under such heading.

Amounts transferred under this subsection shall be in addition to amounts appropriated pursuant to subsection (b).

Mr. KIM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. LAFALCE. Mr. Speaker, I object. We do not have a copy of the motion to instruct, and I would like to have a copy and I would like to have it read.

The Clerk continued the reading of the motion to recommit.

□ 1120

Mr. LAFALCE (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. KLECZKA). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. KIM] is recognized for 5 minutes in support of his motion to recommit.

Mr. KIM. Mr. Speaker, today I am offering a motion to recommit H.R. 4801, with instructions to include an amendment which would eliminate approximately $38 million of unauthorized appropriations—in other words, pork projects—and would require the SBA to use that money to help small businessowners escape the burden of onerous prepayment penalties that they face under the SBA's 503 Loan Program.

The reason I am doing this is that I believe that we should be helping small businesses, not adding pork to help a small number of senior Members. If we do not pass my amendment, shame on us.

The 503 Loan Program was designed to provide long-term fixed rate financing for small businesses to buy equipment, machinery, and buildings. Under this program, borrowers, small businessowners, who wished to pay off their loans early, were subject to a substantial prepayment penalty as high as 60 percent.

My amendment will help small businesses by helping to reduce section 503 loan prepayment penalties by simply transferring these $38 million pork projects into this 503 Program. Small businesses are trapped by these penalties because they are unable to refinance their loans or repay them early because of the outrageous rates and penalties imposed upon them under the 503 Program.

It is clear that these small businesses need our help. Unfortunately, H.R. 4801, as currently written, only provides $30 million in funding under section 505 to help correct this problem, even though it would take $98 million to solve the problem entirely.

Let me tell the Members this: I was deeply disappointed to find out that this bill shortchanged small businessowners in this way. So imagine my surprise when I examined that appropriations bill for the SBA and found $38 million in unauthorized pork barrel appropriations for the SBA.

Mr. Speaker, there are approximately 3,500 small businesses that have outstanding 503 Loan Programs right now and are trapped because, as I mentioned earlier, they are unable to refinance or make a payment early because they cannot afford to pay such outrageously high prepayment penalties.

We are telling small businesses that there just was not enough money to help them and then turning around and spending millions of dollars on frivolous "goodies."

Mr. Speaker, my amendment would rectify this shameful situation. Finally, let me be clear on this: A yes vote on this motion is a vote for small businesses in our districts. A no vote on this motion is a vote for pork and against the interests of the small businessowners of this Nation. I urge my colleagues to vote "yes."

The SPEAKER pro tempore. The gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. LAFALCE. Mr. Speaker, I must rise in opposition to the motion to recommit for a number of reasons, but primarily because the gentleman from California would have us engage in a superfluous, meaningless act. What he would do via the authorization process is attempt to repeal an appropriations bill that has already passed both houses of Congress and has already been signed into law by the President of the United States, and because it otherwise would have been out of order, he makes this authorization repeal subject to the approval of the Appropriations Committee in a new appropriations bill that would then subsequently have to be passed by this House and then subsequently signed into law by the President.

There comes a point in time when finality is required. The potential law of the land was discussed and debated a number of weeks ago. The voice of this body was heard. It is now the law of the land, and we should not engage in such superfluous activity.

Mr. Speaker, I urge the defeat of the motion to recommit.

Mr. Speaker, I now yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I rise in opposition to the motion to recommit.

This does not do a solitary thing that is not authorized anyway. It is totally superfluous. Congress can transfer funding without this provision if it wants to. This amendment is just garbage under the Small Business Act. The Small Business Act is a serious act in the permanent statutes of the United States. It is a 3-year act, and it is a 3-year authorization we are passing today. The Small Business Act should not be loaded up with this garbage or with any other superfluous garbage just because someone wants to make a statement.

Mr. Speaker, I oppose the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

For what purpose does the gentleman from California [Mr. KIM] rise?

Mr. KIM. Mr. Speaker, I would like to yield the remainder of my time to the ranking member of the Committee on Small Business.

The SPEAKER pro tempore. Without objection, the gentlewoman from Kansas [Mrs. MEYERS] is recognized for 30 seconds.

There was no objection.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in strong support of the motion to recommit. For at least two Congresses the Small Business Committee has wrestled with the burdensome prepayment penalties in the 503 Loan Program. Finally, after gaining administration support we ran into the problem of money. We were told that $30 million was all that could be scraped together to solve a $100 million problem.

Mr. Speaker, imagine my shock when I found that the 1995 SBA appropriations contained $38 million of totally unauthorized spending. This spending is for programs the administration had not requested, and urged be eliminated. The Committee on Small Business has never held a hearing on these projects, or deliberated their authorization.

It is outrageous that small business men and women, some in hardship situations due to the high penalty for prepayment of SBA 503 loans will go without relief due to this kind of spending. Let us do the right thing and support the Kim motion to recommit and try to put that money to use helping small business.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KIM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be ordered on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 176, nays 242, not voting 16, as follows:

[Roll No. 427]

YEAS—176

Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Nussle
Orton
Oxley
Paxon
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Stump
Swett
Talent
Taylor (MS)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—242

Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Bateman
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutchinson
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Tanner
Tauzin
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—16

Abercrombie
Calvert
Frost
Gallo
Kennedy
Maloney
McMillan
Meehan
Ridge
Roth
Slattery
Sundquist
Synar
Vento
Vucanovich
Washington

□ 1149

Messrs. WYNN, LIVINGSTON, and PACKARD changed their vote from "yea" to "nay."

Messrs. JOHNSON of South Dakota, BARTON of Texas, and GILMAN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KLECZKA). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAFALCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 48, not voting 16, as follows:

[Roll No. 428]

YEAS—370

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
Dellums
Derrick
Deutsch
Dickey
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—48

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Barton
Bliley
Burton
Coble
Cox
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Duncan
Ehlers
Fawell
Fields (TX)
Goodlatte
Hancock
Hefley
Hoekstra
Hunter
Istook
Kim
Manzullo
McCandless
McCollum
Mica
Miller (FL)
Moorhead
Myers
Packard
Paxon
Penny
Petri
Rohrabacher
Roth
Royce
Schaefer
Sensenbrenner
Smith (MI)
Stearns
Stump
Upton
Zimmer

NOT VOTING—16

DeLauro
Diaz-Balart
Dicks
Ford (MI)
Frost
Gallo
Kennedy
Maloney
Meek
Ridge
Slattery
Sundquist
Synar
Vento
Vucanovich
Washington

□ 1200

Messrs. MOORHEAD, FAWELL, and MCCOLLUM changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 4801, the bill just passed.

The SPEAKER pro tempore (Mr. KLECZKA). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2060) to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Administration Reauthorization and Amendment Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorizations.

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

Sec. 201. Microloan financing pilot.
Sec. 202. Eligibility of Native American tribal governments to be microloan intermediaries.
Sec. 203. Microloan program extension.
Sec. 204. Microloan program funding and State limitations.
Sec. 205. Distribution of intermediaries.
Sec. 206. Microloan intermediary loan limitation.
Sec. 207. Microloan technical assistance to nonborrowers.
Sec. 208. Microloan demonstration program grants.
Sec. 209. Eligibility to participate as a microloan intermediary and a technical assistance provider.
Sec. 210. Loans to exporters.
Sec. 211. Working capital international trade loans.
Sec. 212. Guarantees on international trade loans.
Sec. 213. Accredited lenders program.
Sec. 214. Interest rate on certified development company loans.
Sec. 215. Certifications of eligibility for SBIC and SSBIC financing.
Sec. 216. Participating securities for smaller SBICs.

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

Sec. 301. Size standard criteria.
Sec. 302. Sunset on preferred surety bond guarantee program.
Sec. 303. Manufacturing contracts through manufacturing application and education centers.

TITLE IV—BUSINESS DEVELOPMENT ASSISTANCE

Subtitle A—General Provisions

Sec. 401. Sunset on cosponsored training.

Sec. 402. Small business development center program level.
Sec. 403. Federal contracts with small business development centers.
Sec. 404. Small business development center program examination and certification.
Sec. 405. Service Corps of Retired Executives (SCORE) program.
Sec. 406. Information concerning franchising.
Subtitle B—Development of Woman-Owned Businesses
Sec. 411. Extension of authority for demonstration projects.
Sec. 412. Establishment of Office of Women's Business Ownership.
Sec. 413. National Commission on Women in Business.
TITLE V—RELIEF FROM DEBENTURE PREPAYMENT PENALTIES
Sec. 501. Short title.
Sec. 502. Prepayment of development company debentures.
TITLE VI—MISCELLANEOUS AMENDMENTS
Sec. 601. Consolidation of funding accounts.
Sec. 602. Imposition of fees.
Sec. 603. Job creation and community benefit.
Sec. 604. Microloan program amendments.
Sec. 605. Technical clarification.
Sec. 606. Secondary market study due date.
Sec. 607. Study and data base: Guaranteed Business Loan Program and Development Company Program.
Sec. 608. SBIR vendors.
Sec. 609. Program extension.
Sec. 610. Prohibition on the use of funds for individuals not lawfully within the United States.
Sec. 611. Office of advocacy employees.
Sec. 612. Prohibition on the provision of assistance.
Sec. 613. Certification of compliance with child support obligations.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (k) (as added by section 405(3) of the Small Business Credit and Business Opportunity Enhancement Act of 1992) through (p) and inserting the following:

"(l) The following program levels are authorized for fiscal year 1995:

"(1) For the programs authorized by this Act, the Administration is authorized to make $110,000,000 in direct and immediate participation loans, and $45,000,000 in technical assistance grants as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $13,315,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $9,000,000,000 in general business loans as provided in section 7(a);

"(B) $2,300,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958;

"(C) $2,000,000,000 in loans as provided in section 7(a)(21); and

"(D) $15,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $33,000,000 in purchases of preferred securities;

"(B) $275,000,000 in guarantees of debentures, of which $65,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $500,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $450,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) The Administration is authorized to make grants or enter into cooperative agreements—

"(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $3,500,000;

"(B) for the Small Business Institute program authorized by section 8(b)(1), $3,000,000; and

"(C) for activities of small business development centers pursuant to section 21(c)(3)(G), $25,000,000, to remain available until expended.

"(m) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(n) The following program levels are authorized for fiscal year 1996:

"(1) For the programs authorized by this Act, the Administration is authorized to make $175,000,000 in direct and immediate participation loans, and $65,000,000 in technical assistance grants as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $15,320,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $10,000,000,000 in general business loans as provided in section 7(a);

"(B) $2,800,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958;

"(C) $2,500,000,000 in loans as provided in section 7(a)(21); and

"(D) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $39,000,000 in purchases of preferred securities;

"(B) $300,000,000 in guarantees of debentures, of which $70,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $750,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $500,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) The Administration is authorized to make grants or enter cooperative agreements—

"(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $3,750,000;

"(B) for the small business institute program authorized by section 8(b)(1), $3,250,000; and

"(C) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $25,000,000, to remain available until expended.

"(o) There are authorized to be appropriated to the Administration for fiscal year 1996 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(p) The following program levels are authorized for fiscal year 1997:

"(1) For the programs authorized by this Act, the Administration is authorized to make $250,000,000 in direct and immediate participation loans and $98,000,000 in technical assistance grants as provided in section 7(m), to remain available until expended.

"(2) For the programs authorized by this Act, the Administration is authorized to make $19,020,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $12,000,000,000 in general business loans as provided in section 7(a);

"(B) $3,500,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958;

"(C) $3,500,000,000 in loans as provided in section 7(a)(21); and

"(D) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $45,000,000 in purchases of preferred securities;

"(B) $375,000,000 in guarantees of debentures, of which $75,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $1,125,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,200,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) The Administration is authorized to make grants or enter cooperative agreements—

"(A) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,000,000;

"(B) for the small business institute program authorized by section 8(b)(1), $3,500,000; and

"(C) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $25,000,000, to remain available until expended.

"(q) There are authorized to be appropriated to the Administration for fiscal year 1997 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the

Small Business Investment Act of 1958, including salaries and expenses of the Administration.".

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

SEC. 201. MICROLOAN FINANCING PILOT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following new paragraph:

"(12) DEFERRED PARTICIPATION LOAN PILOT.—In lieu of making direct loans to intermediaries as authorized in paragraph (1)(B), during fiscal years 1995 through 1997, the Administration may, on a pilot program basis, participate on a deferred basis of not less than 90 percent and not more than 100 percent on loans made to intermediaries by a for-profit or nonprofit entity or by alliances of such entities, subject to the following conditions:

"(A) NUMBER OF LOANS.—In carrying out this paragraph, the Administration shall not participate in providing financing on a deferred basis to more than 10 intermediaries in urban areas or more than 10 intermediaries in rural areas.

"(B) TERM OF LOANS.—The term of each loan shall be 10 years. During the first year of the loan, the intermediary shall not be required to repay any interest or principal. During the second through fifth years of the loan, the intermediary shall be required to pay interest only. During the sixth through tenth years of the loan, the intermediary shall be required to make interest payments and fully amortize the principal.

"(C) INTEREST RATE.—The interest rate on each loan shall be the rate specified by paragraph (3)(F) for direct loans. Subject to the availability of appropriations, the Administration may make payments to lenders on behalf of intermediaries in order to achieve such interest rate.".

SEC. 202. ELIGIBILITY OF NATIVE AMERICAN TRIBAL GOVERNMENTS TO BE MICROLOAN INTERMEDIARIES.

Section 7(m)(11)(A) of the Small Business Act (15 U.S.C. 636(m)(11)(A)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv), by striking the comma at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(v) an agency of or nonprofit entity established by a Native American Tribal Government,".

SEC. 203. MICROLOAN PROGRAM EXTENSION.

Section 609(j) of Public Law 102-140 (105 Stat. 831) is amended by striking "5 years after the date of enactment of this Act", and inserting "on October 1, 1998".

SEC. 204. MICROLOAN PROGRAM FUNDING AND STATE LIMITATIONS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (5)(A)—

(A) by striking "25 grants" and inserting "50 grants"; and

(B) by striking "$125,000" and inserting "$150,000"; and

(2) by striking paragraph (7) and inserting the following:

"(7) PROGRAM FUNDING FOR MICROLOANS.—

"(A) NUMBER OF PARTICIPANTS.—In carrying out paragraph (1)(B)(i), the Administration may fund, on a competitive basis, not more than—

"(i) 150 microloan programs in fiscal year 1995; and

"(ii) 200 microloan programs in each succeeding fiscal year.

"(B) STATE LIMITATIONS.—A State shall not receive more than $10,000,000 in loan funds during any year of program participation.".

SEC. 205. DISTRIBUTION OF INTERMEDIARIES.

Section 7(m)(8) of the Small Business Act (15 U.S.C. 636(m)(8)) is amended to read as follows:

"(8) DISTRIBUTION OF INTERMEDIARIES.—In approving microloan program applicants under this subsection, the Administration shall select such intermediaries as will further microloan availability for small businesses in all industries located throughout each State, especially small businesses located in economically distressed urban and rural areas.".

SEC. 206. MICROLOAN INTERMEDIARY LOAN LIMITATION.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$1,250,000" and inserting "$2,000,000".

SEC. 207. MICROLOAN TECHNICAL ASSISTANCE TO NONBORROWERS.

Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended by adding at the end the following new subparagraph:

"(E) ASSISTANCE TO CERTAIN SMALL BUSINESS CONCERNS.—Each intermediary may expend an amount not to exceed 20 percent of the grant funds authorized under paragraph (1)(B)(ii) to provide marketing, management, and technical assistance to small business concerns that are not borrowers under this subsection.".

SEC. 208. MICROLOAN DEMONSTRATION PROGRAM GRANTS.

Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended—

(1) in subparagraph (B), by inserting "except for a grant made to an intermediary that provides not less than 50 percent of its loans to small business concerns owned by one or more members of a federally recognized Indian tribe," after "under subparagraph (A),"; and

(2) in subparagraph (C), by striking clause (i) and inserting the following:

"(i) IN GENERAL.—In addition to grants made under subparagraph (A), each intermediary shall be eligible to receive a grant equal to 5 percent of the total outstanding balance of loans made to the intermediary under this subsection if—

"(I) the intermediary provides not less than 25 percent of its loans to small business concerns owned by one or more members of a federally recognized Indian tribe; or

"(II) the intermediary has a portfolio of loans made under this subsection that averages not more than $7,500 during the period of the intermediary's participation in the program.".

SEC. 209. ELIGIBILITY TO PARTICIPATE AS A MICROLOAN INTERMEDIARY AND A TECHNICAL ASSISTANCE PROVIDER.

Section 7(m)(2) of the Small Business Act (15 U.S.C. 636(m)(2)) is amended—

(1) by striking "(2) ELIGIBILITY FOR PARTICIPATION.—An" and inserting the following:

"(2) ELIGIBILITY FOR PARTICIPATION.—

"(A) IN GENERAL.—An";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting accordingly; and

(3) by adding at the end the following new subparagraph:

"(B) PARTICIPATION AS INTERMEDIARY AND TECHNICAL ASSISTANCE PROVIDER.—A single entity may simultaneously receive 1 grant as an intermediary pursuant to paragraph (1)(B)(ii) and 1 grant as a nonintermediary technical assistance provider pursuant to paragraph (1)(B)(iii) if the Administration determines that—

"(i) the purposes of the grants are not duplicative;

"(ii) the grants will enable the entity to provide technical assistance to different geographic areas, or to support both guaranteed and direct loans in the same geographic area; and

"(iii) the entity meets all of the requirements of the programs authorized pursuant to clauses (ii) and (iii) of paragraph (1)(B).".

SEC. 210. LOANS TO EXPORTERS.

Section 7(a)(14)(A) of the Small Business Act (15 U.S.C. 636(a)(14)(A)) is amended to read as follows:

"(14)(A) The Administration may provide extensions of credit, standby letters of credit, revolving lines of credit for export purposes, and other financing to enable small business concerns, including small business export trading companies and small business export management companies, to develop foreign markets. A bank or participating lending institution may establish the rate of interest on such financings as may be legal and reasonable.".

SEC. 211. WORKING CAPITAL INTERNATIONAL TRADE LOANS.

Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended to read as follows:

"(B) if the total amount outstanding and committed (on a deferred basis) solely for the purposes provided in paragraph (16) to the borrower from the business loan and investment fund established by this Act would exceed $1,250,000, of which not more than $750,000 may be used for working capital, supplies, or financings under section 7(a)(14) for export purposes; and".

SEC. 212. GUARANTEES ON INTERNATIONAL TRADE LOANS.

Section 7(a)(2)(B)(iv) of the Small Business Act (15 U.S.C. 636(a)(2)(B)(iv)) is amended to read as follows:

"(iv) not less than 85 percent nor more than 90 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (14) or (16).".

SEC. 213. ACCREDITED LENDERS PROGRAM.

(a) ESTABLISHMENT.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 507. ACCREDITED LENDERS PROGRAM.

"(a) ESTABLISHMENT.—The Administration is authorized to establish an Accredited Lenders Program for qualified State and local development companies that meet the requirements of subsection (b).

"(b) REQUIREMENTS.—The Administration may designate a qualified State or local development company as an accredited lender if such company—

"(1) has been an active participant in the Development Company Program authorized by sections 502, 503, and 504 for not less than the preceding 12 months;

"(2) has well-trained, qualified personnel who are knowledgeable in the Administration's lending policies and procedures for such Development Company Program;

"(3) has the ability to process, close, and service financing for plant and equipment under such Development Company Program;

"(4) has a reasonable and acceptable loss rate on the company's debentures;

"(5) has a history of submitting to the Administration complete and accurate debenture guaranty application packages; and

"(6) has demonstrated the ability to serve small business credit needs for financing plant and equipment through the Development Company Program authorized by sections 502, 503, and 504.

"(c) EXPEDITED PROCESSING OF LOAN APPLICATIONS.—The Administration shall develop an expedited procedure for processing a loan application or servicing action submitted by a qualified State or local development company that has been designated as an accredited lender in accordance with subsection (b).

"(d) SUSPENSION OR REVOCATION OF DESIGNATION.—

"(1) IN GENERAL.—The designation of a qualified State or local development company as an accredited lender may be suspended or revoked if the Administration determines that—

"(A) the development company has not continued to meet the criteria for eligibility under subsection (b); or

"(B) the development company has failed to adhere to the Administration's rules and regulations or is violating any other applicable provision of law.

"(2) EFFECT.—A suspension or revocation under paragraph (1) shall not affect any outstanding debenture guarantee.

"(e) DEFINITION.—For purposes of this section, the term 'qualified State or local development company' has the same meaning as in section 503(e).".

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Administration shall promulgate final regulations to carry out this section.

(c) REPORT.—Not later than 1 year after the effective date of regulations promulgated under subsection (b), the Administration shall report to the Committees on Small Business of the Senate and the House of Representatives on the implementation of this section. Such report shall include data on the number of development companies designated as accredited lenders, their debenture guarantee volume, their loss rates, the average processing time on their guarantee applications, and such other information as the Administration deems appropriate.

SEC. 214. INTEREST RATE ON CERTIFIED DEVELOPMENT COMPANY LOANS.

Section 112(c) of the Small Business Administration Reauthorization and Amendment Act of 1988 (102 Stat. 2996) is amended—

(1) in paragraph (1), by striking "(1) IN GENERAL.—Section 503" and inserting "Section 503"; and

(2) by striking paragraph (2).

SEC. 215. CERTIFICATIONS OF ELIGIBILITY FOR SBIC AND SSBIC FINANCING.

Section 308 of the Small Business Investment Act of 1958 (15 U.S.C. 687) is amended by adding at the end the following new subsection:

"(h) CERTIFICATIONS OF ELIGIBILITY.—

"(1) CERTIFICATION BY SMALL BUSINESS CONCERN.—Prior to receiving financial assistance from a company licensed pursuant to subsection (c) or (d) of section 301, a small business concern shall certify in writing that it meets the eligibility requirements of the Small Business Investment Company Program or the Specialized Small Business Investment Company Program, as applicable.

"(2) CERTIFICATION BY COMPANY.—Prior to providing financial assistance to a small business concern under this Act, a company licensed pursuant to subsection (c) or (d) of section 301 shall certify in writing that it has reviewed the application for assistance of the small business concern and that all documentation and other information supports the eligibility of the applicant.

"(3) RETENTION OF CERTIFICATIONS.—Certificates made pursuant to paragraphs (1) and (2) shall be retained by the company licensed pursuant to subsection (c) or (d) of section 301 for the duration of the financial assistance.".

SEC. 216. PARTICIPATING SECURITIES FOR SMALLER SBICS.

Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by adding at the end the following new paragraph:

"(13) PARTICIPATING SECURITIES FOR SMALLER SMALL BUSINESS INVESTMENT COMPANIES.—

"(A) IN GENERAL.—Subject to the provisions of subparagraph (B), of the amount of the annual program level of participating securities approved in appropriations Acts, 50 percent shall be reserved for funding small business investment companies with private capital of less than $20,000,000.

"(B) EXCEPTION.—During the last quarter of each fiscal year, if the Administrator determines that there is a lack of qualified applicants with private capital of less than $20,000,000, the Administrator may utilize all or any part of the program level for securities reserved under subparagraph (A) for qualified applicants with private capital of $20,000,000 or more.".

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

SEC. 301. SIZE STANDARD CRITERIA.

Section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is amended to read as follows:

"(2) SIZE STANDARD CRITERIA.—

"(A) IN GENERAL.—In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of this Act or any other Act.

"(B) ADDITIONAL CRITERIA.—The standards described in paragraph (1) may utilize number of employees, dollar volume of business, net worth, net income, or a combination thereof.

"(C) REQUIREMENTS.—Unless specifically authorized by statute, no Federal department or agency may prescribe a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(i) is proposed after an opportunity for public notice and comment;

"(ii) provides for determining—

"(I) the size of a manufacturing concern as measured by the manufacturing concern's average employment based upon employment during each of the manufacturing concern's pay periods for the preceding 12 months;

"(II) the size of a business concern providing services on the basis of the annual average gross receipts of the business concern over a period of not less than 3 years; and

"(III) the size of other business concerns on the basis of data over a period of not less than 3 years; and

"(iii) is approved by the Administrator.".

SEC. 302. SUNSET ON PREFERRED SURETY BOND GUARANTEE PROGRAM.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "September 30, 1994" and inserting "September 30, 1995".

SEC. 303. MANUFACTURING CONTRACTS THROUGH MANUFACTURING APPLICATION AND EDUCATION CENTERS.

(a) IN GENERAL.—The Small Business Administration shall promote the award of Federal manufacturing contracts to small business concerns that participate in manufacturing application and education centers by working with the Department of Commerce and other agencies to identify components and subsystems that are both critical and currently foreign-sourced.

(b) QUALIFICATIONS.—In order to qualify as a manufacturing application and education center under this section, an entity shall have the capacity to assist small business concerns in a shared-use production environment and to offer the following services:

(1) Technology demonstration.

(2) Technology education.

(3) Technology application support.

(4) Technology advancement support.

(c) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—The requirements of section 15(o)(1)(B) of the Small Business Act shall not apply with respect to any manufacturing contract carried out by a small business concern in conjunction with a manufacturing application and education center under this section.

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final regulations to carry out this section.

(e) TERMINATION OF AUTHORITY.—The authority of the Small Business Administration under this section shall terminate on September 30, 1997.

TITLE IV—BUSINESS DEVELOPMENT ASSISTANCE

Subtitle A—General Provisions

SEC. 401. SUNSET ON COSPONSORED TRAINING.

(a) IN GENERAL.—

(1) REPEAL.—The amendments made by section 5(a) of Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) are hereby repealed.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on September 30, 1997.

(b) CONFORMING AMENDMENT.—Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is amended in the second sentence by striking "and the amendments made to section 8(b)(1)(A) of the Small Business Act by section 5(a)(2) of this Act are" and inserting "is".

SEC. 402. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.

Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended to read as follows:

"(4) SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.—

"(A) IN GENERAL.—The Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions.

"(B) RESTRICTION.—The matching amount described in subparagraph (A) shall not include any indirect costs or in-kind contributions derived from any Federal program.

"(C) NATIONAL PROGRAM.—

"(i) IN GENERAL.—No recipient of funds under this section shall receive a grant that exceeds—

"(I) for fiscal year 1995, the greater of—

"(aa) the sum of such recipient's pro rata share of a national program based upon the population to be served by the small business development center as compared to the total population in the United States, and $100,000; or

"(bb) $200,000; and

"(II) except as provided in clause (ii), in each succeeding fiscal year, the greater of—

"(aa) the sum of such recipient's pro rata share of a national program based upon the population to be served by the small business development center as compared to the total population in the United States, and $200,000; or

"(bb) $300,000.

"(ii) EXCEPTION.—The provisions of clause (i)(I) shall apply in any fiscal year after fiscal year 1995 in which, based on funds appropriated, a small business development center would, under the provisions of clause (i)(II), receive less than the small business development center received in fiscal year 1995.

"(iii) AMOUNT.—The amount of the national program shall be—

"(I) $70,000,000 through September 30, 1995;

"(II) $77,500,000 from October 1, 1995 through September 30, 1996; and

"(III) $85,000,000 beginning October 1, 1996.

The amount for which a small business development center is eligible under this paragraph shall be based upon the amount of the national program in effect as of the date for commencement of performance of the small business development center's grant.".

SEC. 403. FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a)(5) of the Small Business Act (15 U.S.C. 648(a)(5)) is amended to read as follows:

"(5) FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.—

"(A) IN GENERAL.—A small business development center may enter into a contract with a Federal department or agency to provide specific assistance to small business concerns, if the contract is approved in advance by the Associate Administrator of the small business development center program.

"(B) APPROVAL CRITERIA.—Each approval of a contract under subparagraph (A) shall be based upon a determination that the contract will provide assistance to small business concerns and that performance of the contract will not hinder the small business development center in carrying out the terms of the grant received by the small business development center from the Administration.

"(C) EXEMPTION FROM MATCHING REQUIREMENT.—A contract under this paragraph shall not be subject to the matching funds or eligibility requirements of paragraph (4).

"(D) ADDITIONAL PROVISION.—Notwithstanding any other provision of law, a contract for assistance under this paragraph may not be applied to any Federal department or agency's small business, woman-owned business, or socially and economically disadvantaged business contracting goal under section 15(g).".

SEC. 404. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM EXAMINATION AND CERTIFICATION.

Section 21(k) of the Small Business Act (15 U.S.C. 648(k)) is amended to read as follows:

"(k) PROGRAM EXAMINATION AND CERTIFICATION.—

"(1) EXAMINATION.—Not later than 180 days after the date of enactment of this subsection, the Administration shall develop and implement a biannual programmatic and financial examination of each small business development center established pursuant to this section.

"(2) CERTIFICATION.—The Administration may provide financial support, by contract or otherwise, to the association authorized by subsection (a)(3)(A) for the purpose of developing a small business development center certification program.

"(3) EXTENSION OR RENEWAL OF COOPERATIVE AGREEMENTS.—In extending or renewing a cooperative agreement of a small business development center, the Administration shall consider the results of the examination and certification program conducted pursuant to paragraphs (1) and (2).".

SEC. 405. SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) PROGRAM.

Section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)) is amended by adding at the end the following new subparagraph:

"(H) In carrying out subparagraph (B), the Administration shall encourage the Service Corps of Retired Executives (SCORE) established pursuant to such subparagraph, to the maximum extent practicable, to consult and work in conjunction with the Corporation for National and Community Service and the Points of Light Foundation established under the National and Community Service Act of 1990.".

SEC. 406. INFORMATION CONCERNING FRANCHISING.

Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended by inserting "including information on the benefits and risks of franchising," after "small-business enterprises,".

Subtitle B—Development of Woman-Owned Businesses

SEC. 411. EXTENSION OF AUTHORITY FOR DEMONSTRATION PROJECTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 28 (as added by section 2 of the Women's Business Development Act of 1991) as section 29; and

(2) in section 29(g), as redesignated, by striking "1995" and inserting "1997".

SEC. 412. ESTABLISHMENT OF OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29 of the Small Business Act (15 U.S.C. 656), as redesignated by section 411, is amended by adding at the end the following new subsection:

"(h) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—There is hereby established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises, as such term is defined in section 408 of the Women's Business Ownership Act of 1988. The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.".

SEC. 413. NATIONAL COMMISSION ON WOMEN IN BUSINESS.

(a) ESTABLISHMENT.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 401. ESTABLISHMENT.

"There is hereby established a Commission to be known as the 'National Commission on Women in Business' (hereafter in this title referred to as the 'Commission').".

(b) DUTIES OF THE COMMISSION.—Section 402 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 402. DUTIES OF THE COMMISSION.

"The Commission shall—

"(1) review, promote, coordinate, and monitor plans and programs, developed in the public and private sectors, which affect the ability of woman-owned businesses to obtain capital and credit;

"(2) promote and assist in the development of the Intermediate Census on Women's Business Ownership and other surveys of woman-owned businesses;

"(3) provide assistance to and outreach for the involvement of women business owners in White House Conference on Small Business;

"(4) study and assess—

"(A) the obstacles faced by women seeking to establish businesses and women seeking senior management positions in large and small businesses and in the professions; and

"(B) the contributions to the Nation's economy by businesses owned or managed by women; and

"(5) design a comprehensive plan for a joint public-private sector effort to facilitate the development and growth of woman-owned businesses.

"(b) REPORT.—Not later than January 31, 1996, the Commission shall submit a report to the President and the Committees on Small Business of the Senate and the House of Representatives describing the plan developed pursuant to subsection (a)(5).".

(c) MEMBERSHIP.—Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 403. MEMBERSHIP OF THE COMMISSION.

"(a) IN GENERAL.—The Commission shall be composed of 14 members, of whom—

"(1) 7 members shall be the individuals described in subsection (b); and

"(2) 7 members shall be appointed in accordance with subsection (c).

"(b) PUBLIC SECTOR MEMBERS.—For purposes of subsection (a)(1), the individuals described in this section are—

"(1) the Administrator of the Small Business Administration;

"(2) the Assistant Administrator of the Office of Women's Business Ownership of the Small Business Administration;

"(3) the Secretary of the Treasury, or the Secretary's designee;

"(4) the Secretary of Labor, or the Secretary's designee;

"(5) the Secretary of Commerce, or the Secretary's designee;

"(6) the Administrator of the General Services Administration, or the Administrator's designee; and

"(7) 1 member of the Board of Governors of the Federal Reserve System, or the designee of a member.

"(c) PRIVATE SECTOR MEMBERS.—

"(1) CHAIRPERSON.—Not later than 45 days after the date of enactment of the Small Business Administration Reauthorization and Amendment Act of 1994, the President shall appoint an individual to serve as the chairperson of the Commission (hereafter in this title referred to as the 'Chairperson') who shall be a prominent business-woman who is qualified to head the Commission by virtue of her education, training, and experience.

"(2) OTHER MEMBERS.—Not later than 60 days after the date of enactment of the Small Business Administration Reauthorization and Amendment Act of 1994, the Administrator of the Small Business Administration shall appoint 6 members of the Commission, of whom—

"(A) 1 shall be an owner of a small business concern, as such term is defined in section 3 of the Small Business Act, who is a member of the same political party as the President;

"(B) 1 shall be an owner of a small business concern, as such term is defined in section 3 of the Small Business Act, who is not a member of the same political party as the President; and

"(C) 4 shall be representatives of national women's business organizations.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) RESTRICTION.—The members of the Commission appointed pursuant to subsection (c) shall not be officers or employees of the Federal Government.

"(2) VICE CHAIRPERSON.—The member of the Commission appointed pursuant to subsection (b)(2) shall serve as vice chairperson of the Commission.

"(3) TERMS.—The term of service of the members of the Commission appointed pursuant to subsection (c) shall be 1 year. No member of the Commission may serve for more than 2 consecutive terms.

"(4) DESIGNEES.—Each designee appointed pursuant to subsection (b) shall—

"(A) be a policy-making official whose duties are consistent with the duties of the Commission; and

"(B) report directly to the head of the agency on the activities of the Commission.

"(5) COMPENSATION AND TRAVEL EXPENSES.—

"(A) PUBLIC SECTOR MEMBERS.—The members of the Commission described in subsection (b) shall serve on the Commission without additional compensation.

"(B) PRIVATE SECTOR MEMBERS.—The members of the Commission appointed pursuant to subsection (c) shall serve without pay for membership, except that such members shall be entitled to reimbursement for domestic travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission in the same manner as persons serving on advisory boards pursuant to section 8(b) of the Small Business Act.

"(6) VACANCIES.—A vacancy on the Commission shall, not later than 30 days after the date on which the vacancy occurs, be filled in the same manner in which the original appointment was made.

"(7) MEETINGS.—The Commission shall meet at the call of the Chairperson not less than 4 times each year.

"(8) QUORUMS.—

"(A) RECEIPT OF TESTIMONY.—Four members of the Commission shall constitute a quorum for the receipt of testimony and other evidence.

"(B) APPROVAL OF RECOMMENDATIONS.—A majority of the members of the Commission shall constitute a quorum for the approval of recommendations or reports issued pursuant to sections 402 and 406.".

(d) EXECUTIVE DIRECTOR AND STAFF.—Section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 404. EXECUTIVE DIRECTOR AND STAFF.

"(a) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director who shall be appointed by the Chairperson and the Assistant Administrator of the Small Business Administration Office of Women's Business Ownership. Upon the recommendation by the Executive Director, the Chairperson may appoint and fix the pay of 4 additional employees at a rate of pay not to exceed the maximum rate of pay payable for a position at GS-15 of the General Schedule.

"(b) ADMINISTRATIVE PROVISIONS.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and except as provided in subsection (a), may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the Executive Director so appointed may not receive pay in excess of the annual rate of basic pay payable for a position at ES-1 of the Senior Executive Pay Schedule under section 5832 of title 5, United States Code.

"(c) DETAIL OF ADDITIONAL PERSONNEL.—Upon request to the Chairperson, the head of any Federal department or agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this title without regard to section 3341 of title 5, United States Code.".

(e) POWERS OF THE COMMISSION.—Section 405 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by striking "Council" each place it appears and inserting "Commission"; and

(2) by adding at the end the following new subsection:

"(f) COOPERATION WITH PRIVATE ENTITIES.—

"(1) IN GENERAL.—Subject to the requirements of paragraph (2), the Commission may carry out its duties under section 402 through cooperation with private nonprofit and for-profit entities.

"(2) RESTRICTION.—If the Commission cooperates with private entities pursuant to paragraph (1), the Commission shall ensure that—

"(A) the Commission receives appropriate recognition and publicity;

"(B) the cooperation does not constitute or imply an endorsement by the Commission of the products and services of the cosponsor; and

"(C) the Commission avoids unnecessary promotion of the products and services of the cosponsor and minimizes utilization of any 1 cosponsor in a marketing area.".

(f) REPORTS.—Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by striking "Council" each place it appears and inserting "Commission";

(2) by striking "December 31, 1989" and inserting "not later than 1 year after the date of enactment of the Small Business Administration Reauthorization and Amendment Act of 1994"; and

(3) by striking "based upon its reviews conducted under section 402".

(g) AUTHORIZATION.—Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

"(1) $500,000 in fiscal year 1995;

"(2) $500,000 is fiscal year 1996; and

"(3) $100,000 in fiscal year 1997."; and

(2) by striking subsection (c).

(h) TRANSITION REIMBURSEMENT.—In order to facilitate the transition from the National Women's Business Council, established by title IV of the Women's Business Ownership Act of 1988, to the National Commission on Women in Business established by this section, the National Commission on Women in Business may, during the 30-day period beginning on the date on which the Chairperson of the National Commission on Women in Business is appointed pursuant to section 413 of this Act, reimburse the costs and salaries, where appropriate, of the Chairperson, Executive Director, and staff of the National Women's Business Council for transition activities .

(i) SUNSET.—The authority of the National Commission on Women in Business established under title IV of the Women's Business Ownership Act of 1988, as amended by this section, shall terminate on November 30, 1996.

TITLE V—RELIEF FROM DEBENTURE PREPAYMENT PENALTIES

SEC. 501. SHORT TITLE.

This title may be cited as the "Small Business Prepayment Penalty Relief Act of 1994".

SEC. 502. PREPAYMENT OF DEVELOPMENT COMPANY DEBENTURES.

(a) IN GENERAL.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 508. PREPAYMENT OF DEVELOPMENT COMPANY DEBENTURES.

"(a) IN GENERAL.—

"(1) PREPAYMENT AUTHORIZED.—Subject to the requirements set forth in subsection (b), an issuer of a debenture purchased by the Federal Financing Bank and guaranteed by the Administration under section 503 may, at the election of the borrower whose loan secures such debenture and with the approval of the Administration, prepay such debenture in accordance with the provisions of this section.

"(2) PROCEDURE.—

"(A) IN GENERAL.—In making a prepayment under paragraph (1)—

"(i) the borrower shall pay to the Federal Financing Bank an amount that is equal to the sum of the unpaid principal balance due on the debenture as of the date of the prepayment (plus accrued interest at the coupon rate on the debenture) and the amount of the repurchase premium described in subparagraph (B); and

"(ii) the Administration shall pay to the Federal Financing Bank the difference between the repurchase premium paid by the borrower under this subsection and the repurchase premium that the Federal Financing Bank would otherwise have received.

"(B) REPURCHASE PREMIUM.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(i), the repurchase premium is the amount equal to the product of—

"(I) the unpaid principal balance due on the debenture on the date of prepayment; and

"(II) the applicable percentage rate, as determined in accordance clause (ii).

"(ii) APPLICABLE PERCENTAGE RATE.—For purposes of clause (i)(II), the applicable percentage rate means—

"(I) with respect to a 10-year term loan, 9.5 percent;

"(II) with respect to a 15-year term loan, 9.5 percent;

"(III) with respect to a 20-year term loan, 10.5 percent; and

"(IV) with respect to a 25-year term loan, 11.5 percent.

"(b) REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are that—

"(1) the debenture is outstanding and neither the loan that secures the debenture nor the debenture is in default on the date on which the prepayment is made;

"(2) State, local, or personal funds, or the proceeds of a refinancing in accordance with subsection (d) of this section under the programs authorized by sections 504 and 505, are used to prepay the debenture; and

"(3) the issuer certifies that the benefits, net of fees and expenses authorized herein, associated with prepayment of the debenture are entirely passed through to the borrower.

"(c) NO PREPAYMENT FEES OR PENALTIES.—No fees or penalties other than those specified in this section may be imposed on the issuer, the borrower, the Administration, or any fund or account administered by the Administration as the result of a prepayment under this section.

"(d) REFINANCING LIMITATIONS.—

"(1) IN GENERAL.—The refinancing of a debenture under sections 504 and 505, in accordance with subsection (b)(2) of this section—

"(A) shall not exceed the amount necessary to prepay existing debentures, including all costs associated with the refinancing and any applicable prepayment penalty or repurchase premium; and

"(B) shall be subject to the provisions of sections 504 and 505 and the rules and regulations promulgated thereunder, including rules and regulations governing payment of authorized expenses, commissions, fees, and discounts to brokers and dealers in trust certificates issued pursuant to section 505.

"(2) JOB CREATION.—An applicant for refinancing under section 504 of a loan made pursuant to section 503 shall not be required to demonstrate that a requisite number of jobs will be created with the proceeds of a refinancing.

"(3) LOAN PROCESSING FEE.—To cover the cost of loan packaging, processing, and other administrative functions, a development company that provides refinancing under subsection (b)(2) may impose a loan processing fee, not to exceed 0.5 percent of the principal amount of the loan.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'issuer' means the qualified State or local development company that issued a debenture pursuant to section 503, which has been purchased by the Federal Financing Bank; and

"(2) the term 'borrower' means a small business concern whose loan secures a debenture issued pursuant to section 503.".

(b) REGULATIONS.—Not later than 30 days after the date of enactment of this Act, the Administration shall promulgate such regulations as may be necessary to carry out this section, including regulations establishing a deadline for receipt of applications for prepayment and refinancing under title V of the Small Business Investment Act of 1958.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE VI—MISCELLANEOUS AMENDMENTS

SEC. 601. CONSOLIDATION OF FUNDING ACCOUNTS.

(a) IN GENERAL.—Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended by striking "(c)(1) There" and all that follows through paragraph (4) and inserting the following:

"(c) LOAN LIQUIDATION FUND.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—There is hereby established in the United States Treasury a fund to be known as the Loan Liquidation Fund (hereafter in this subsection referred to as the 'Fund').

"(B) AMOUNTS CONTAINED IN FUND.—All amounts received by the Administration prior to October 1, 1991, from the repayment of loans and debentures, payments of interest, and other receipts arising out of transactions entered into by the Administration pursuant to section 5(e), 5(g), 7(a), 7(b), 7(c)(2), 7(e), 7(h), 7(l), 7(m), or 8(a) of this Act, or title III, IV, or V of the Small Business Investment Act of 1958, shall be paid into the Fund. Balances existing in the revolving funds on or after the effective date of this paragraph shall be transferred to the Fund on such date.

"(C) OPERATING EXPENSES.—The Fund shall have available, without fiscal year limitation, such funds as may be necessary to finance the operational needs of the Fund.

"(2) ANNUAL STATUS REPORT.—As soon as practicable after the end of each fiscal year, the Administration shall submit to the Committees on Small Business and Appropriations of the Senate and the House of Representatives a complete report on the status of the Fund.".

(b) INTEREST PAYMENTS TO TREASURY.—Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (3); and

(2) in paragraph (3)(B), as redesignated, by striking clause (ii) and inserting the following:

"(ii) Upon the expiration of each fiscal year, the Administration shall pay into the miscellaneous receipts of the United States Treasury the actual interest the Administration has collected during the preceding fiscal year on all financings made under the authority of this Act.".

SEC. 602. IMPOSITION OF FEES.

Section 5(b) of the Small Business Act (15 U.S.C. 634(b)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) impose, retain, and use only those fees which are specifically authorized by law or which are in effect on September 30, 1994, and in the amounts and at the rates in effect on such date, except that the Administrator may, subject to approval in appropriations Acts, impose, retain, and utilize, additional fees—

"(A) not to exceed $300 for each loan servicing action requested after disbursement of the loan, including any substitution of collateral, loan assumption, release or substitution of a guarantor, reamortization, or similar action; and

"(B) to recover the direct, incremental cost involved in the production and dissemination of compilations of information produced by the Administration under the authority of the Small Business Act and the Small Business Investment Act of 1958; and

"(13) collect, retain and utilize, subject to approval in appropriations Acts, any amounts collected by fiscal transfer agents and not used by such agent as payment of the cost of loan pooling or debenture servicing operations, except that amounts collected under this paragraph shall be utilized solely to facilitate the administration of the program that generated the excess amounts.".

SEC. 603. JOB CREATION AND COMMUNITY BENEFIT.

Section 7(a)(21) of the Small Business Act (15 U.S.C. 636(a)(21)) is amended by adding at the end the following new subparagraph:

"(E) JOB CREATION AND COMMUNITY BENEFIT.—In providing assistance under this paragraph, the Administration shall develop procedures to ensure, to the maximum extent practicable, that such assistance is used for projects that—

"(i) have the greatest potential for—

"(I) creating new jobs for individuals whose employment is involuntarily terminated due to reductions in Federal defense expenditures; or

"(II) preventing the loss of jobs by employees of small business concerns described in subparagraph (A)(i); and

"(ii) have substantial potential for stimulating new economic activity in communities most affected by reductions in Federal defense expenditures.".

SEC. 604. MICROLOAN PROGRAM AMENDMENTS.

Section 7(m)(9)(B) of the Small Business Act (15 U.S.C. 636(m)(9)(B)) is amended—

(1) by inserting "and loan guarantees" after "for loans"; and

(2) by inserting after "experienced microlending organizations" the following: "and national and regional nonprofit organizations that have demonstrated experience in providing training support for microenterprise development and financing.".

SEC. 605. TECHNICAL CLARIFICATION.

(a) DEFENSE CONVERSION.—Section 7(a)(21)(A) of the Small Business Act (15 U.S.C. 636(a)(21)(A)) is amended by striking "under the" and inserting "on a guaranteed basis under the".

(b) ADDITIONAL TECHNICAL CLARIFICATION.—Section 204 of Public Law 94-305 (15 U.S.C. 634d) is amended by striking "section 202" and inserting "this title".

SEC. 606. SECONDARY MARKET STUDY DUE DATE.

Section 6 of the Small Business Credit Enhancement Act of 1993 (15 U.S.C. 634 note) is amended by striking "16 months after the date of enactment" and inserting "November 1, 1994".

SEC. 607. STUDY AND DATA BASE: GUARANTEED BUSINESS LOAN PROGRAM AND DEVELOPMENT COMPANY PROGRAM.

(a) STUDY AUTHORIZED.—The Administration shall conduct a study of—

(1) the Guaranteed Business Loan program under section 7(a) of the Small Business Act; and

(2) the Development Company program under sections 502, 503, and 504 of the Small Business Investment Act of 1958.

(b) EVALUATION.—After conducting the study under subsection (a), the Administration shall evaluate the performance of the programs described in paragraphs (1) and (2) of subsection (a) on an annual and aggregated basis during the most recent 4-year period for which data are available. Such evaluation shall focus on the following factors:

(1) The number, dollar amount, and average size of the loans or financings under each program.

(2) The number, dollar amount, and average size of the loans or financings made to woman-owned and minority-owned businesses under each program.

(3) The geographic distribution of the loans or financings under each program.

(4) The jobs created or maintained attributable to the loans or financings under each program.

(5) The number, dollar amount, and average size of the loans or financings on which borrowers defaulted under each program.

(6) The amounts recovered by the Administration after default, foreclosure, or otherwise under each program.

(7) The number of companies which are no longer in business despite receiving the loans or financings under each program.

(8) The taxes paid by businesses which received the loans or financings under each program.

(9) Such other information as the Administration determines to be appropriate for a complete evaluation of each program.

(c) CONTRACTING WITH INDEPENDENT ENTITIES.—In carrying out subsections (a) and (b), the Administration may contract with an independent entity or entities—

(1) to conduct the study pursuant to subsection (a); and

(2) to develop a database of information to enable the Administration to maintain and access, on an ongoing basis, current information relating to the factors set forth in subsection (b).

(d) DATE.—The study authorized by subsection (a) shall be completed not later than September 30, 1995.

SEC. 608. SBIR VENDORS.

Section 9(q)(2) of the Small Business Act (15 U.S.C. 638(q)(2)) is amended to read as follows:

"(2) VENDOR SELECTION.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1) for a term not to exceed 3 years. Such selection shall be competitive and shall utilize merit-based criteria.".

SEC. 609. PROGRAM EXTENSION.

Section 602(e) of the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 637 note) is amended by striking "September 30, 1994", and inserting "September 30, 1995".

SEC. 610. PROHIBITION ON THE USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following new subsection:

"(i) PROHIBITION ON THE USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.—None of the funds made available pursuant to this Act may be used to provide any direct benefit or assistance to any individual in the United States if the Administrator or the official to which the funds are made available receives notification that the individual is not lawfully within the United States.".

SEC. 611. OFFICE OF ADVOCACY EMPLOYEES.

Section 204 of Public Law 94-305 (15 U.S.C. 634d) is amended—

(1) in the matter preceding paragraph (1) by striking "after consultation with and subject to the approval of the Administrator,"; and

(2) in paragraph (1), by striking "ten" and inserting "14".

SEC. 612. PROHIBITION ON THE PROVISION OF ASSISTANCE.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following new subsection:

"(e) PROHIBITION ON THE PROVISION OF ASSISTANCE.—Notwithstanding any other provision of law, the Administration is prohibited from providing any financial or other assistance to any business concern or other person engaged in the production or distribution of any product or service that is determined to be obscene.".

SEC. 613. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

Section 4 of the Small Business Act (15 U.S.C. 633), as amended by section 612, is amended by adding at the end the following new subsection:

"(f) CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.—

"(1) IN GENERAL.—Each applicant for financial assistance under this Act, including an applicant for a direct loan or a loan guarantee, shall certify that the applicant is not in violation of the terms of any—

"(A) administrative order;

"(B) court order; or

"(C) repayment agreement entered into between the applicant and the custodial parent or State agency providing child support enforcement services,

that requires the applicant to pay child support, as such term is defined in section 462(b) of the Social Security Act.

"(2) ENFORCEMENT.—Not later than 6 months after the date of enactment of this subsection, the Administration shall issue such regulations as may be necessary to enforce compliance of the requirements of this subsection.".

MOTION OFFERED BY MR. LAFALCE

Mr. LAFALCE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LAFALCE moves to strike all after the enacting clause of S. 2060 and insert in lieu thereof the text of H.R. 4801 as passed by the House, as follows:

S. 2060

That this Act may be cited as the "Small Business Reauthorization and Amendment Act of 1994".

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking all of such section after subsection (k), as added by section 115(a) of the Small Business Credit and Business Opportunity Enhancement Act of 1992, and by inserting in lieu thereof the following:

"(l) The following program levels are authorized for fiscal year 1995:

"(1) For the programs authorized by this Act, the Administration is authorized to make $142,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $12,000,000 in loans as provided in section 7(a)(10) and $130,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $11,535,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $9,315,000,000 in general business loans as provided in section 7(a);

"(B) $2,200,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $20,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $23,000,000 in purchases of preferred securities;

"(B) $244,000,000 in guarantees of debentures, of which $44,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $400,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,500,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,000,000.

"(m) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(n) The following program levels are authorized for fiscal year 1996:

"(1) For the programs authorized by this Act, the Administration is authorized to make $198,000,000 in direct and immediate participation loans; and of such sum the Administration is authorized to make $13,000,000 in loans as provided in section 7(a)(10) and $185,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $24,610,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $10,935,000,000 in general business loans as provided in section 7(a);

"(B) $2,500,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $80,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $24,000,000 in purchases of preferred securities;

"(B) $256,000,000 in guarantees of debentures, of which $46,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $650,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,675,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,150,000.

"(o) There are authorized to be appropriated to the Administration for fiscal year 1996 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(p) The following program levels are authorized for fiscal year 1997:

"(1) For the programs authorized by this Act, the Administration is authorized to make $264,000,000 in direct and immediate participation loans; and of such sum the Administration is authorized to make $14,000,000 in loans as provided in section 7(a)(10) and $250,000,000 in loans as provided in section 7(m).

"(2) For the programs authorized by this Act, the Administration is authorized to make $17,215,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $14,175,000,000 in general business loans as provided in section 7(a);

"(B) $3,000,000,000 in financings as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958; and

"(C) $40,000,000 in loans as provided in section 7(m).

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(A) $25,000,000 in purchases of preferred securities;

"(B) $268,000,000 in guarantees of debentures, of which $48,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act; and

"(C) $900,000,000 in guarantees of participating securities.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of

1958, the Administration is authorized to enter into guarantees not to exceed $1,800,000,000, of which not more than $600,000,000 may be in bonds approved pursuant to the provisions of section 411(a)(3) of such Act.

"(5) For the Service Corps of Retired Executives program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,860,000, and for the small business institute program authorized by section 8(b)(1) of this Act, the Administration is authorized to make grants or enter cooperative agreements not to exceed $3,310,000.

"(q) There are authorized to be appropriated to the Administration for fiscal year 1997 such sums as may be necessary to carry out the provisions of this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the provisions of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.".

TITLE II—FINANCIAL ASSISTANCE PROGRAMS

SEC. 201. MICROLOAN FINANCING PILOT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding the following new paragraph at the end:

"(12) DEFERRED PARTICIPATION LOAN PILOT.—During fiscal years 1995 through 1997, on a pilot basis, in lieu of making direct loans to intermediaries as authorized in paragraph (1)(B), the Administration may participate on a deferred basis of up to 100 percent on loans made to intermediaries by a for-profit or nonprofit entity or by alliances of such entities subject to the following conditions:

"(A) NUMBER OF LOANS.—The Administration shall not participate in providing financing on a deferred basis to more than ten intermediaries in urban areas per year and to more than ten intermediaries in rural areas per year.

"(B) TERM OF LOANS.—The term of such loans shall be ten years. During the first five years of the loan, the intermediary shall be required to pay interest only; and during the second five years of the loan, the intermediary shall be required to fully amortize principal and interest payments.

"(C) INTEREST RATE.—The interest rate on such loans shall be the rate specified by paragraph (3)(F) for direct loans.".

SEC. 202. MICROLOAN STATE LIMITATION.

Section 7(m)(7)(C) of the Small Business Act (15 U.S.C. 636(m)(7)(C)) is repealed.

SEC. 203. LIMIT ON PARTICIPATION.

Section 7(m)(7)(A) of the Small Business Act (15 U.S.C. 636(m)(7)(A)) is amended to read as follows:

"(A) NUMBER OF PARTICIPANTS.—During this demonstration program, the Administration is authorized to fund, on a competitive basis, not more than 240 microloan programs.".

SEC. 204. EQUITABLE DISTRIBUTION.

Section 7(m)(8) of the Small Business Act (15 U.S.C. 636(m)(8)) is amended to read as follows:

"(8) EQUITABLE DISTRIBUTION OF INTERMEDIARIES.—In approving microloan program applicants, the Administration shall select participation by such intermediaries as will ensure appropriate availability of loans to small businesses located in urban areas and in rural areas.".

SEC. 205. AMOUNT OF LOANS TO INTERMEDIARIES.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended to read as follows:

"(C) LOAN LIMITS.—In determining the amount of funding which the Administration may provide to one intermediary, it shall take into consideration the small business population in the area served by the intermediary.".

79-059 O—97 Vol. 140 (Pt. 18) 14

SEC. 206. LOANS TO EXPORTERS.

Section 7(a)(14)(A) of the Small Business Act (15 U.S.C. 636(a)(14)(A)) is amended to read as follows:

"(A) The Administration may provide extensions, standby letters of credit, revolving lines of credit for export purposes, and other financing to enable small business concerns, including small business export trading companies and small business export management companies, to develop foreign markets. A bank or participating lending institution may establish the rate of interest on such financings as may be legal and reasonable.".

SEC. 207. WORKING CAPITAL INTERNATIONAL TRADE LOANS.

Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended to read as follows:

"(B) if the total amount outstanding and committed (on a deferred basis) solely for the purposes provided in paragraph (16) to the borrower from the business loan and investment fund established by this Act would exceed $1,250,000, of which not more than $750,000 may be used for working capital, supplies, or financings under section 7(a)(14) for export purposes; and".

SEC. 208. GUARANTEES ON INTERNATIONAL TRADE LOANS.

Section 7(a)(2)(B)(iv) of the Small Business Act (15 U.S.C. 636(a)(2)(B)(iv)) is amended to read as follows:

"(iv) not less than 85 percent nor more than 90 percent of the financing outstanding at the time of disbursement if such financing is a loan under paragraph (14) or under paragraph (16).".

SEC. 209. ACCREDITED LENDERS PROGRAM.

(a) Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

"SEC. 507. ACCREDITED LENDERS PROGRAM.

"(a) The Administration is authorized to establish an Accredited Lenders Program for qualified State and local development companies which meet the requirements of subsection (b).

"(b) The Administration may designate a qualified State or local development company as an accredited lender if such company—

"(1) has been an active participant in the development company program for at least the last 12 months;

"(2) has well-trained, qualified personnel who are knowledgeable in the Administration's lending policies and procedures for the development company program;

"(3) has the ability to process, close, and service financing for plant and equipment under section 502 of this Act;

"(4) has a loss rate on its debentures that is acceptable to the Administration;

"(5) has a history of submitting to the Administration complete and accurate debenture guaranty application packages; and

"(6) has demonstrated the ability to serve small business credit needs for financing plant and equipment as provided in section 502 of this Act.

"(c) The Administration shall expedite the processing of a loan application or servicing action submitted by a qualified State or local development company that has been designated as an accredited lender in accordance with subsection (b).

"(d) The designation of a qualified State or local development company as an accredited lender may be suspended or revoked if the Administration determines that the development company has not continued to meet the criteria for eligibility under subsection (b) or that the development company has failed to adhere to the Administration's rules and regulations or is violating any other applicable provision of law. Suspension or revocation shall not affect any outstanding debenture guarantee.

"(e) For purposes of this section, the term 'qualified State or local development company' has the same meaning as in section 503(e).".

(b) The Administration shall promulgate regulations to carry out this section within 90 days of the date of the enactment of this Act.

(c) The Administration shall report to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives within one year, and annually thereafter, on the implementation of this section, specifically including data on the number of development companies designated as accredited lenders, their debenture guarantee volume, their loss rates, and the average processing time on their guarantee applications, along with such other information as the Administration deems appropriate.

SEC. 210. PREMIER LENDERS PROGRAM.

(a) Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is further amended by adding at the end the following new section:

"SEC. 508. PREMIER LENDERS PROGRAM.

"(a) The Administration is authorized to establish a Premier Lenders Program for certified development companies which meet the requirements of subsection (b).

"(b) The Administration may designate a participant in the accredited lenders program as a premier lender if such company—

"(1) has been an active participant in the accredited lenders program for at least the last 12 months: Provided, That prior to January 1, 1996, the Administration may waive this provision if the applicant is qualified to participate in the accredited lenders program;

"(2) has a history of submitting to the Administration adequately analyzed debenture guarantee application packages; and

"(3) agrees to assume and to reimburse the Administration for 5 percent of any loss sustained by the Administration on account of default by the certified development company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administration under this section.

"(c) Upon approval of an applicant as a premier lender, the certified development company shall establish a loss reserve in an amount equal to the anticipated losses to the certified development company pursuant to subsection (b)(3) based upon the historic loss rate on debentures issued by such company, or 3 percent of the aggregate principal amount of debentures issued by such company and guaranteed by the Administration under this section, whichever is greater. The loss reserve shall be comprised of segregated assets of the development company which shall be securitized in favor of the Administration or of such unqualified letters of credit or indemnity agreements from a third party as the Administration deems appropriate.

"(d) Upon designation and qualification of a company as a premier lender, and subject to such terms and conditions as the Administration may determine, and notwithstanding the provisions of section 503(b)(6), the Administration may permit a premier lender to approve loans to be funded with the proceeds of and to authorize the guarantee of a debenture issued by such company. The approval by the premier lender shall be subject to the final approval as to eligibility of any such guarantee by the Administration pursuant to subsection 503(a) of this Act, but such final approval shall not include decisions by the company involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

"(e) The designation of a qualified State or local development company as a premier lender may be suspended or revoked if the Administration determines that the company—

"(1) has not continued to meet the criteria for eligibility under subsection (b);

"(2) has not established or maintained the loss reserve required under subsection (c); or

"(3) is failing to adhere to the Administration's rules and regulations or is violating any other applicable provision of law.

"(f) Suspension or revocation shall not affect any outstanding debenture guarantee.".

(b) The Administration shall promulgate such regulations to carry out this section within 180 days of the date of the enactment of this Act.

(c) The Administration shall report to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives within one year, and annually thereafter, on the implementation of this section, specifically including data on the number of development companies designated as premier lenders, their debenture guarantee volume, and the loss rate for premier lenders as compared to accredited and other lenders, along with such other information as the Administration deems appropriate.

(d) Section 508 of the Small Business Investment Act of 1958 is repealed on October 1, 1999.

(e) The table of contents contained in section 101 of the Small Business Investment Act of 1958 is amended by adding at the end of the matter relating to title V the following:

"Sec. 507. Accredited lenders program.
"Sec. 508. Premier lenders program.".

SEC. 211. SSBIC ADVISORY COUNCIL.

(a) COUNCIL ESTABLISHED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall appoint an Investment Advisory Council for the Specialized Small Business Investment Company Program. The Council shall consist of not less than 12 individuals from the private sector, including individuals—

(1) who have experience in providing venture capital to small business, particularly minority small business;

(2) who are current participants in the Specialized Small Business Investment Company Program;

(3) who are former participants in the Specialized Small Business Investment Company Program; or

(4) who are or who represent small business concerns.

(b) CHAIRMAN AND STAFF.—The Administrator shall designate one of the members of the Council as chairperson. The Investment Division of the Small Business Administration shall provide such staff, technical support, and information as shall be deemed appropriate. Council members shall be deemed to be an advisory board pursuant to section 8(b)(13) of the Small Business Act for purposes of reimbursement of expenses.

(C) REPORT.—Within six months of the date of appointment, the Council shall make a written report with findings and recommendations on the venture capital needs, including debt and equity, of socially or economically disadvantaged small business concerns and any needed Federal incentives to assist the private sector to meet such needs. The report shall specifically address—

(1) the history of the Specialized Small Business Investment Company program in providing assistance to such concerns and the impact of such assistance on the economy;

(2) the appropriateness and ability of the Specialized Small Business Investment Company Program to meet these needs;

(3) the problems affecting the Specialized Small Business Investment Company Program; and

(4) the effectiveness of the Specialized Small Business Investment Company Program and its administration by the Small Business Administration.

SEC. 212. PARTICIPATING SECURITIES FOR SMALLER SBICS.

Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by adding the following new paragraph at the end:

"(13) Of the amount of the annual program level of participating securities approved in Appropriations Acts, 50 percent shall be reserved for funding Small Business Investment Companies with private capital of less than $20,000,000; except that during the last quarter of each fiscal year, the Administrator may, if he determines that there is a lack of qualified applicants with private capital under such amount, utilize all or any part of the securities so reserved.".

SEC. 213. REPORT ON SBIC PROGRAM.

The Small Business Administration shall provide the Committee on Small Business of the House of Representatives and Senate with a comprehensive report on the status and disposition of all Small Business Investment Companies, active or in liquidation, and a complete accounting of the assets in and the basis of their portfolios, the projected and actual loss rates for all portfolios in liquidation or active, and a detailed accounting of valuation of the SBIC program's investments. This report shall be delivered to the respective Committees on Small Business no later than April 15, 1995.

TITLE III—SIZE STANDARDS AND BOND GUARANTEES

SEC. 301. COMPETITIVE DEMONSTRATION PROJECT SIZE STANDARDS.

Section 732 of the Business Opportunity Development Reform Act of 1988 (Public Law 100-656) is amended by repealing the second sentence of such section.

SEC. 302. SIZE STANDARD CRITERIA.

Section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is amended to read as follows:

"(2) In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for the purposes of this Act or any other Act. Such standards may utilize number of employees, dollar volume of business, net worth, net income, or a combination thereof. Unless specifically authorized by statute, no Federal department or agency may prescribe a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(A) is being proposed after an opportunity for public notice and comment;

"(B) provides for determining—

"(i) the size of a manufacturing concern as measured by its average employment based upon employment during each of the concern's pay periods for the preceding twelve calendar months;

"(ii) the size of a concern providing services on the basis of the annual average gross receipts of the concern over a period of not less than 3 years; and

"(iii) the size of other concerns on the basis of data over a period of not less than 3 years; and

"(C) is approved by the Administrator if it is not being proposed by the Small Business Administration.".

SEC. 303. SUNSET ON PREFERRED SURETY BOND GUARANTEE PROGRAM.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (Public Law 100-590) is amended by striking "September 30, 1994" and by inserting in lieu thereof "September 30, 1997".

SEC. 304. VERY SMALL BUSINESS CONCERNS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 30 as section 41 and by inserting after section 29, as redesignated by section 606 of this Act, the following:

"SEC. 30. PILOT PROGRAM FOR VERY SMALL BUSINESS CONCERNS.

"(a) ESTABLISHMENT.—The Administration shall establish and carry out a pilot program in accordance with the requirements of this section to provide procurement opportunities to very small business concerns.

"(b) SUBCONTRACTING OF PROCUREMENT CONTRACTS.—

"(1) IN GENERAL.—In carrying out the program, the Administration is authorized to enter into procurement contracts with the United States Government and to arrange for the performance of such contracts through the award of subcontracts to very small business concerns.

"(2) TERMS AND CONDITIONS.—The authority of the Administration under paragraph (1) shall be subject to the same terms and conditions as apply to the authority of the Administration under section 8(a), except that—

"(A) the Administration may make such modifications to such terms and conditions as the Administration determines necessary; and

"(B) all contract opportunities offered for award under the program shall be awarded on the basis of competition restricted to eligible program participants.

"(c) PROGRAM PARTICIPATION.—Very small business concerns participating in the program shall be subject to the same terms and conditions for program participation as apply to program participants under sections 7(j) and 8(a); except that—

"(1) the Administration may make such modifications to such terms and conditions as the Administration determines necessary; and

"(2) eligibility shall be determined on the basis of qualifying as a very small business concern as defined in subsection (g), in lieu of the requirements contained in paragraphs (4), (5), and (6) of section 8(a).

"(d) TECHNICAL AND FINANCIAL ASSISTANCE.—In order to assist very small business concerns participating in the program, the Administration is authorized—

"(1) to provide technical assistance to such concerns in the same manner and to the same extent as technical assistance is provided to small business concerns pursuant to section 7(j); and

"(2) to provide pre-authorization to such concerns for the purpose of receiving financial assistance under section 7(a).

"(e) PROGRAM TERM.—The Administration shall carry out the program in each of fiscal years 1995, 1996, and 1997.

"(f) REPORT TO CONGRESS.—On or before December 31, 1996, the Administration shall transmit to Congress a report containing an analysis of the results of the program, together with recommendations for appropriate legislative and administrative actions.

"(g) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) PROGRAM.—The term 'program' means the program established pursuant to subsection (a).

"(2) VERY SMALL BUSINESS CONCERN.—The term 'very small business concern' means a small business concern that—

"(A) has 10 employees or less; or

"(B) has average annual receipts that total $1,000,000 or less.".

TITLE IV—MANAGEMENT ASSISTANCE

SEC. 401. SUNSET ON COSPONSORED TRAINING.

(a) The authority of the Small Business Administration to cosponsor training as authorized

by section 5(a) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is hereby repealed September 30, 1997.

(b) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 note) is amended by striking the second sentence.

SEC. 402. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM LEVEL.

Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended to read as follows:

"(4) The Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 per centum cash and not more than 50 per centum of indirect costs and in-kind contributions: Provided, That this matching amount shall not include any indirect costs or in-kind contributions derived from any Federal program: Provided further, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a national program based upon the population to be served by the Small Business Development Center as compared to the total population in the United States, plus $125,000, or $200,000, whichever is greater, per year. The amount of the national program shall be—

"(A) $70,000,000 through September 30, 1995;

"(B) $77,500,000 from October 1, 1995 through September 30, 1996; and

"(C) $85,000,000 beginning October 1, 1996.

The amount of eligibility of each Small Business Development Center shall be based upon the amount of the national program in effect as of the date for commencement of performance of the Center's grant.".

SEC. 403. FEDERAL CONTRACTS WITH SMALL BUSINESS DEVELOPMENT CENTERS.

(a) Section 21(a)(5) of the Small Business Act (15 U.S.C. 648(a)(5)) is amended to read as follows:

"(5) A Small Business Development Center may enter a contract with a Federal department or agency to provide specific assistance to small business concerns if the contract is approved in advance by the Deputy Associate Administrator of the Small Business Development Center program. Approval shall be based upon a determination that the contract will provide assistance to small business concerns and that its performance will not hinder the Center in carrying out the terms of its grant from the Administration. The amount of any such contract shall not be subject to the matching funds requirements of paragraph (4) nor shall the amount of eligibility under such paragraph: Provided, That notwithstanding any other provision of law, such contracts for assistance to small business concerns shall not be counted toward any Federal department or agency's small business, women-owned business, or socially and economically disadvantaged business contracting goal as established by section 15(g) of the Small Business Act (15 U.S.C. 644(g)).".

(b) Section 21(a)(6) of the Small Business Act (15 U.S.C. 648(a)(6)) is amended by striking "paragraphs (4) and (5)" and by inserting in lieu thereof "paragraph (4)".

SEC. 404. CENTRAL EUROPEAN SMALL BUSINESS DEVELOPMENT.

Section 25(i) of the Small Business Act (15 U.S.C. 652(i)) is amended by striking "and $2,000,000 for each of fiscal years 1993 and 1994" and by inserting in lieu thereof ", $2,000,000 for each of fiscal years 1993 and 1994, and $1,000,000 for fiscal year 1995".

SEC. 405. MOBILE RESOURCE CENTER PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Small Business Administration may establish and carry out in each of fiscal years 1995, 1996, and 1997 a mobile resource pilot program (in this section referred to as the "program" in accordance with the requirements of this section.

(b) MOBILE RESOURCE CENTER VEHICLES.—Under the program, the Administration may use mobile resource center vehicles to provide technical assistance, information, and other services available from the Small Business Administration to traditionally underserved populations. Two of such vehicles should be utilized in rural areas and 2 of such vehicles should be utilized in urban areas.

(c) REPORT TO CONGRESS.—If the Administrator conducts the program authorized in this section, not later than December 31, 1996, he shall transmit to Congress a report containing the results of such program, together with recommendations for appropriate legislative and administrative actions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 $900,000 to carry out this section. Of such sums—

(1) $800,000 may be made available for the purchase or lease of mobile resource center vehicles; and

(2) $100,000 may be made available for studies, startup expenses, and other administrative expenses.

Such sums shall remain available until expended.

TITLE V—RELIEF FROM FFB DEBENTURE PREPAYMENT PENALTIES

SEC. 501. CITATION.

This title may be cited as the "Small Business Prepayment Penalty Relief Act of 1994.".

SEC. 502. MODIFICATION OF DEVELOPMENT COMPANY DEBENTURE INTEREST RATES.

(a) IN GENERAL.—Upon the request of the issuer and the concurrence of the borrower, the Small Business Administration is authorized to transfer to the Federal Financing Bank such sums as may be necessary to carry out the provisions of this section in order to reduce the interest rate on a debenture issued by a certified development company. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture.

(b) INTEREST RATE MODIFICATION.—Upon receipt of such payment, the Federal Financing Bank shall modify the interest rate of each debenture for which the payment is made. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "issuer" means the issuer of a debenture pursuant to section 503 of the Small Business Investment Act of 1958 which has been purchased by the Federal Financing Bank if the debenture is outstanding on the date of enactment of this Act, and neither the loan that secures the debenture nor the debenture is in default on such date; and

(2) the term "borrower" means the small business concern whose loan secures a debenture issued pursuant to such section.

(d) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer or borrower which are otherwise authorized by contract or by law.

(e) REFINANCING.—Debentures authorized by sections 504 and 505 of the Small Business Investment Act of 1958 may be used to refinance debentures issued under section 503 of such Act if the amount of the new financing is limited to such amounts as are needed to repay the existing debenture, including any prepayment penalty imposed by the Federal Financing Bank. Any such refinancing shall be subject to all of the other provisions of sections 504 and 505 of such Act and the rules and regulations of the Administration promulgated thereunder, including, but not limited to, rules and regulations governing payment of authorized expenses and commissions, fees and discounts to brokers and dealers in trust certificates issued pursuant to section 505: Provided, however, That no applicant for refinancing under section 504 of this Act need demonstrate that the requisite number of jobs will be created or preserved with the proceeds of such refinancing: Provided further, That a development company which provides refinancing under this subsection shall be limited to a loan processing fee not to exceed one-half of one percent to cover the cost of packaging, processing and other nonlegal staff functions.

SEC. 503. MODIFICATION OF SMALL BUSINESS INVESTMENT COMPANY DEBENTURE INTEREST RATES.

(a) IN GENERAL.—Upon the request of the issuer, the Small Business Administration is authorized to transfer to the Federal Financing Bank such sums as may be necessary to carry out the provisions of this section in order to reduce the interest rate on a debenture issued by a Small Business Investment Company under the provisions of title III of the Small Business Investment Act of 1958. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture.

(b) INTEREST RATE MODIFICATION.—Upon receipt of such payment, the Federal Financing Bank shall modify the interest rate of each debenture for which the payment is made. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(c) DEFINITIONS.—For the purposes of this section, the term "issuer" means the issuer of a debenture pursuant to section 303 of the Small Business Investment Act of 1958 which has been purchased by the Federal Financing Bank if the debenture is outstanding on the date of enactment of this Act, and is not in default on such date.

(d) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer which are otherwise authorized by contract or by law.

SEC. 504. MODIFICATION OF SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY DEBENTURE INTEREST RATES.

(a) INTEREST RATE MODIFICATION.—Upon the request of the issuer, the Small Business Administration is authorized to modify the interest rate on a debenture issued by a Small Business Investment Company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958 and which is held by the Administration. No debenture which has been sold to a third party shall be eligible for modification under this section. The reduction shall be effective January 2, 1995 and shall apply for the remainder of the term of the debenture. No other change shall be made in the terms and conditions of the debenture, and the modification in the interest rate shall not be construed as a new direct loan or a new loan guarantee.

(b) DEFINITIONS.—For the purposes of this section, the term "issuer" means a Specialized Small Business Investment Company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958 which has issued a debenture which has been funded by the Small Business Administration, providing

the debenture is outstanding on the date of enactment of this Act and is not in default on such date.

(c) OTHER RIGHTS.—A modification of the interest rate on a debenture as authorized in this section shall not affect any rights or options of the issuer which are otherwise authorized by contract or by law.

SEC. 505. INTEREST RATE REDUCTIONS.

(a) IN GENERAL.—Upon enactment of an Appropriations Act providing funds to carry out the provisions of this Act and limited to amounts specifically provided in advance in Appropriations Acts, the Small Business Administration shall evaluate the outstanding portfolio of debentures which are eligible for interest rate relief under this Act. The Administration shall apply the funds appropriated to carry out this Act in order to reduce the highest interest rate on all eligible debentures to a uniform rate.

(b) AUTHORIZATION.—There are authorized to be appropriated $30 million to carry out the provisions of this Act in fiscal year 1995.

TITLE VI—DEVELOPMENT OF WOMEN-OWNED BUSINESSES

SEC. 601. STATUS OF COUNCIL.

Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 405 of such Act and, as redesignated, is amended—

(1) in the heading by inserting "of the council" after "establishment"; and

(2) by striking the period at the end and inserting the following: "which shall serve as an independent advisory council to the Interagency Committee on Women's Business Enterprise, to the Administrator of the Small Business Administration, and to the Congress of the United States. The Council, in order to carry out its function as an independent advisory council to the Congress, is authorized and directed to report independently of the Interagency Committee directly to the Congress at such times and on such matters as it, in its discretion, deems appropriate.".

SEC. 602. DUTIES OF NATIONAL WOMEN'S BUSINESS COUNCIL.

Section 402 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 406 of such Act and, as redesignated, is amended to read as follows:

"SEC. 406. DUTIES OF THE COUNCIL.

"The Council shall meet at such times as it determines necessary in order to advise and consult with the Interagency Committee on Women's Business Enterprise on matters relating to the activities, functions, and policies of such Committee as provided in this title. The Council shall make annual recommendations for consideration by the Committee. The Council also shall provide reports and make such other recommendations as it deems appropriate to the Committee, to the Administrator of the Small Business Administration, and to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives.".

SEC. 603. MEMBERSHIP OF THE COUNCIL.

Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is redesignated as section 407 of such Act, and, as redesignated, is amended to read as follows:

"SEC. 407. MEMBERSHIP OF THE COUNCIL.

"(a) The Council shall be composed of 15 members who shall be appointed by the Administrator of the Small Business Administration and who shall serve at the Administrator's discretion. In making the appointments, the Administrator shall include racial, geographic and economic diversity, and representation from diverse sectors of the economy, including manufacturing, high technology, services and credit institutions, and shall give priority to include representation of major women's business organizations.

"(b) Only the owner, operator or employee of a woman-owned business shall be eligible for appointment, and not more than eight appointees shall be members of the same political party. If any member of the Council subsequently becomes an officer or employee of the Federal Government or of the Congress, such individual may continue as a member of the Council for not longer than the thirty-day period beginning on the date such individual becomes such an officer or employee.

"(c) The Council annually shall select one member to serve as its Chairperson. The Chairperson of the Council, or her designee, shall be the representative of the Council to all meetings of the Interagency Committee on Women's Business Enterprise.

"(d) The Council shall meet not less than four times per year. Meetings shall be at the call of the Chairperson at such times as she deems appropriate.

"(e) Members of the Council shall serve without pay for such membership, except they shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Council, in the same manner as persons serving on advisory boards pursuant to section 8(b) of the Small Business Act.".

SEC. 604. INTERAGENCY COMMITTEE.

Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by striking section 404 and by inserting the following new sections prior to section 405 as redesignated by section 601 of this Act:

"SEC. 401. ESTABLISHMENT OF THE COMMITTEE.

"There is established an Interagency Committee to be known as the 'Interagency Committee on Women's Business Enterprise' (hereinafter in this title referred to as the Committee).

"SEC. 402. DUTIES OF THE COMMITTEE.

"The Committee shall—

"(1) promote, coordinate and monitor the plans, programs and operations of the departments and agencies of the Federal Government which may contribute to the establishment, preservation and strengthening of women's business enterprise. It may, as appropriate, develop comprehensive interagency plans and specific program goals for women's business enterprise with the cooperation of Federal departments and agencies;

"(2) promote the better utilization of the activities and resources of State and local governments, business and trade associations, private industry, colleges and universities, foundations, professional organizations, and volunteer and women's business enterprise, and facilitate the coordination of the efforts of these groups with those of Federal departments and agencies;

"(3) consult with the Council to develop and promote new initiatives designed to foster women's business enterprise, and to develop policies, programs, and plans intended to promote such development;

"(4) consider the Council's recommendations and public and private sector studies of the problems of women entrepreneurs, and promote further research into such problems; and

"(5) design a comprehensive plan for a joint public-private sector effort to facilitate the development and growth of women-owned businesses. The Committee should submit the plan to the President for review within six months of the effective date of this Act.

"SEC. 403. MEMBERSHIP OF THE COMMITTEE.

"(a) The Committee shall be composed of representatives of the following departments and agencies: The Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Education, Housing and Urban Development, Interior, Justice, Labor, Transportation, Treasury, the Federal Trade Commission, General Services Administration, National Science Foundation, Office of Federal Procurement Policy, and the Director of the Office of Women's Business Ownership of the Small Business Administration, who shall serve as Vice Chairperson of the Committee. The head of each such department and agency shall designate a representative who shall be a policy making official within the department or agency.

"(b) The Committee shall have a Chairperson appointed by the President, after consultation with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration. The Chairperson shall be the head of a Federal department or agency. If the Chairperson is the head of one of the departments or agencies enumerated in subsection (a), he or she shall also serve as the representative of such department or agency.

"(c) The Committee shall meet not less than four times per year. Meetings shall be at the call of the Chairperson at such times as he or she deems appropriate.

"(d) The members of the Committee shall serve without additional pay for such membership.

"(e) The Chairperson of the Committee may designate a Director of the Committee, after consultation with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration.

"(f) The Chief Counsel for Advocacy is authorized to appoint to his staff under the provisions of section 204 of Public Law 94–305 (15 U.S.C. 634(d)) the person so designated under subsection (e). He or she is also authorized to provide additional staff and administrative support for the Committee.

"(g) The Director of the Office of Women's Business Ownership of the Small Business Administration is authorized to provide additional staff and administrative support for the Committee.

"SEC. 404. REPORTS FROM THE COMMITTEE.

"The Committee shall transmit to the President and to the Small Business Committee of the United States Senate and to the Small Business Committee of the United States House of Representatives a report no less than once in every twelve-month period. The first such report shall be submitted no later than March 31, 1995. Such reports shall contain any recommendations from the Council and any comments of the Committee thereon, a detailed statement on the activities of the Committee, the findings and conclusions of the Committee, together with its recommendations for such legislation and administrative actions as it considers appropriate to promote the development of small business concerns owned and controlled by women.".

SEC. 605. REPEALER.

Sections 404 through 407 of the Women's Business Ownership Act of 1988, as in effect on the day before the date of the enactment of this Act, are repealed and the following new section is added at the end of title IV of such Act:

"SEC. 408. DEFINITIONS.

"For the purposes of this Act, the term—

"(1) 'woman-owned business' shall mean a small business which is at least 51 percent owned by a woman or women who also control and operate it;

"(2) 'control' shall mean exercising the power to make policy decisions;

"(3) 'operate' shall mean being actively involved in the day-to-day management; and

"(4) 'women's business enterprise' shall mean a woman-owned business or businesses or the efforts of a woman or women to establish, maintain, or develop such a business or businesses.".

SEC. 606. EXTENSION OF AUTHORITY FOR DEMONSTRATION PROJECTS.

Section 28 of the Small Business Act, as added by section 2 of Public Law 102–191, is redesignated as section 29 and, as so redesignated, is amended by striking from subsection (g) "1995" and by inserting "1997".

SEC. 607. ESTABLISHMENT OF OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29 of the Small Business Act, as redesignated by section 606 of this Act, is amended by adding the following new subsection at the end:

"(h) There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises as defined in section 408 of the Women's Business Ownership Act of 1988. The Office shall be headed by a director who shall be appointed by the Administrator.".

SEC. 608. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Title IV of the table of contents of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISE

"Sec. 401. Establishment of the Committee.
"Sec. 402. Duties of the Committee.
"Sec. 403. Membership of the Committee.
"Sec. 404. Reports from the Committee.
"Sec. 405. Establishment of the Council.
"Sec. 406. Duties of the Council.
"Sec. 407. Membership of the Council.
"Sec. 408. Definitions.".

(b) The heading to title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"TITLE IV—DEVELOPMENT OF WOMEN'S BUSINESS ENTERPRISES".

SEC. 609. AUTHORIZATION.

There is authorized to be appropriated $200,000 in each of fiscal years 1995 through 1997 to carry out the provisions of title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note).

TITLE VII—MISCELLANEOUS AMENDMENTS

SEC. 701. HANDICAPPED PARTICIPATION IN SMALL BUSINESS SET ASIDE CONTRACTS.

Section 15(c) of the Small Business Act (15 U.S.C. 644(c)) is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(2)(A) During each fiscal year, public or private organizations for the handicapped shall be eligible to participate in programs authorized under this section in an aggregate amount not to exceed $50,000,000."; and

(2) by adding the following new paragraph at the end thereof:

"(7) Any contract awarded to such an organization pursuant to the provisions of this subsection may be extended for up to two additional years.".

SEC. 702. SBA INTEREST PAYMENTS TO TREASURY.

Section 4(c)(5)(B)(ii) of the Small Business Act (15 U.S.C. 633(c)(5)(B)(ii)) is amended to read as follows:

"(ii) The Administration shall pay into the miscellaneous receipts of the Treasury following the close of each fiscal year the actual interest it collects during that fiscal year on all financings made under the authority of this Act.".

SEC. 703. IMPOSITION OF FEES.

Section 5(b) of the Small Business Act (15 U.S.C. 634(b)) is amended—

(1) in paragraph (10) by striking "and" at the end;

(2) in paragraph (11) by striking the period at the end and inserting a semicolon; and

(3) by adding the following new paragraphs at the end:

"(12) impose, retain and use only those fees which are specifically authorized by law or which are in effect on September 30, 1994, and in the amounts and at the rates in effect on such date. The administrator is authorized to impose, retain and utilize, subject to approval in appropriations Acts, the following additional fees—

"(A) not to exceed $100 for each loan servicing action requested after disbursement of the loan, including substitution of collateral, loan assumptions, release or substitution of guarantors, reamortizations or similar actions;

"(B) to recover the direct, incremental cost involved in the production and dissemination of compilations of information produced by the Administration under the authority of the Small Business Act and the Small Business Investment Act of 1958; and

"(13) to collect, retain and utilize, subject to approval in appropriations Acts, any amounts collected by fiscal transfer agents and not used by such agent as payment of the cost of loan pooling or debenture servicing operations: Provided, That any monies so collected shall be utilized solely to facilitate the administration of the program which generated the excess monies.".

SEC. 704. SBIR VENDORS.

Section 9(q)(2) of the Small Business Act (15 U.S.C. 638(q)(2)) is amended to read as follows:

"(2) VENDOR SELECTION.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1). Such selection shall be competitive using merit-based criteria, for a term not to exceed 3 years.".

SEC. 705. MANUFACTURING CONTRACTS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

"(p) MANUFACTURING MODERNIZATION PILOT PROGRAM.—

"(1) ESTABLISHMENT.—The Administrator may establish and carry out a manufacturing modernization pilot program (hereinafter in this section referred to as the 'program') for the purpose of promoting the award of Federal procurement contracts to small business concerns that participate in manufacturing application and education centers that are established or certified pursuant to paragraph (2).

"(2) MANUFACTURING APPLICATION AND EDUCATION CENTERS.—The Administrator may establish manufacturing application and education centers which will provide training to small business concerns on new and innovative manufacturing practices in a shared-use production environment and which will assist such concerns in carrying out Federal procurement contracts for the manufacture of components and subsystems. The Administrator may also certify existing manufacturing application and education centers for participation in the program.

"(3) USE OF PRIVATE CENTERS AS EXAMPLES.—In establishing any manufacturing application and education centers pursuant to paragraph (2), the Administrator may use as examples manufacturing application and education centers in the private sector that provide the following services: technology demonstration, technology education, technology application support, technology advancement support, and technology awareness.

"(4) IDENTIFICATION OF CONTRACTS.—The Administrator and the head of a contracting agency may identify for additional small business set-asides pursuant to subsection (a) any procurement, and in particular any procurement which is being foreign-sourced or is considered critical, which is susceptible to performance by a small business concern if the concern is assisted by a manufacturing application and education center under the program. Any such procurement shall be subject to the requirements of subsection (a), including requirements relating to any failure of the Administrator and the head of the contracting agency to agree on procurement methods.

"(5) NONAPPLICABILITY OF PERFORMANCE REQUIREMENT.—The requirement of subsection (o)(1)(B) shall not apply with respect to any contract carried out by a small business concern under the program with the assistance of a manufacturing application and education center.

"(6) REGULATIONS.—Not later than 6 months after the date of the enactment of this subsection, the Administrator shall issue regulations to carry out this subsection if he determines it appropriate to carry out the program authorized by this subsection.

"(7) REPORTS.—

"(A) PROGRESS REPORT.—Not later than 3 months after the last day of the fiscal year in which final regulations are issued pursuant to paragraph (6), the Administrator shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report on the progress of the program.

"(B) FINAL REPORT.—If the Administrator establishes the program authorized herein, not later than March 31, 1999, he shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report on the success of the program in—

"(i) enabling deployment of technology to small business concerns participating in the program, and

"(ii) assisting manufacturing application and education centers in achieving self-sufficiency,

together with recommendations concerning continuation, modification, or discontinuance of the program.

"(8) PROGRAM TERM.—The Administrator may carry out the program during the period beginning on the date of issuance of final regulations under paragraph (5) and ending on September 30, 1999.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.".

SEC. 706. DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 30, as added by section 304 of this Act, the following:

"SEC. 31. DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES.

"None of the funds made available pursuant to this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Administrator of the Small Business Administration or the official to which the funds are made available that the individual is not lawfully within the United States.".

SEC. 707. OFFICE OF ADVOCACY EMPLOYEES.

Section 204 of Public Law 94–305 (15 U.S.C. 634d) is amended as follows—

(1) by striking "after consultation with and subject to the approval of the Administrator,"; and

(2) in paragraph (1) by striking "GS–15 of the General Schedule" and all that follows and inserting "GS–15 of the General Schedule: Provided, however, That not more than 14 staff personnel at any one time may be employed and compensated at a rate in excess of GS–15, step 10, of the General Schedule;".

SEC. 708. ADVOCACY STUDY OF PAPERWORK AND TAX IMPACT.

The Chief Counsel for Advocacy of the Small Business Administration shall conduct a study

of the impact of all Federal regulatory paperwork and tax requirements upon small business and report its findings to the Congress within 1 year of the date of the enactment of this Act.

SEC. 709. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 31, as added by section 706 of this Act, the following:

"SEC. 32. CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS.

"Each applicant for financial assistance under this Act, including applicants for direct loans and loan guarantees, shall certify, as a condition for receiving such assistance, that the applicant is not in violation of the terms of any administrative order, court order, or repayment agreement entered into between the applicant and the custodial parent or the State agency providing child support enforcement services which requires the applicant to pay child support, as such term is defined by section 462(b) of the Social Security Act.".

Amend the title so as to read: "An Act to amend the Small Business Act, and for other purposes.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Small Business Act, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4801) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 2060, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none, and without objection, appoints the following conferees: Messrs. LAFALCE, SMITH of Iowa, and WYDEN, Mrs. MEYERS of Kansas, and Mr. BAKER of Louisiana.

There was no objection.

MAKING IN ORDER ON THURSDAY, SEPTEMBER 22, 1994, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 4606, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of clause (2) of rule XXVIII (28), it be in order at any time on Thursday, September 22, 1994, or any day thereafter, to consider the conference report, amendments in disagreement, and motions to dispose of amendments in disagreement, 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 that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement be considered as read when called up for consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HEADWATERS FOREST ACT

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 536 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 536

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2866) to provide for the sound management and protection of Redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 5(a) of rule XXI are waived. Except as provided in section 2 of this resolution, no amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SEC. 2. It shall be in order at any time for the chairman of the Committee on Agriculture or a designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments en bloc are waived. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, over 1,300 years ago—before Shakespeare and Michelangelo, before Marco Polo travelled and Columbus ever sailed to these shores—there stood a magnificent forest along the Pacific Ocean that blanketed every inch of the land.

At a time of absolute beauty, it was one of the most pristine stretches of woodland mankind has every known.

By the time the founders of this country were declaring independence and writing our Constitution, over two million acres of these redwoods stood—reaching 300 feet into the sky—providing a home for countless species of plants and animals, and producing many of the raw materials that helped this Nation grow.

But today—even though this forest is still one of America's great natural treasures—only 4 percent of these majestic trees remain.

The old growth redwood forest is still one of America's greatest natural resources, but it is not a renewable resource. Once these trees are gone, they're gone—never to come back. The conditions that fostered their growth no longer exist, even if today's young trees are allowed to grow for hundreds of years.

We all have an interest in protecting this forest, and today we have a bill in front of us that will do just that.

Let me say, Mr. Speaker, that this is a unique bill. For decades, there hasn't been much political peace between the timber industry, landowners, and environmentalists.

But in this case, local landowners, the timber industry, and environmentalists all support a plan—this plan—to help preserve this precious national resource.

They all agree that this bill before us is the best solution to the problem.

I want to take a moment to commend Congressman DAN HAMBURG for the leadership he has shown in bringing together both sides on this issue. Not many people thought it could be done—but Congressman HAMBURG believed—and he has done an extraordinary job in working out this agreement.

Mr. Speaker, the rule now before the House is fair and reasonable. It makes in order nine amendments—by Republicans and Democrats. These amendments address all the major issues in the bill—including three amendments to guarantee the rights of private property owners.

Mr. Speaker, this is an extremely important bill—for the environment and for all Americans. I urge my colleagues to support the rule and the bill.

Mr. Speaker, House Resolution 536 provides for the consideration of H.R. 2866, the Headwaters Forest Act.

The rule provides 1 hour of general debate, with 30 minutes controlled by the Committee on Agriculture and 30 minutes controlled by the Committee on Natural Resources.

The rule makes in order only those amendments printed in the report to accompany the rule, which are to be considered in the order and manner specified in the report.

These amendments are not subject to amendment or to a demand for a division of the question. All points of order against the amendments printed in the report are waived.

The rule authorizes the chairman of the Committee on Agriculture or his designee to offer amendments en bloc consisting of amendments printed in the report and germane modifications thereto.

Finally, the rule provides one motion to recommit the bill.

Mr. Speaker, this is a fair and reasonable rule—and I urge my colleagues to support it.

□ 1210

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, over the past 2 years, a saying has sprung up in the West to describe the numerous Federal Government actions that threaten private-property rights, cut off large tracts of Federal land and resources from productive use, destroy private-sector jobs and undermine economic prosperity. It's called the Democrats' War on the West.

This very ambitious agenda, which is having a disproportionate impact on Western States, includes: limits on logging, mining and water use; dramatically increased grazing fees; over-zealous enforcement of the Endangered Species Act to the point where certain animals have more rights than property owners; and Federal land grabs in the lower 48 States such as this Headwaters Forest Act.

Mr. Speaker, H.R. 2866 is another attack on working people in the West. For example, four of the five Humboldt County California Supervisors oppose this legislation because of the local economic impact. The forest is in Humboldt County, and they see this bill as another direct attack on private-sector jobs in their county.

This restrictive rule is an attack on the principle of accountability here in the House. Make no mistake about it, the American people are demanding that we be accountable for controversial policies. A rule that is clearly designed to prevent the House from having the opportunity to fully debate important issues relating to the Headwaters Forest bill violates that principle.

Although an open rule would be far preferable, this restrictive rule is most unfair in prohibiting consideration of sound, substantive, germane amendments that were offered in committee. For example, Mr. DOOLITTLE will not be able to offer an amendment to restrict the Headwaters Forest acquisition plan to the 4,400 acres of old growth redwood forest. We should make this critical distinction between buying old growth redwood stands and using taxpayer dollars to purchase over a billion dollars' worth of everyday forestland.

This rule also prohibits an amendment by Mr. POMBO to prohibit the Federal Government from using the Endangered Species Act to devalue land in order to acquire that land at a reduced cost. This critical property rights amendment is identical to a Tauzin amendment to the California Desert Protection Act which passed the House 281 to 148 earlier this year. Without this amendment, Federal bureaucrats will be tempted to devalue Headwaters Forest land that they plan to acquire by claiming that the redwood trees cannot be harvested in order to protect a seabird called the marbled murrelet. Therefore, I will be attempting to defeat the previous question so that this one additional amendment is made in order. This should be clearly understood, Mr. Speaker, a vote for the previous question will be a vote against the Tauzin Endangered Species Act language.

Finally, a number of worthy amendments designed to protect the American taxpayer, not just in the West but all over this country, are being blocked by this rule. An amendment by Mr. LEWIS of Florida, the ranking member of the Agriculture Subcommittee on Natural Resources, would insure that taxpayer property held by the RTC or FDIC is not traded at below market value to acquire forest land. Mr. POMBO has an amendment to limit acquisition authority for this project to 5 years to reduce the potential outflow of taxpayer dollars.

Mr. Speaker, there are numerous problems with this bill. Some will be addressed by the amendments that have been made in order, but some cannot. The folly of authorizing $1.5 billion in taxpayer dollars to buy forestland when the Federal Government already owns 46 percent of California, including the 78,000-acre Redwood National Forest, is best addressed by voting the bill down in its entirety.

Mr. Speaker, I urge my colleagues to defeat the previous question so that we can amend this rule and make the Pombo amendment on the Endangered Species Act in order. If that effort to protect private-property rights fails, if that effort fails, I urge Members to defeat this unfair rule so that we can consider this bill under a more fair and open process.

Mr. Speaker, I include for the RECORD a copy of the amendment I will offer if the previous question is defeated, as well as statistics on rollcall votes in the Rules Committee, as follows:

H. RES. 536—AN AMENDMENT OFFERED BY MR. DREIER

Page 2, line 21, insert before the period the following: "and the amendment printed in section 3 of this resolution if offered by Representative Pombo of California, or a designee, said amendment shall not be subject to amendment but shall be debatable for not to exceed 20 minutes to be equally divided and controlled by the proponent and an opponent.

Page 4, add the following after line 9:

"Sec. 3. An amendment to be offered by Representative Pombo of California, or a designee.

"Add the following new section at the end of the bill:

"SEC. . APPRAISAL.

"Lands or interests in lands acquired under section 3 shall be appraised for their highest and best use without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).".

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE ON H.R. 2866—HEADWATERS FOREST ACT—TUESDAY, SEPTEMBER 20, 1994

1. Open Rule—This amendment to the proposed rule provides for an open rule with one-hour of general debate equally divided between the Agriculture Committee and the Natural Resources Committee. (Rejected 4-5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

2. Doolittle #7—Reduces the amount of land authorized to be acquired by the federal government for the Six Rivers National Forest Addition from 44,000 acres to 4,488 acres. (Rejected 4-5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

3. Pombo #10—Provides that appraisal of land values under the bill will be done without regard to the presence of a threatened or endangered species. (Rejected 4-5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

4. Pombo #12—Sunsets the acquisition authority of the Secretary of Agriculture after five years from the date of enactment. (Rejected 4–5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

5. Pombo #16—Substitute amendment consisting of the text of the bill as reported by the Committee on Agriculture. (Rejected 4–5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

6. Lewis (FL) #15—Prohibits the exchange, donation, or purchase at less than fair-market value of lands from the FDIC or the RTC to the Secretary of Agriculture. (Rejected 4–5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Beilenson, Hall, Wheat.

7. Adoption of Rule—(Adopted 5–4). Yeas—Moakley, Frost, Bonior, Gordon, Slaughter. Nays—Solomon, Quillen, Dreier, Goss. Not Voting: Derrick, Beilenson, Hall, Wheat.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	94	27	29	67	71

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Sept. 20, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A: Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard authorization	N/A	N/A	
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Ohio [Mr. HALL].

The SPEAKER pro tempore (Mr. KLECZKA). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I would just like to speak in behalf of a bill that was so expertly crafted by the gentleman from California [Mr. HAMBURG]. And I know it was expertly crafted, because originally I introduced a similar bill and it needed a lot of work, and he did it.

I would like to also correct a statement of my distinguished colleague the gentleman from California. This is not the result of a Democrat's war on the West, but indeed it is the Democrats from California protecting what little of California Secretary Watt did not try and sell to the entertainment business.

We are, as our majority whip has so eloquently suggested, trying to protect a precious national monument from an ill-fated business deal which pledged a lot of junk bonds and secured them with these redwoods, and they had been sold off to redeem bonds which had very little relationship to protecting the jobs in the area. So through the work of the gentleman from California [Mr. HAMBURG] and the work of the company which owns the property, they have agreed on a compromise. So in effect we have a willing seller and a willing buyer. There is no coercion. Indeed, the property rights have been respected in the highest tradition of private and free enterprise, and the companies, led by leaders of the Republican Party are, in fact, in accord with the bill.

It is a balanced compromise between parties who had been in severe contention and have been in that contentious operation who concede the compromises and the agreements that have been made on both sides. Property rights have been protected and addressed. The environmental issues have been taken care of to the satisfaction of both sides. Fisheries, which will create jobs, will be encouraged. Sustained yield cutting will preserve jobs for all time, not just a quick buildup for a year or so while we slice all of the trees down, and then leave an underemployed, devastated community behind, but continuous yield so that the logging industry will flourish and grow in this part of northern California.

This has indeed been a long-running dispute. Two predecessors in two parties to the gentleman from California [Mr. HAMBURG] have attempted to see this area denuded. They have attempted to see all of these redwoods cut down. It has been a bipartisan attempt in that area until the gentleman from California [Mr. HAMBURG] stepped in to compromise this issue and protect the redwoods.

□ 1220

There have been accommodations by the Committee on Rules to people on both sides of this issue to allow amendments. I think it is fair. There will be substantial changes made in order by the amendments, should they prevail, that have been made in order, and I would urge my colleagues to support the rule and to vote in favor of the bill and make a step for free enterprise, a step toward property rights, a step toward conserving the environment and protecting one of our most precious historical monuments.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that my friend has talked about this marvelous compromise which has been structured by the gentleman from California [Mr. HAMBURG], and yet four out of five of the members of the Humboldt County Board of Supervisors have stood up for the workers of this area and opposed this so-called compromise.

Mr. Speaker, I yield 2 minutes to my friend from Palm Beach Gardens, the gentleman from Florida [Mr. LEWIS], the ranking member, soon to be chairman, if he were to stay here, of the National Resources Subcommittee of the Committee on Agriculture.

Mr. LEWIS of Florida. Mr. Speaker, I rise in strong opposition to the rule for the floor consideration of H.R. 2866, the Headwaters Forest Act.

Mr. Speaker, it was my hope that the Rules Committee would provide for an open rule in considering the Headwaters Forest Bill.

However, this rule is closed and many of the amendments which have been made in order under the rule were accepted in the Agriculture Committee and now are being offered again on the floor.

Mr. Speaker, three important amendments which were submitted to the Rules Committee were not made in order under the rule. Those are Mr. POMBO's endangered species amendment, Mr. DOOLITTLE's acreage reduction amendment, and an amendment which I had planned to offer prohibiting the Secretary of Agriculture from obtaining any of the lands through donation or at less than fair market exchange from the FDIC or RTC.

Many Members will recall the debate on the California Desert Protection Act in which language similar to Mr. POMBO's proposed amendment to this bill was adopted overwhelmingly in the House—this amendment should be allowed to be debated on the floor as the House has clearly signaled its intentions on this issue in the past.

Let me also give some background on the significance of Mr. DOOLITTLE's acreage reduction amendment which was also not made in order under the rule. This amendment is a true reflection of the intentions of the Pacific Lumber Co. who has indicated their willingness to sell or exchange only the 4,400 acre Headwaters Forest. Without this amendment and the open ended authorization of the bill—this bill carries an enormous price tag of $1.5 billion.

I would urge my colleagues to vote against this restrictive rule and also

against the bill, it is unnecessary and costly.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as one Californian who has not cosponsored this bill; today, I rise in very strong support of the rule, and final passage of H.R. 2866, the Headwaters Forest Act.

I do that because I believe the gentleman from California [Mr. HAMBURG] has worked diligently to bring us to a point where everyone from California can now support this act. I rise in support of it because, in addition, it represents a balanced approach to environmental protection that will not result in economic dislocation for the timber-dependent communities of northern California.

I want to congratulate him. The gentleman from California [Mr. HAMBURG] has done a tremendous job. A tremendous amount of hard work went into this. His diligence is obvious, by putting together this bill; by listening to all the parties affected by it, the gentleman from California [Mr. HAMBURG] has crafted a compromise that is supported by the environmental community and the timber industry. The bill has the support of numerous national and regional environmental organizations, the Environmental Defense Fund, Sierra Club, National Audubon Society, and Natural Resources Defense Council, to name just a few. They all support this bill.

The latest list of supporting environmental organizations includes some 50 national and regional groups in support. But, importantly, this bill also has the support of the Pacific Lumber Co., because they are a willing seller in this compromise.

Under the amendments made in order by the rule, the Forest Service may not acquire lands without the consent of the landowner and, moreover, the landowners within the 44,000 acres are entitled to the full and lawful use of their land, the enjoyment of their land, until those lands are actually acquired by the Federal Government.

One question that was raised early in the debate over the headwaters bill was, how will the Federal Government be able to acquire these lands without hurting other programs or raising the Federal deficit? The gentleman from California [Mr. HAMBURG] has found the key to that. The real challenge was to make this environmentally important legislation fiscally responsible. He has succeeded in crafting such a compromise.

The bill relies heavily on land exchanges to acquire the lands we seek to protect, and under this bill surplus or excess Federal lands under the jurisdiction of Federal agencies may be transferred to the Department of Agriculture for use in land exchanges.

Mr. Speaker, this legislation embodies the art of compromise. It is what legislating is all about, and in his first term, this Member has taken an extremely difficult and contentious problem that affects his district and shown great leadership that he has succeeded in protecting the environment without destroying the economy or raising the deficit that we all worry about.

I urge my colleagues to support the bill, but I am particularly hopeful they will support a rule that makes in order nine amendments distributed to both parties, across the spectrum, allowing the major issues to come to the floor for consideration. The most important amendment regarding private property rights, the willing-seller amendment the gentleman from California [Mr. POMBO] will offer, is I think, appropriate. This gives the property owners the appropriate veto over any proposed exchange or sale of land, which we do need to keep in mind is the way to get fiscal prudence included in this bill, let alone protect property rights.

This is a fine piece of work, and it deserves the support of all Members, particularly those from our State of California.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to engage my friend, the gentleman from Sacramento, in colloquy. I just wanted to ask one question, and I would be happy to yield to my friend to respond: There has been some confusion as to exactly what piece of legislation we are considering here, and my friend has just talked about the fact that this measure guarantees landowners full and lawful use and enjoyment of their lands until they are acquired by the Federal Government, and yet the gentleman from California [Mr. DOOLITTLE] sought to offer an amendment to do that, because he is under the impression that is not addressed.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, he must have been mistaken in that regard, because I think it is fair to assert that it is with the agreement that has been reached; the en block amendment will make certain all of those concerns are taken into consideration.

I realize there is a tremendous temptation, particularly in a political year, to sort of "stir the troubled waters" here and create a political problem that really ought not be part of our deliberations. I think this issue has been dealt adequately with by the Committee on Rules.

Mr. DREIER. Reclaiming my time, Mr. Speaker, I say to my friend, what has happened here is a very convoluted process as to exactly what piece of legislation is actually being considered, whether it was the measure originally introduced by the gentleman from California [Mr. HAMBURG], whether it was the measure reported out of the Committee on Agriculture, the Committee on Natural Resources. I hope my friend will acknowledge the fact that this is a very unusual procedure which has created a great degree of confusion which has nothing whatsoever to do with politics emanating from our side.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I would be happy to just simply say that the gentleman from California [Mr. HAMBURG] has, I think, dealt very effectively with the necessary compromises that are embodied. When we vote today, his management of these compromises will be reflected in the final product.

He has fully understood what would be required to meet the test all along the way in the several committees this bill has proceeded through. The fact this bill will be in the fine shape it is in, as we complete the rule, and as we go on to debate the bill, is a tribute to him, and, again, something all members of our delegation can support.

Mr. DREIER. Mr. Speaker, I should say to my friend this statement proves there is nothing political whatsoever about this legislation.

The SPEAKER pro tempore (Mr. KLECZKA). The gentleman from California [Mr. DREIER] has consumed 2 minutes.

Mr. DREIER. Mr. Speaker, I yield 6 minutes to my very eloquent colleague from Tracy, the gentleman from California [Mr. POMBO], who unfortunately has had an amendment denied on this, one which I hope we will be able to make in order if we are able to defeat the previous question.

□ 1230

Mr. POMBO. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in opposition to the rule for a number of reasons. But I guess the main reason that I have to oppose this rule is that it is being brought up as a closed rule. It thereby limits the amendments of the Members of the House, limits their ability to offer amendments to this legislation.

Mr. Speaker, I happen to serve on two of the committees that this particular bill was referred to, the Committee on Natural Resources and the Committee on Agriculture. And in both committees major changes were made to the bill, there was major discussion, major confrontation, and ultimately two separate pieces of legislation were passed out of both of those committees of this House.

We are faced today with the situation where the bill as introduced is being

brought up—and, hopefully, with the en bloc amendments we can get back to the version which was passed out of the Committee on Agriculture.

Mr. Speaker, I presented in the Committee on Natural Resources an amendment to the bill that dealt with the Endangered Species Act and the valuation of the land. That failed in committee, and I was not allowed by the Committee on Rules to offer that on the floor here as an amendment to this piece of legislation.

We offered a similar amendment, in fact the same amendment, to the Desert Protection Act very recently on the House floor. It passed with 281 votes in favor of that amendment. So I believe the House has spoken very clearly about what its intention is with the devaluation of property values that the Federal Government has in regard to the Endangered Species Act.

I would like to explain to you why it is so important in this specific example, in this specific case: In the California northwest, where we have the spotted owl and other endangered species, the property values have sunk rapidly on property that has been declared endangered species habitat because they cannot do anything with the property other than let it sit, the private property. They have very, very limited use for that property because of actions of the Federal Government.

The Federal Government holds all the cards in this situation. They step in and make the determination whether or not an endangered species is truly endangered and they list it. Then, using their own scientists and their own science, they step out and decide where the habitat of that endangered species happens to be.

Now, in this particular instance there has been admitted that maybe the spotted owl is not endangered as it was first thought to be, and maybe the habitat is different than what they originally thought that it was.

But we have no recourse for that at this time. So the Federal Government stepped in and listed the species as endangered; they declared where the habitat of that species was. And now they are stepping out to buy that private property which happens to be habitat for one endangered species or the other.

So the Federal Government came in, all on their own, listed and devalued a piece of property which they are now attempting to buy. My amendment would rectify that by saying you cannot do that to a private property owner; you have to pay them what their property was worth before you took the actions. What this does is it does cost the taxpayers money but it spreads the cost of protecting the environment, protecting that particular endangered species, over the entire population. So that one individual property owner or one small group of property owners is not saddled with 100 percent of the burdens of the action of the Federal Government and this Congress.

I believe that if it is a priority of this country, of this Government, and of this Congress to save endangered species, if it is our priority, then we ought to make it a priority to pay for it and that one individual property owner or a small group of individual property owners are not forced to bear the entire financial burden that you are heaping on them with this legislation.

I guess to bring it down more to a localized level, if your local city decided they were going to put a road through your house, they would have to pay you the value of your property before they put the road through your house. They would have to pay you the value of your property before they put the road through your house, not after, because the value of your property would be diminished if your house was gone, if your back yard was gone and your front yard was covered by asphalt. The local government is not allowed to do this. The Federal Government should not be allowed to do this.

The Federal Government should not be allowed to step into a situation where they hold all the cards, where they have the ability to set the price on private property and then force you to accept that price and force you to operate your company or your farm or your ranch or your small business with this hanging over your head.

I do feel this is an extremely important amendment. I do not understand why the Rules Committee would not allow me the opportunity to present this amendment on the floor.

As I said previously, we have had the opportunity to debate this amendment before; it passed overwhelmingly on the House floor and there is absolutely no reason for House, for the Committee on Rules not to take up this amendment today.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to the gentleman the issue that my friend has addressed can be voted on and will be voted on in just a few moments when we try to defeat the previous question to make the Tauzin-Pombo endangered species language in order for consideration here.

I hope very much we will recognize that anyone who votes in favor of the previous question will be voting against the Tauzin-Pombo language dealing with the endangered species.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Speaker, I thank the gentleman for yielding this time to me.

I rise to really refute some of the statements of the earlier speaker in terms of his amendment that he was going to be offering today, was going to have the same impact as the Endangered Species Act amendment act offered by Mr. TAUZIN on the Desert Protection Act.

As a strong supporter of private property rights and as a strong supporter of endangered species legislation, which Mr. TAUZIN offered, I point out this is a very much different situation, because we have here a bill, when amended, is going to have provisions in it which ensure a willing buyer and a willing seller. The Federal Government is not going to hold all the cards in this contract or in these negotiations because you still have the rights of the private owner to make the decision whether he thinks the compensation, the price which is going to be negotiated, is adequate for the value of the property.

I also point out the owners of this property agree with this. In a letter they sent out just in the last month they stated that the amendment—that the bill as passed out of the Agriculture Committee, which will be the way this legislation looks like after the en bloc amendments are accepted, now contains significant amendments and fully protects the company's rights as a private property owner. If the company had any concerns about the Federal Government being able to lower the economic utility of their property by the designation of endangered species, they would not have written this letter.

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. DOOLEY. I will yield to the gentleman from California, surely.

Mr. POMBO. I thank the gentleman for yielding to me.

Mr. Speaker, the reason this is needed on this particular one, and my colleague and I have worked together a number of times on property rights issues, the reason it is needed on this amendment is because once the Federal Government clamps down and says they cannot do anything with this property, they are faced with a situation where they have to cut and run, where they have to sell it for whatever the Federal Government is offering in order to get something out of it. They cannot say "no" and sit on it for years.

Mr. DOOLEY. Reclaiming my time, the issue is different in this case because what you are making is an argument for a reform of the Endangered Species Act, which I grant needs some reform, but in this instance the gentleman is saying that the Federal Government holds all the cards when it does not because the Federal Government cannot condemn this property, the Federal Government cannot force the sale.

□ 1240

The owners of this property are going to be operating this, and managing this, and utilizing this property as consistent with existing environmental laws and the management plans as

they are prescribed by the State of California. If the management of this property is infringed upon by some environmental regulation, certainly this property is going to be maybe of a lesser value, but that is irregardless of whether or not this legislation passed which provided for an authorization for this land to go into a Federal park or Federal ownership. Still the bottom line is that the private property owner, which we should be protecting, has the sole right of either to accept this sale, the contract that is offered, and I think we have gone beyond and a long ways to ensure that private property, to ensure that this is going to be a negotiated settlement, to ensure that a fair price will be provided for this property, and I urge everyone to support the rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Tracy, CA [Mr. POMBO].

Mr. POMBO. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for having yielding this time to me, and I took up some of the gentleman's time, so, if he would like to respond, I would be willing. But the reason is that on this particular incidence, where one has a hundred million dollar investment that they are sitting on with absolutely no return because of actions of the Federal Government, and they are offered half or a third of what that property is worth, it is better to take that money, and cut their losses, and get out, than it is to sit on that piece of property for the remainder of the time that this bill will be authorized, waiting for the Federal Government to come up with a better offer, and getting no return.

Mr. DOOLEY. Mr. Speaker, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from California.

Mr. DOOLEY. Mr. Speaker, I would ask the gentleman, if there is endangered species that are actually habitating this area, and if that does lower the economic utility, what is going to be the value of that property after the authorization of this bill expires 10 years hence when the Federal Government is no longer a purchaser? What will be the value of this property to another, a private entity that would come in and negotiate? Would it be any higher or any less than what the Federal Government would be able to offer if the owner of this property has the sole right whether or not to agree to the purchase and the acceptance of the offer that the Federal Government is offering?

Mr. POMBO. Reclaiming my time, Mr. Speaker, it would not be any higher until we reform the Endangered Species Act, but in the meantime, while the Federal Government is holding all the cards and holding the ability, the financial future of this company, in their hand and giving them no other options that have to do with that piece of property, I feel that the Federal Government should pay a fair market value for that property, and, unless my amendment is passed, that is not possible.

Mr. DOOLEY. Mr. Speaker, would the gentleman yield just for one final comment?

The SPEAKER pro tempore (Mr. KLECZKA). The time of the gentleman from California [Mr. POMBO] has expired.

Mr. POMBO. Sorry.

Mr. DREIER. Mr. Speaker, I am happy to yield these two an additional minute.

Mr. POMBO. And I yield to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. I guess the only point I would make is that, if we pass this amendment on this particular piece of legislation, we are going to be prescribing financial treatment of this property that would ensure that its value in some instances could potentially be far higher than what its actual market price, free market price, a value, would be, and that is where I think that the gentleman knows where it is difficult to accept this language because we would be prescribing a value to property which, in effect, the private sector would not even acknowledge, and that is a comment that I think the gentleman even agreed to. When its authorization expires in 10 years, this is not going to be worth any more than it is under current law.

Mr. POMBO. Reclaiming my time, Mr. Speaker, the property has been devalued in that entire region because of actions of this body and actions that we have taken on the floor, and that is what I am attempting to rectify, is the hurt that has been placed on the private property owners throughout northern California.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, Members of the House, let me try to set the record straight. It is my understanding that the rule permits several amendments that, it is my understanding, will be accepted by the authors. One of the amendments that the rule permits is an amendment to make it clear, an amendment by the gentleman from California [Mr. DOOLEY] and the gentleman from Missouri [Mr. VOLKMER], that the Six Rivers National Forest will be extended only as the lands are required and that the Forest Service may develop management plans only for those lands they actually acquire. Second, the gentleman from California [Mr. DOOLEY] will offer an amendment that will be accepted, I understand, that will provide that landowners within that area will have full use and enjoyment of their property until the lands are actually acquired by the Federal Government, but more importantly it also will allow an amendment by the gentleman from California [Mr. POMBO] that will apply this bill only to willing sellers, and it is my understanding that amendment will be accepted by the authors of the legislation.

Now let me put that in perspective. What it means is that in this particular case the Government will not have the right to take property by condemnation as existed in the Desert Protection Act. The Government will only have the right to acquire property from willing sellers. So, with that being the case, with those amendments being in order and, I understand, being acceptable to the authors, in this bill no one will be in a position where the Government will confiscate their property, and, therefore, there will not be a need for the language of the Tauzin amendment that was adopted in the Desert Protection Act.

Why is there not a need for it? Here is the reason:

If the Government is not mandated to buy, and it is not, it is only authorized to buy, and the seller is not mandated to sell, and under the Pombo amendment that landowner will not be mandated to sell, then there is no issue for us to settle as to price, as to value. That is an issue that will be settled by the Government and the landowner at their discretion. If the landowner asks for too much more than the Government is willing to spend, the Government does not have to buy. If the Government offers too little than the landowner wants for his property, the landowner does not have to sell. The need for the protection of the Tauzin amendment that protects the right of the property owners to get full value in a confiscation is, therefore, not present in the bill as it is recommended to us by the Committee on Rules.

I would, therefore, urge my colleagues to vote for the rule and urge those who support all of us in the property rights fight to recognize that, if the Pombo, and the Dooley-Volkmer and the Dooley amendments are adopted, that we do not have the problem in this bill that we had in the Desert Protection Act, and let me make it clear. The fight over compensation for endangered species takings goes on, and it applies generically across the country in this case and in all cases, and if a landowner in this area cannot use his property because endangered species regulations take away his use and his value, he ought to have his right to go to court, or to go to claims court, or to go to the agency and get compensated. That issue is settled in the property rights bill we filed, House bill 3875. I say to my colleagues, If you haven't cosponsored it, you ought to. It's the right thing to do. It is not relevant in this case.

I urge my colleagues to adopt the rule as the Committee on Rules provides for us and to support the Dooley

and the Pombo amendments because those two amendments together take the issue off the table.

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, I would disagree with the gentleman on one point, and that is, that when the Government has the ability to take the property by adverse condemnation and take away the value of the property, and we are limiting the time and the terms of this agreement, they are going to be able to force the property owners to accept their offer whether or not they are truly a willing seller by a shotgun wedding, and that is what is occurring in this situation.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Marysville, CA [Mr. HERGER].

□ 1250

Mr. HERGER. Mr. Speaker, I rise in strong opposition to this gag rule. I am particularly outraged that the rule will prevent my California colleague Mr. POMBO, from offering his amendment to protect the value of private property affected by this bill.

Mr. POMBO's amendment simply would require that the Federal Government appraise lands to be acquired at their highest and best value, without regard to the presence of endangered species on the land.

What is wrong with that? It simply fulfills the requirements of the fifth amendment to the Constitution that requires that private property not be taken by the Federal Government without just compensation for the owners.

Why is the Rules Committee afraid of making this legislation consistent with a basic tenet of the Bill of Rights?

The refusal to make the Pombo amendment in order is yet another example of how the majority in this Congress has nothing but contempt for the rights of private property owners.

We may lose on this rule today, but I predict we're coming to the end of the period when the imperial Congress runs roughshod over the American people. D-day for the embattled American citizen will be November 8.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I thank the gentleman for yielding 2 minutes. I wish I had a little longer. But the gentleman in the well that just spoke, I am a little disappointed. As one who has traveled to his district and worked with him for several years on the spotted owl problem in northern California and has been very helpful I think in working with the gentleman on that issue out there, I am a little disappointed, not only that the gentleman no longer is on the Committee on Agriculture to work with us, but also that he does not work with us on this issue.

You know, folks, as one who is former chairman of the Subcommittee on Forests, Family Farms, and Energy of the Committee on Agriculture, I have wrestled with this problem for about 6 years. This is the first time in that time frame we have even been able to move the bill to the floor because of the problems connected with it and the problems of negotiations and how big should the area be, how much should be paid for it, whether they should have condemnation, and all these other questions.

I want to commend not only the gentleman from California who is now the sponsor of this legislation for being willing to compromise and being willing to work with us on this issue and many other parts of it to bring it to the floor, I also wish to commend the present chairman of the Subcommittee on Specialty Crops and Natural Resources, the gentleman from North Carolina [Mr. ROSE] and the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA], and the chairman of the Committee on Natural Resources, the gentleman from California [Mr. MILLER], because it has taken a lot of time and effort in order to reach this point.

What we have here is not what I am sure the gentleman from California would like as his bill, if he could write it by himself and send it up here to the floor. This is not the bill he wanted. But, folks, some of us said, and I am willing to work with the gentleman from California [Mr. DOOLEY] in committee, out here on the floor, with the gentleman from California [Mr. HAMBURG], to work it out so that it is something that we can eventually hopefully pass, and we can then protect those headwater areas that are willing to be sold by the owner. Pacific Lumber wants to sell it; we should buy it. That is the only way you are going to protect that beautiful area of pristine redwoods.

So I urge all Members to vote for this rule, and vote for the amendments that are agreed to, and vote for the bill at the end.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend the gentleman from Rockland, CA [Mr. DOOLITTLE], the author of several amendments that unfortunately were not made in order.

Mr. DOOLITTLE. Mr. Speaker, I rise to oppose this rule. This should have been an open rule in the first place. Second, as important as private property rights are, and many of these amendments deal with private property rights and I strongly support them, this bill is more than private property rights. It is the rights of men and women to earn a living, which is a God-given right of every person in this country, guaranteed by the Constitution and the Declaration of Independence. And if this rule passes and this bill passes, you are going to put those people out of work.

Why else, for example, would the city councils of Fortuna and Rio Dell, the two most directly affected communities, unanimously oppose this bill? Why else would the Humboldt County Board of Supervisors oppose this bill, adopt a resolution in opposition to it? Why else would such traditional Democrat constituencies as the lumber producers and industrial workers oppose this bill? The Woodworker Lodge W-98, affiliated with International Machinists, AFL-CIO, why are they opposed to this bill? Because their jobs are going to be eliminated if this passes. I do not care how many protections are put in this bill.

I offered an amendment which was rejected in both the Committee on Agriculture and rejected by the author and rejected yesterday by the Committee on Rules that would have shrunk down the acreage to be acquired by the Government to 4,500 acres. We could live with that. These men and women could still have their jobs if that is all we were talking about. But this bill is 44,000 acres. We should not be passing this rule or this bill.

I thank the gentleman from California [Mr. DREIER], for making this time available to me. I urge your opposition to the rule so that we vote "no" on the previous question, so we can offer our amendments and put this bill in decent shape before we kill jobs in a recession-plagued State.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I rise in support of the rule. The rule allows for technical cleanup of this bill, to tighten it, and with that rule, everything in this bill ought to be supported by all Members on both sides of the aisle.

First of all, the issue here is preservation of old growth redwood. These are living things that are over 1,000 sometimes 2,000 years old. Only Members of Congress, this body, can save those trees and put them in a national forest.

That has all kinds of future economic opportunity for tourism and for visiting these forests. That is an economic asset, and Congress is the only one that can do it.

We have shown that we are able to save mountains, even though they have mining value and potential. But you do not mine the Mount Whitneys and Mount Rushmores, and so on, because Congress has decided they are unique to this United States and they need saving, just as these redwoods need saving.

The issue of private property rights. The owners of the property support the bill. The local government that opposed the bill did that before the owners showed their support. Obviously, if

you were the biggest business in the district, local city councils and boards of supervisors would go on record in opposition. But are they still in opposition knowing that the owner of the property supports it?

The issue on price, it is a bargain for consideration. Our colleague, the gentleman from Louisiana [Mr. TAUZIN], pointed out exactly how that works out. There is also a provision in here for protecting the Federal tax dollar by allowing an exchange of land. It does not all have to be for price. It can be for exchange of land.

This rule allows for the amendments to be adopted that are necessary for final passage. I would think that with the kind of support that the landowner has, and all of those property rights issues that have been addressed here today, that both the rule and the bill ought to be adopted unanimously.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Youngstown, OH [Mr. TRAFICANT].

Mr. TRAFICANT. I am not from California. I support the bill. I think the gentleman from California [Mr. HAMBURG] did a good job. I was impressed by the statements made by the Democrats, and I was impressed by the statements made by the Republicans. Taxpayers from my district, though, are going to come up with the money to help buy this property in question out in California.

But here is what troubles me as a Member of Congress. I think the purpose and role of Congress is to have all people's views debated and voted on. We have a significant impasse. I am inclined to agree with the gentleman from Louisiana [Mr. TAUZIN], and have followed his lead on property rights.

□ 1300

But the gentleman from California [Mr. POMBO] brings forward, as a Californian, an issue and a question that I think deserves an answer. As a Democrat, I think one of the problems in the House is, we suppress some of this opportunity by individuals who are affected by the votes that come around here.

The worst thing we can do is vote without considering the interests of all concerned. I am not necessarily going to vote for the gentleman from California [Mr. POMBO]. I am going to listen to the debate. But I believe that the gentleman from California [Mr. POMBO] should have an opportunity, because of the passion involved and the issues of California, to have his issue heard.

I support the Committee on Rules. I think they have a tough job. But I think after looking at this, we have come to one impasse. It involves an issue that has been intelligently brought forward by the gentleman from California [Mr. POMBO], and as a Democrat, I think the Democrats should allow for the gentleman from California [Mr. POMBO] to have his vote. If it is defeated, so be it. But I think he should have that right.

That is the purpose and the function of our Congress, my colleagues, that we do not exclude, we include. I think Democrats should heed that. I support the bill. I will vote for the bill. I support the rule, but I am going to vote with the gentleman from California [Mr. POMBO] in opposing the previous question, even though that may cause me some discomfort over here, because I think out of fairness, the gentleman from California [Mr. POMBO] deserves his chance.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, I want to get away for just a moment from the politics of this issue and just speak to the ultimate aim of the legislation. Of course, the ultimate aim is the salvation, the salvation of approximately 5,000 acres of ancient forest.

I come from the Southeast and down in South Carolina, where we only have a pitiful remnant of ancient forest left. I really had never seen an ancient forest until I went to the Northwest to take a look for myself.

Down in South Carolina, in the little tiny bit of ancient forest that we have left, you get a loblolly pine, which is 100 feet tall, and everybody stands around in just amazement and just says, "Look, gosh, this tree is 200, 300 years old. It is 100 feet tall."

Then I have gone out into the Northwest, and I have gone into these ancient forest groves, only about 4 percent of them left, and one looks up and they go 300 feet in the air. And the diversity of those forests is just absolutely amazing to observe.

That is why I am going to vote ultimately for the legislation, vote for the rule and vote for the legislation.

I have described it thus previously and I will do so again, one of my sons has the Downs syndrome. He has an IQ of only about 17. And we have a grove of about 3,500 acres of bald cypress down there in South Carolina. It has been preserved by the Audubon Society.

I took him out to visit it and walked down the boardwalk on a cold New Year's day one day. And we walked to the end of the boardwalk, about a mile down in the swamp, observing these magnificent, beautiful trees, of which only a pitiful remnant remains.

And I said to him, I said, "William," imagine now, this guy has an IQ of only 17, I said, "William, where are you?" And this little old guy said, "Church." Church, to him it was a religious experience. And to those of my colleagues who have never observed an ancient forest, if they go there and see for themselves, it is a religious experience. It is something that should be preserved not just for those folks there in California but for all Americans to have and to hold and to enjoy on into the future.

That is why I am going to vote for the rule and ultimately for the bill.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Redlands, CA [Mr. LEWIS], who led the charge against another major land grab, the California Desert Protection Act.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Responding to my colleague, the gentleman from South Carolina [Mr. RAVENEL], for just a moment, he talked about 5,000 acres as being saved. I must say that if there were only 5,000 acres involved in this bill, I am sure that the bill would go forward without any opposition in terms of this rule. A proposal was made for 4,500 acres; this bill includes 44,000 acres.

Addressing myself, on the other hand, to my colleague, the gentleman from California [Mr. FARR], who suggests the rule is designed to allow for some minor technical adjustment, that is not what our rules ought to be about around here.

The gentleman from Ohio [Mr. TRAFICANT] made the point. Open rules allow the House to work its will on the floor and all of the people to be heard. This bill is a very controversial item. The amendment of the gentleman from California [Mr. POMBO] was an amendment that addressed itself to our desert bill as well. We spent endless numbers of hours on that bill and yet we are spending just a short time here. Indeed, we are not allowing Members to be heard thoroughly. No question, endangered species applied to land values can distort the process. It is crazy to apply it to this circumstance.

The gentleman from California [Mr. POMBO] is trying to correct that situation in order to make sure that appropriate values are applied to these properties. Indeed, his amendment should be heard by the floor. We should debate these issues on the floor and allow the people's will to take place right here on the floor of the House where it was meant to take place in the first place.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, speaking in favor of the rule, this is why we have a Committee on Rules. Reference has been made to the fact that the legislation is convoluted. Of course, it is convoluted. That is what legislation is all about. It has to deal with the Committee on Agriculture. It has to deal with the Committee on Natural Resources. It has merchant marine implications.

Reference has been made to business and to workers. I understand why some of the Members in opposition have had

difficulty in actually naming the unions involved because they are not used to saying those names. There are some crocodile tears being shed for workers here.

Nobody has mentioned the coho salmon. What about that industry? The fact of the matter is, that this legislation is going to help protect what is remaining, speaking of remnants, of the salmon industry. The fact is that we are dealing here, with the Headwaters Forest Act, with something that precedes and predates all of these questions about condemnation.

I happen to be somebody who does believe that there is a capacity, in fact, an obligation to the government to pass condemnation. Because there are private interests, special interests, if you will, that put their profit ahead of the public good. That has to be debated. That has been debated. Some of the amendments that have been mentioned by some of the previous speakers here have been debated at length.

If Members want to have an open committee, a single committee and do not devolve any of the legislation down to subject matter committees, we can handle it that way. The fact of the matter is, some of these amendments would be offered and Members would not know of all the discussion that has taken place previously in the Committee on Natural Resources and elsewhere.

The bottom line is, this rule needs to be passed because the gentleman from California [Mr. HAMBURG] and those who support this bill have been through a process of compromise. It is a little disconcerting when someone like myself and others who support my position about condemnation work do compromise, we get through all of the compromises, we accommodate the individuals who have brought up the items that they have with respect to private property rights, and then in the end it still is not good enough. We have to give them 100 percent of everything that they want or legislation cannot proceed.

That is why we need to pass this rule and the bill.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I rise in support of this bill and in support of the rule.

I represent a timber state, the state of Oregon, as well as a timber district. I think that too many nonwesterners have this idea that we westerners have not met a tree that should not feel the biting teeth of a chain saw. Nothing could be further from the truth.

We care very much about our trees, our forests, and our environment. If this was not the case, we would not have so many nonwestern tourists visiting our State each year, visiting in such numbers that tourism is now the third leading industry in Oregon. These tourists spend a lot of money, not just on food and gas, but also on camping, hiking equipment, fishing and hunting equipment, guides, packers. Tourists get the benefit of the outdoor experience and our economy has prospered.

□ 1310

We also care deeply about the timber industry, both the product, the highest quality building material in the world, and the high-paying jobs the resource provides. The bill before us aids greatly both the tourism and the timber industry. It does this because it resolves a dispute. It fixes the problem. It ends gridlock.

It protects 5,300 acres of prime redwood old growth forest. Why is so much acreage necessary? It goes to the science of a forest. The science dictates that you need significant acreage, not 10 or 20 acres, to ensure the survivability of the forest ecosystem.

Mr. Speaker, I believe Americans want a significant stand of giant, magnificent redwood forests to view, to enjoy today. I believe Americans also want to leave such a forest as a legacy from our generation to the next; for our children today, and for generations 500 years from now.

The bill helps the timber industry because it resolves the dispute. It allows nearly 39,000 acres of forest lands to be managed on a substainable yield basis for years to come. This means lumber product today, as well as jobs today.

Mr. Speaker, what do Americans get out of this bill today? They get two items. First, Americans get a fair debate under the rule, with all the important and relevant issues debated and voted upon. The rule ends gridlock, allows debate, allows votes.

Second, Americans get a legacy of a redwood forest. I compliment the gentleman from California [Mr. HAMBURG] for his willingess to compromise and his due diligence with this legislation.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] has 2 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of the rule on H.R. 2866, the Headwaters Forest Act.

H.R. 2866 provides for public acquisition of the largest privately owned stands of old growth redwood in the world, lands located within the headwaters forest in Congressman HAMBURG's district. The rule on H.R. 2866 is fair and has broad support from Republicans and Democrats.

The rule makes in order three amendments to guarantee private property rights, including a willing seller amendment, which gives property owners an absolute voto over any proposed exchange or sale of land.

In addition, the rules makes in order an amendment which will require the Forest Service to pursue alternatives to cash payments when acquiring lands under the bill whenever possible.

Further, under the rule, an amendment will be offered which sets a cap on the amount of funds authorized for land acquisition under the bill.

Mr. Speaker, my colleagues, who believe that we must preserve our precious environment and the rights of local land owners, should support this rule.

I strongly urge my colleagues to vote "yes" on the rule.

Mr. DREIER. Mr. Speaker, to close the debate on our side, I yield the balance of our time to the gentleman from California [Mr. DOOLITTLE], the valiant warrior for property rights.

Mr. DOOLITTLE. Mr. Speaker, I have checked, and the affected communities of Rio Dell and Fortuna remain opposed to this bill, unanimously so. The county of Humboldt, its board of supervisors, is strongly opposed. It remains opposed to this bill. These are the local governments that represent the area affected.

Mr. Speaker, I said before that the only labor unions in the timber industry in Humboldt county are unanimously opposed to this legislation. It has been represented, Mr. Speaker, that this bill is a compromise. Well, it is an interesting compromise that leaves out of the loop completely the men and women who work in the forests and who are going to lose their jobs. Some compromise.

It may be a compromise between the author and between the mega corporation that acquired this lumber company, but let me tell the Members, yes, if it sounds ironic that Republicans are defending working men and women, let me assure you, it is not an irony that is lost on Americans across this country.

Mr. Speaker, I find it remarkable, with a $4.5 trillion deficit, that this bill proposes to spend money we do not have to acquire land we do not need to eliminate jobs that presently exist.

Mr. Speaker, this rule should have been an open rule. It should have allowed for the gentleman from California [Mr. POMBO], his very worthwhile amendment, an amendment that was adopted on the desert bill by an overwhelming majority of this House, 281 to 148. All of a sudden what was good for the desert apparently is not good for the forests. I would like to know why.

Mr. Speaker, I urge a no vote on the previous question, so the Pombo amendment can be brought up and passed, so that my acreage reduction amendment can be brought up and passed. Those amendments would allow an acceptable, genuine compromise. A no vote on the previous question is a vote for jobs. A no vote is a vote for

private property rights. A no vote is a vote for the taxpayers of this great country.

Mr. HALL of Ohio. I yield the final minute of our time to the gentleman from California [Mr. HAMBURG], the sponsor of the legislation, who has worked very hard to put an important piece of legislation together.

Mr. HAMBURG. Mr. Speaker, I rise in strong support of the rule. I urge my colleagues to vote yes on the previous question and vote yes on the rule.

Some of the issues that have been brought up by my colleagues over the last hour or so of this debate will be discussed during general debate. I do not have time now to refute all those arguments, but indeed, they are refutable. We will be discussing them during the general debate, so stay tuned for that.

I want to take my last few seconds here to very strongly thank the chairmen of the two committees that have heard this bill, the gentleman from California [Mr. MILLER], of the Committee on Natural Resources, and the gentleman from Texas [Mr. DE LA GARZA] of the Committee on Agriculture.

This rule is a good rule because it encompasses all of the relevant issues that need to be discussed, that are germane to this bill. Once we have completed the amendment process, and heard these amendments and accepted the majority of these amendments, we will have a very strong bill indeed which provides a flexible framework for negotiations, for resolving a very longstanding dispute in the communities within my congressional district.

Mr. HALL of Ohio. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. KLECZKA). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the adoption of the rule.

The vote was taken by electronic device, and there were—yeas 245, nays 175, not voting 14, as follows:

[Roll No. 429]

YEAS—245

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—175

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Applegate
Bacchus (FL)
Bliley
Cardin
Ford (MI)
Frost
Gallo
Istook
Rostenkowski
Slattery
Sundquist
Synar
Thompson
Washington

□ 1337

Mr. WILSON changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KLECZKA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 246, nays 174, not voting 14, as follows:

[Roll No. 430]

YEAS—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement

Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—174

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Bacchus (FL)
Bliley
Costello
Cunningham
Frost
Gallo
Kaptur
Nussle
Rostenkowski
Slattery
Sundquist
Synar
Thompson
Washington

□ 1345

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KLECZKA). Pursuant to House Resolution 536 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2866.

□ 1346

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2866) to provide for the sound management and protection of redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system, with Mr. LANCASTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 15 minutes, the gentleman from Florida [Mr. LEWIS] will be recognized for 15 minutes, the gentleman from California [Mr. MILLER] will be recognized for 15 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, let me say that I would like the Members to know that I dissociate myself entirely from any personalities which may crop up during the debate of this legislation. I want to dissociate myself from any partisan endeavor that may come up during the course of this legislation. I want to dissociate myself from any provincial attitude.

My responsibility is to bring to the floor this legislation, so instructed by the members of the Committee on Agriculture, and hopefully we might discuss it purely with its technical aspects and what I believe will be a great asset provided to the people of the United States of America.

Let me say that the bill has been amply discussed. All of the amendments have been discussed, and I do not see any need for us to take the membership's time and repeat what has been discussed during the consideration of the rule.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong opposition to H.R. 2866, the Headwaters Forest Protection Act.

As the ranking minority member of the Specialty Crops and Natural Resources Subcommittee of the Agriculture Committee, I must oppose this bill because I believe it is unnecessary and carries an extremely heavy price tag of $1.5 billion.

This bill states that its purpose is to protect the old growth coastal redwood forests in the area. Yet only 20 percent of the forests under consideration in the bill is truly old growth.

Furthermore, Mr. Chairman, the coastal redwood is already the most protected commercial tree species in the world, with 250,000 acres already protected in Federal, State, and local lands. Acquisition of these entire 44,000 acres is unnecessary.

Mr. Chairman, Forest Service and Congressional Budget Office cost estimates put the price tag of land acquisition in this bill at between $1 and $1.5 billion. Without any type of appropriation it is a rape on the American taxpayer who will pay this bill. This cost is outrageous, Mr. Chairman, in a time of $200 billion budget deficits and $4.5 trillion public debts. It is fiscally irresponsible for the House to consider an open-ended authorization which is 23 times the Forest Service's land acquisition budget of $64 million.

Finally, Mr. Chairman, these costs will extend beyond the Federal Treasury. Through its excessive reach, this bill will ultimately rob workers of

their jobs and cause great harm to the local economy.

I urge all my colleagues to oppose this legislation, it is an inappropriate and irresponsible bill.

□ 1350

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the amendment that Mr. VOLKMER and I are offering today is identical to an amendment that we offered during full Agriculture Committee consideration of this bill. I am disappointed that the compromise bill that was reported out by the Agriculture Committee is not being considered on the floor today. However, I am pleased that Mr. HAMBURG, the sponsor of the bill, is supporting our amendment. I hope that my colleagues will follow his lead.

I am very concerned about the scope of H.R. 2866. The Headwaters Forest encompasses less than 4500 acres of the 44,000 affected by the bill. The U.S. Forest Service has appraised the value of the 4,500 acres, including the Headwaters Forest and a buffer zone, to be $500 million. The appraisal took into account the impact of the Endangered Species Act and similar State laws on the timber volume that could be harvested on this land. Obviously, the cost of acquiring 44,000 acres would vastly exceed half a billion dollars. It is unrealistic to think that the Federal Government will ever have the funding available to make the entire purchase.

During committee consideration of this bill I voiced my strong concerns and opposition to the legislation as introduced. In fact, during the Natural Resources Committee markup I offered an amendment to decrease the number of acres affected by the bill from 44,000 to 7,009. While my amendment was rejected, I had planned to offer it again when the Agriculture Committee considered the bill. I am pleased that Mr. HAMBURG was willing to work with me and other members of the Agriculture Committee in an effort to meet our concerns with his legislation.

Our amendment does three important things. First, it allows for the extension of the Six Rivers National Forest boundary if and when any of the 44,000 acres is actually acquired by the Forest Service and only allows a management plan to be developed for lands that have been acquired. This provision ensures that privately held land will continue to be available to the owner to use in the any way consistent with State and Federal law.

Second, the amendment creates a system under which the acquisition of land will have to be approved by the Congress. This provision is important because of the serious budget impacts that a large land acquisition would have.

Finally, the amendment sunsets the authorization for acquisition of the 44,000 acres 10-years after enactment of the bill. I believe that this time period is sufficient for any acquisition that will take place. It would be unlikely that any land not acquired during this time period would ever be acquired.

Mr. Chairman, let me say that my colleague, Mr. HAMBURG, has done a superb job in moving this legislation through the House and in compromising on the important areas I have described. I think that this legislation provides the opportunity for the acquisition of the virgin old growth redwoods in the Headwaters Forest and any other surrounding lands of significance without curbing the rights of the current private landowner. I urge my colleagues to support this amendment.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. I thank the chairman for yielding this time to me.

Mr. Chairman, I was not really ready to come up here for 2 minutes, but I do want to make a comment about this bill and some of the issues that are important to many of the Members on the floor.

We do have many Members that are concerned about the economy, we do have many Members concerned about property rights protection, and I think to a large extent the amendments that have been offered en bloc and amendments will be offered later will deal with these economic issues, property rights issues.

But I come to the floor to make a suggestion about a different frame of reference for this type of legislation, and that is the term that is used in this legislation called biodiversity.

Mr. Chairman, my portion of this bill emphasizes the vital connection between the quality of life for human beings and the importance for preserving biodiversity in our environment; creative alternatives. Now, if we as Members of Congress will just take a couple of extra seconds to take a look at the issues a little bit deeper and find creative alternatives, which, in my opinion, are essential to protect the ecological significance of our ecosystems, which in effect means protect our resources, protection of these irreplaceable ecosystems will benefit because we are a part of this ecosystem. We human beings are a part of biodiversity. If we want to protect the quality of life of human beings, we finally have to fine-tune the process of understanding our niche in biodiversity. If we are going to do that, we will benefit human beings, which is us, which is our constituents, which is our great grandchildren, for generations to come.

So all I would is ask the Members to do at this particular point as we debate these issues, and I know we feel strongly about property rights, feel strongly about the timber industry, feel strongly about family values, protecting jobs, we also have to understand some aspect of biodiversity of the ecosystems.

Simply put, where human beings fit into this niche of our environment.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to H.R. 2866.

Mr. Chairman, we will hear several myths today trying to explain that this bill's price tag will be far below the Forest Service estimate of $1.5 billion. Let us explore these myths;

Myth No. 1—"Much of this land will be acquired through equal value land exchanges thus eliminating the need for costly purchases."

Response—Even if there was a diligent exchange effort, we should not forget that several weeks ago we passed the California Desert Protection Act where we were promised land exchanges would be used to acquire 750,000 acres of private lands. Federal agencies tell us that task is virtually impossible because many Federal lands have endangered species, riparian habitat and wetlands values. Consequently, the agencies are effectively prohibited from trading them and the burden of finding 1.5 billion dollars worth of more Federal lands for exchange purposes is unrealistic.

Myth No. 2—"Because endangered species restrictions will reduce the owners ability to harvest timber, land values will be reduced and the Federal Government will save money."

Response—The landowner has indicated it will fight to get the best price for its land. Also, because this bill does not allow the Government to acquire lands from an unwilling seller, the landowner is not forced to sell for a low price. Consequently, this effort to drive down land prices will likely prevent this land from ever being acquired. Moreover, recent Federal court decisions have reduced the regulatory impact of the Endangered Species Act on private property.

Myth No. 3—"This is merely an authorization and contains no money. Money can only be spent after the Appropriations Committee authorizes it."

Response—This is one the lamest excuses I have ever heard in this body. This bill creates a future obligation for the Federal Government to meet. Mr. HAMBURG has been extremely aggressive in collecting over 140 cosponsors and getting the Agriculture and Natural Resources Committees to report this bill to the floor despite great protests. He certainly will use his skills and the clout of California's 52 Member delegation to get money appropriated.

Mr. Chairman, let us also remember the Federal Government has a history of grossly underestimating the value of redwood timberlands. In 1978 Interior Secretary Cecil Andrus told Congress that expansion of Redwood National Park would cost $359 million. The actual cost when all landowners were paid has exceeded $1.4 billion. Consequently, Secretary Andrus' estimate was off by 417 percent.

The timber supply crisis has resulted in sharply increased redwood stumpage prices. According to the U.S. Forest Service, stumpage prices of coastal redwoods have been increasing at an annual rate of 15 percent in recent years. Since much of this land would be purchased many years in the future, costs will be significantly greater than today.

Finally, this bill is unnecessary. There are already 265,000 acres of redwoods protected in State and Federal parks in California. 90,000 of these acres are old growth stands making redwoods the most protected commercial tree species in the world.

I urge my colleagues to oppose H.R. 2866.

□ 1400

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I congratulate the chairman for his work, and the work of the Committee on Agriculture on this measure, and the gentleman from California [Mr. HAMBURG]. Mr. HAMBURG has been very diligent in his work concerning responding to the questions that have been raised, regarding this proposal Mr. Chairman, concerning this important matter, and in fact of course the economics of this are all important to his district.

I have heard many Members comment about the size of this headwaters area, this redwood stand of about 5,300 acres. The fact is one cannot simply in isolation preserve of that type of area. One needs to have additional areas around it that are managed in a way that is compatible with this 5,300 acres in order to achieve the preservation of the biological diversity that makes up this unique area, hence the 44,000 acre proposal before the House.

There are, of course, several threatened and endangered species in this old growth stand and related forest. There are, of course, the magnificent giant redwoods that are in this area, nearly 2,000 years in age this old growth, this ancient timber, and the fact is of course these are magnificent, as I note my colleague and friend from South Carolina pointed out, the very cathedrals of nature that stand in the California coasts. As Congressman Udall, our revered colleague and former chairman of the Commission on Natural Resources often pointed out, these are areas of the Earth that are the way that they left the hand of the Creator, and indeed we have the responsibility to preserve this legacy for future generations.

Unfortunately, Mr. Chairman, too often we miss the point here that we had a compact, an agreement, through the land water conservation fund which should generate nearly $1 billion and does generate billions of dollars in revenue each year, and we are supposed to take $900 million of it and set it aside to protect our natural resource legacy for future generations. Unfortunately throughout the history of this program we have only used about a third of the funds committed for this, so this Congress, this Federal Government, has reneged on its commitment, and today I think we have an opportunity to restate, and to put in place and to try through other creative means that have been brought to this House, and worked on by the Committees on Agriculture and Natural Resources, to in fact achieve that particular objective and goal, provide and safeguard our natural heritage and I urge my colleagues to support this measure, and not just for the gentleman from California [Mr. HAMBURG] who has worked so hard, but for the constituents we all represent who want this preserved and the legacy of future generations of Americans.

Mr. Chairman, H.R. 2866, which was introduced by the gentleman from California [Mr. HAMBURG], provides for the sound management and protection of redwood forest areas in Humboldt County, CA. Northern California once boasted 2 million acres of old growth redwood forests, but today only 95,000 acres of this old growth remains. Of this remnant, 83,000 are protected in parks and reserves and 12,000 acres are unprotected and in private ownership.

H.R. 2866 would add approximately 44,000 acres to the Six Rivers National Forest in northern California. The land is currently owned by the Pacific Lumber Co. Within this national forest addition, it would designate a 3,000-acre special part of this forest addition as the Headwaters Forest Wilderness.

These lands contain the largest remaining stands of unprotected old growth redwoods left in the Nation. Some of these ancient giants are up to 300 feet tall, 15 feet in diameter and 2,000 years old. Furthermore, these lands provide one of only three remaining nesting habitats in California for the marbled murrelett which the U.S. Fish and Wildlife Service has listed as a threatened species. It is also habitat for the northern spotted owl which also is listed as a threatened species. There has been considerable concerns expressed about how these special lands are managed.

Despite its unique characteristics, the old growth redwoods, as well as the old growth Douglas-firs and the associated ecosystems of these forests, are being logged at an unacceptable rate. The Maxxam Corp., the parent today of PLC which today owns this forested area acquired such control in the mid-1980's by a hostile takeover of Pacific Lumber Co. Maxxam financed much of its takeover activities with junk bonds, which has resulted in great pressure to turn this natural heritage of old growth redwoods from a vertical standing to a horizontal harvested position.

The Committee on Natural Resources held hearings on headwaters legislation in the 102d and 103d Congress and in May of this year ordered reported favorably to the House its version of H.R. 2866. Certainly a question before this Nation and the Congress is whether or not it is in our Nation's interest to liquidate a significant portion of America's remaining unprotected ancient redwood giants to fund the financial machinations of junk bonds and corporate raids. Ancient redwoods are without question a unique global heritage found nowhere else in the world. This is a uniquely American legacy that we have within our ability and will to decide to protect as stewards of these resources.

I urge my colleagues to support this bill.

Mr. LEWIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I thank the gentleman from Florida [Mr. LEWIS] for yielding this time to me.

Mr. Chairman, I rise in opposition to the Headwaters Forest Act. I just think that understanding that this bill could cost the American taxpayer up to $1.5 billion is a lot to ask from the taxpayers to contribute to a campaign, particularly in light of the fact that the local officials in the area are opposed to this bill for many of the same old reasons. Once again Big Brother government is coming in, taking productive timberland to a major degree that is outlined in this bill, which means a loss of revenue to the county and local school districts. It causes increased unemployment in counties that are already having high unemployment problems in levels, and it certainly, because it is putting people out of jobs, is causing all kinds of social and personal family disruptions.

This is outrageous that we are once again spending moneys that we do not have, taking private property that we should not be taking, and for what? I think the Members of this House understand what it is all about.

Mr. MILLER of California. Mr. Chairman, I yield myself 2 minutes.

I rise in strong support of this legislation. I want to thank the chairman of the Committee on Agriculture for bringing this bill to the floor, and I want to commend my colleague, the gentleman from California [Mr. HAMBURG], for his relentless work on behalf of this legislation to provide a vehicle that will, hopefully, end the gridlock in a situation that is neither good for the environment nor good for the company that is involved. Because of his work we now have legislation on the floor of this House that both the company which owns the land supports and which those of us who are concerned about this irreplaceable resource also support.

What this legislation does, in spite of those who have come to the well and tried to pretend and to represent that it does something other than this, what this does is authorize the Forest Service to enter into negotiations with the owners of these lands to see whether or not an arrangement could be worked out so that some of these lands may be acquired by exchange purchase or otherwise for the purposes of preserving some irreplaceable old growth forests in the redwood stand of California's forest.

□ 1410

It does nothing more than that. If it is not done by willing seller-willing buyer, it will not be done. What we have here are two very sophisticated parties. We have the Forest Service that engages in many of these kinds of negotiations around the country, and we have a very sophisticated company, a very large company, a very well-endowed company, with very sophisticated people who manage both their resources, their properties, their books, and their assets. And they will make a decision about whether or not they should go forward with this effort.

We ought to allow them to do that. We ought to authorize this. That is what they are asking for. They have been unsuccessful in trying to proceed down other avenues to do something with this land. If for some reason these negotiations break down, they do not agree to it, it will not happen. It will not happen, because this bill preserves both the rights of the company and authorizes the Forest Service to engage in this negotiation.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. POMBO], a member of the Committee on Natural Resources.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in opposition to this bill. I do know that this bill has been around for a number of years and a lot of work has been done to try to bring this to the floor. But I rise in opposition to this bill because I am against the Federal Government purchasing more property, especially 44,000 acres more in California and further upsetting the balance in northern California, in particular to our economic balance in northern California and the ability to create jobs in the hard times that California has fallen upon.

I think that if you look at what this bill does in adding 44,000 acres to the rolls of the Federal property, what we end up with is 4,500 acres of old growth redwoods. We end up with another 40,000 acres of timberland that is currently being timbered, currently being logged, which is employing people and providing for the food, the fiber, of a number of people in northern California, as well as throughout all of California.

That 40,000 acres is going to be permanently taken off of the economic ability of northern California. I feel that that is a huge mistake, especially in a State where the Federal Government already owns 48 percent of the property, 48 percent of California. If you add in what the local and State governments own, it reaches 56 percent. Over half of California is currently owned by the Government, and we are going to reach out and purchase another 44,000 acres after we create the Desert Protection Act, which increases it by 8 million acres. It is a continuing land grab of the Federal Government, and government in general, to continue to purchase private property and contributes to completely decimate the private property in this country.

This bill is just a small part, but a continuing part, of that movement of doing away with our private property. I do feel very strongly that this is a mistake that we should not make, that we need to strengthen private property and create more private property in this country, because I believe that the backbone of our system in this country is private property and the ability for the individual to get ahead by purchasing property and passing that down to his children and grandchildren. This is a continuing effort that I am horrified that this Congress is continuing in this fashion.

Furthermore, in particular with this bill and this legislation, it has been said that it is a willing buyer-willing seller, which is true. That is going to be included in the bill. It was an amendment that I brought up in both the Committee on Natural Resources and the Committee on Agriculture, and I feel strongly about that amendment.

But if you look at what is going to happen in this instance, you have a company who has a $1 billion asset sitting there that they are going to be limited as to what they can do with it. They are going to be limited by the Federal Government as to what they can do with that piece of property.

That devalues the property. If another timber company were to come in and make an offer on it, they would look at what the return would be on their investment and would offer considerably less because of the actions of the Federal Government. So they are sitting there with a $1 billion investment that has been devalued by the Government. And when the Federal Government comes in and makes an offer for the property, all their accountants, all of their people that are so highly educated and know all about all of this, are going to look at it and say, "Do we cut and run and take one-third of what the property is worth, or half of what the property is worth, and get out and go into something else? Or do we stay and fight?"

It was mentioned earlier today that they can go to court and fight for the value of this property. Well, they cannot, because it would take 10 years in court to hear out this argument, and in the meantime they have got a $1 billion asset that is not producing. So they have to cut and run and take whatever the Government offers. The actions that are happening on this floor are putting a company out of business.

Mr. DE LA GARZA. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I take this time to address an issue that is so exaggerated, one that we are going to keep hearing throughout the afternoon, that this bill costs $1.5 billion. The odds are that it will not. Even the CBO says that it may, but there will be an exchange of lands. It will not be appropriated funds. There will be an amendment to limit that. I do not know how that will go.

But the dissertation we just heard about protecting rights and acquiring rights, where I come from, I agree with that. But I am not talking about adding to major corporate owners. What we were talking about was an individual with 40 acres, 100 acres, 400 acres.

So the preservation of property rights for the individuals, I agree, I submit to you. But protecting major corporate endeavors, that was not what was intended by the Founders of the Constitution or any of the amendments to the Constitution that have been mentioned here earlier. We are talking about an individual having the ability, not major corporate enterprises.

But the main thing is that this bill is here today because the owners of the property want it to be here today. The negotiations will come later. The owners of the property are agreeable to us being here today. So property rights and all of the other things are not at issue here. We would not be here unless the prospective, and I might not even call them sellers, because it is going to be an exchange, if it takes place, wanted it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for clarifying that important point. I think the other point that should be made with regard to fair market value, there is an implication here that the Forest Service, the Federal Government, would not pay fair market value. But by law, is it not true that the Forest Service and Federal Government are compelled to pay fair market value? They cannot pay less, they cannot pay more, but they must pay fair market value. Is that the chairman's understanding?

Mr. DE LA GARZA. The gentleman is correct. That is my understanding.

Mr. VENTO. Furthermore, if the Federal Government, the National Forest

Service, were to acquire this land, there is in fact to be a plan devised as to how that land will be managed. Is that correct?

Mr. DE LA GARZA. That is correct. There will be a study. There will be a plan in place.

Mr. VENTO. If the gentleman will yield further, part of that is designated wilderness by this, the 4,400 acres, but also, of course, there would be management of that land in terms of some timber harvest or some enhancement of it, which would in fact continue to produce jobs and be an active part of the economic viability of that particular community and those communities in that area. Is that correct, Mr. Chairman?

□ 1420

Mr. DE LA GARZA. Mr. Chairman, that is the case within the direction given to the Forest Service.

Mr. VENTO. I think the implication here is that facts to the contrary or statements to the contrary are not accurate. I thank the gentleman for this opportunity for clarification.

Mr. LEWIS of Florida. Mr. Chairman, I yield myself 30 seconds.

The chairman pointed out that there is exaggeration here. I would like to point out that the bill within itself says that we will appropriate such sums as necessary, authorizing the Secretary to acquire these lands and also the appraised value of these lands, the 44,000 acres, is $1.5 billion. So there is no exaggeration that I have heard.

If it is market value, as the gentleman from Minnesota points out, then the taxpayer will be paying $1.5 billion.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to H.R. 2866, the Headquarters Forest Act, which proposes to take 44,000 acres of private lands and add them to the Six Rivers National Forest.

One point that seems to have gone unnoticed is the fact that California already has the strongest forest protection laws for private lands in the world, including restrictions on clearcutting, buffer zones for watersheds and mandated reforestation and of the land growing coastal redwoods, over 80 percent is already preserved in Federal, State, and county parks.

Why on Earth would this Congress accept this bill, which will throw 4,000 more men and women onto the unemployment lines in a county that is already experiencing double-digit unemployment?

Equally important, H.R. 2866 will cost the American taxpayer $1.5 billion. And there is no guarantee that the Federal Government, with its already overburdened land and conservation fund, can maintain the beauty of these lands.

Finally, this bill is a clear violation of private property rights. While Pacific Lumber is no longer opposing this bill, they are by no means a willing seller. Because the company has been forced to go to court every single time it prepares a timber sale, it has finally given up hope on a reasonable settlement and therefore reached the conclusion that their land is not longer worth the fight.

Mr. Chairman, I believe those of us who back private property rights in this Chamber should stand up and fight for private property owners and their employees and soundly reject H.R. 2866.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in full support of this legislation. I tell my colleagues that this bill will affect my constituents in the most beneficial ways a number of ways.

Oregonians travel to this beautiful area. They look to see these last magnificent trees. Salmon, salmon, which are vital to the economy of Oregon, to the tribal, commercial and sports fishery which relies upon the salmon, they spawn in the headwaters protected by this bill.

I have heard Members talk about the cost of this bill. Well, let me tell my colleagues the cost to the economy of my State, when habitat is destroyed and salmon no longer spawn.

Our fishery on the coast was a $3 billion fishery. That is reduced every year as habitat disappears.

I want to congratulate the author of this bill. What he has done is something that we do not see very often. He has worked with all the constituencies. He has brought them together to produce a bill that has such widespread support. I would like to see that that affects Oregon, too. We, too, can learn from the way that this bill was authored.

We also have problems with our forestry. We need to know how to work together with private property owners and with the public interest.

As a new Member, a freshman Member, I want to say, Mr. Chairman, that it is very difficult to get such a comprehensive piece of legislation to the House floor. I think the gentleman from California [Mr. HAMBURG] is to be congratulated for the fact that as a new Member he listened, he listened to all his constituents and he created a bill that is so beneficial, not just to the area that it specifically protects but to my State, the State of Oregon.

We need this habitat protected. We need to know how we can work together with all interests. I am in full support of this bill, and I urge my colleagues to support it.

Mr. HANSEN. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I rise to strongly oppose this bill. I keep hearing about how there has been such a compromise and how reasonable it is. I just want to reemphasize that the local government, all the affected local governments are strongly opposed to this bill.

I have before me a letter, dated September 21, 1994, from the county of Humboldt. In that letter it indicates that:

> Our reasons for opposition remain the same. Loss of productive timber land to the degree indicated in H.R. 2866 means loss of tax revenue to the county and local schools, increased unemployment in a county with already high unemployment levels, social and personal family disruption. Our board has supported the concept of a 4,500 acre headwaters forest proposal but remain adamantly opposed to the Hamburg proposal of 44,000 acres. Signed, Stan Dixon, First District Supervisor.

It indicates in the letter that they opposed this by a four-to-one vote of the board of supervisors.

Mr. Chairman, I think the point needs to be made that the land in this 44,000 acres is already zoned for timber production under the Humboldt County land use guidelines.

Furthermore, the point needs to be made that 90 percent of the property in this 44,000 acres has already been harvested at least once and in some instances twice. So they have gone through it. They have cut the trees once. They have grown back. They have cut them again. And they have grown.

So let us not delude ourselves into thinking that we are protecting ancient redwoods in all of these 44,000 acres. It just is not true. The Headwaters Forest itself is about 3,900 acres. In order to go the extra 10 miles, in my opinion, and provide buffer around that, they threw in approximately an extra 600 acres, just to make sure that everything would be nice. And the county, the Maxxam, has said they would be willing to entertain the idea of transferring the 3,900 acres of old growth redwoods with the 600 acre buffer for a total of approximately 4,500 acres.

They would be willing to sell that at market value to the U.S. Government.

That is something that would allow logging to go on in Humboldt County. This is the largest county in the First Congressional District. The people of that district are overwhelmingly opposed to this bill.

When we speak of old growth redwoods, I think it is worth noting, all of these red areas here show where we have protected timber lands. And it is 265,000 acres of protected redwoods in the State of California; the Federal Government presently owns 46 percent of our State, not counting the California Desert bill, and not counting this bill, 46 percent of the State. Of this 265,000 acres of protected redwoods, 91,000–some acres are old growth redwoods already.

How much more public land do we have to have? How can we hear impassioned speeches from the President and from Members of this Congress about getting the deficit under control and asking us to sacrifice by hiking our taxes, and then come before us with proposals like this, which are going to be proposing to spend money we do not have to buy land we do not need in order to eliminate jobs that presently exist?

I find it unbelievable that a compromise can be talked about when the men and women who work in the forests, who depend upon those jobs, have not even been brought into the equation. The two timber unions are strongly opposed to this particular bill, because they will not have any jobs. It is a job-killing measure.

It is wrong for that reason to enact this legislation. This is a bad bill, and I would like just to urge all of the Members, please, vote no on this bill.

If we want to talk about preserving ancient redwoods, then maybe we can talk, if you would have allowed the amendment which I sought to offer before the Committee on Rules. I was denied that permission yesterday. I was denied permission by adopting the previous question today. We would have reduced the acreage to the 4,500 acres.

Why should the taxpayers pay $1.5 billion? We have a $4.5 trillion debt. How much more public land do we need in the State of California? We cannot manage what we have.

Maxxam has been referred to have been a party to a compromise. It does not include the men and women who work, who are strongly and unitedly opposed to this particular bill.

Maxxam bought Pacific Lumber Co., I think it was 1986. They bought it and all of its assets, all of its land, its capital assets, et cetera, for $900 million, approximately. Now we have a bill that basically proposes to spend $1.5 billion to buy 4,400 acres. Maxxam maybe thinks that is not so bad, $1.5 billion, and they paid $900 million.

The men and women who are going to be out of work do not think that is a good compromise. We should not think it is a good compromise. Vote "No."

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in very strong support of this bill. I recognize that there are elements of controversy surrounding this. I applaud the fact that efforts have been made in the rule to make in order amendments which will correct some of these problems.

However, Mr. Chairman, the overall thrust of this bill is absolutely on target. This bill will seek to protect an additional acreage of old growth redwoods which is badly in need of protection. Why is it in need of protection? The previous speaker has just indicated a little something about the history of this tract. I imagine other speakers have previously addressed this.

This was acquired, this land was acquired, in a transaction that cost, as I understand it, $900 million dollars. The entrepreneur who secured this apparently financed it with a high interest-bearing loan of some sort which has forced him to vastly accelerate the rate of cutting in order to pay the interest, the service on the debt that he acquired.

The previous owner, as I understand it, was managing this property in a much better fashion to protect the long-term interests of the people of California, but the present situation actually threatens the total destruction of this irreplaceable stand of redwood.

Mr. Chairman, the issue of jobs is addressed here. Obviously, Mr. Chairman, when we have an acceleration of the cutting rate, a lot of logs being cut, there is a lot of lumbering being done. How long would this last? The fact is, at the rate you were cutting you would have a very short lifetime for the employment of those forest workers in that particular area. They would be out of jobs anyway, regardless, at the rate of cutting which was going on there, within a very short period of time.

Mr. Chairman, the purpose of sound Forest Service management is perpetual yield and protection of the jobs on a steady-state basis for a long time into the future. This is what we will get through the proper management of these forests. I encourage support for this bill, Mr. Chairman.

Mr. LEWIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this bill. Mr. Chairman, no Member of this Congress who stands for fiscal responsibility can make that claim while voting for this bill. No Member of this Congress who claims to be concerned about our $4.5 trillion national debt can make that claim while voting for this bill, and no Member who claims to want to balance the budget of this Federal Government can make that claim while voting for this bill.

Mr. Chairman, advocates of this bill want to spend $1.5 billion to acquire 44,000 acres of land. That is $35,000 an acre. That exceeds the Forest Service's total fiscal year 1995 request for land acquisition by almost $1 billion. It is three times as much to be spent in one county in California as what is proposed to be spent in the entire country. Redwood trees are already afforded the highest level of protection through Federal, State, and local government designations in the world. I urge opposition to this bill.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, I represent a district in New York. This is a bill that protects a very important resource in California. We are a continent apart. However, the fact of the matter is that this is a national resource. People all across the country want these redwoods protected.

This bill is an intelligent approach to that protection. It establishes a flexible framework for public acquisition of the largest privately owned old-growth redwoods in the world. It does so in a unique and unusual way, because it works with the owner to ensure that this is done on a willing seller-willing buyer basis.

Mr. Chairman, less than 4 percent of the old-growth redwoods that historically covered coastal northern California remain. They are not a renewable resource. With the amendments being considered today, the bill is supported by the owner, as I mentioned.

This is an unusual bill because it also is supported by numerous regional and national fishery and environmental organizations. It establishes a balanced and reasonable transition process, from the old-growth-dependent timber industry to a sustainable harvest forest products industry.

Mr. Chairman, what this bill does, it ensures that this industry remains viable, and that the people in it continue to have jobs. These forests are about to be wiped out, Mr. Chairman. If we do not move to a sustainable timber industry, rather than one that simply goes in and just eliminates the forests entirely, there are not going to be jobs in this industry any longer.

Mr. Chairman, furthermore, the ecosystem that is protected here is critically important to the coho salmon. The coho salmon is also an industry and a resource that is important to California and to people up and down the west coast, as it is to people all across the country.

This bill takes an intelligent approach. It ought to be passed. I support it, and hope everyone else will.

Mr. MILLER of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS], the ranking minority member on the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this bill. My reasons are many. They have been discussed on the floor. They range from the bill itself to the rule that was adopted that did not permit many, many needed improving amendments.

Mr. Chairman, let us talk about the cost. The gentleman from Virginia [Mr. GOODLATTE] has already mentioned this problem. The Forest Service estimates the acquisition of the headwaters lands will cost taxpayers $1.5 billion. That is billion, that is a B, not M; that is $1.5 billion.

I know what will be said: "This is not appropriations, only authorizing. We are only going up to the bank, we are not going to withdraw any money. It is only authorized."

Mr. Chairman, let us say that we cannot find another way to pay for this, and I will talk about that in just a minute, and that we have to appropriate. What would happen?

□ 1440

The land and water conservation fund has been created for 30 years. Over the 30-year period, we have spent roughly $950 million. That is M, million, not billion. This particular tract would cost taxpayers $1.5 billion to acquire 44,000 more acres. That is more than we have spent during the entire 30-year period of the whole program.

Second, the Forest Service annual budget for land acquisition is around $64 million a year. That is the normal acquisition process. If we funded no other projects, the current pace of appropriations for the land and water conservation fund would require 23 years to complete the acquisition of the headwaters tract.

According to my information, there is a backlog of over 500 projects, other States, 39 States and Puerto Rico, that would require $660 million, again, million, in funding. Again, the headwaters proposal, one project, more than doubles the Forest Service projected backlog. If you are from one of these 39 States, wake up, there are not many people on the floor, 39 States and Puerto Rico, $1.5 billion if in fact we cannot find other ways to pay for headwaters.

How are we going to pay for it if we do not appropriate? Oh, there are several alternatives here. As a matter of fact, this bill is a little unique in regards to opportunities. In the chairman's en bloc amendment, we say "may be acquired by the Secretary only by donation, by purchase, with donated or appropriated funds or by exchange." And there is about 6 more lines about special administrative jurisdiction of the Secretary if the Secretary identifies the lands as suitable for use in making an exchange. What kind of an exchange?

Then the gentleman from California, the sponsor of the bill, is going to have an amendment to make use of all practical alternatives in regards to paying for this. How are we going to pay for it?

Let us see. We could have land acquisition funds from the State of California, except they are not forthcoming. We could have some kind of land exchange. That is done on occasion, but that is not forthcoming. So what are we going to do? What is this exchange? How are we going to pay for this if we are not going to expend the $1.5 billion and put a backlog of 500 other projects at risk?

Well, the gentleman from Florida [Mr. LEWIS] and I shared that concern. So the gentleman from Florida [Mr. LEWIS] and I wrote the acting chairman of the Federal Deposit Insurance Corporation last month and we said there have been numerous reports regarding the possibility of a land-for-debt exchange occurring between the Pacific Lumber Co., owners of the Headwaters Forest and owned by Maxxam, and the FDIC, due to an outstanding liability of Maxxam to the FDIC in connection with the failure of United Savings of Texas, some $1.6 billion.

Is this what we are going to do? So we wrote that letter and they wrote back and they indicated, and I am sure the chairman will point this out: "Potential claims arising from the failure of United Savings Association of Texas is neither complete nor public." So they say, "We really don't have any idea about this. We can also inform you there's no direct relationship between United Savings and the Headwaters Forest currently owned by Pacific Lumber Company."

Then the last line is this. Listen to this because this situation and possible unique arrangement has been reported in Time, Business Week, Newsweek, and the Wall Street Journal. They were talking about an RTC loss and hard-earned taxpayers dollars trying to resolve that. The letter from FDIC states: "We would consider it as one alternative and would conscientiously strive to resolve any pertinent issues."

Now, if we cannot get the money from State acquisitions sharing from California, if we cannot get it with a land exchange and we are not, we are going to have some kind of land-for-debt exchange with the FDIC, what kind of precedent is this? When this proposal sees the light of day and public scrutiny, I can tell you then we will be back with these $1.5 billion appropriations. I am telling you, folks, this is dangerous territory that we are treading on here and I warn Members in regards to their vote.

Finally, in consideration of this package, we excluded the proposed amendments by the gentleman from California, both gentlemen from California. It was a bad rule. It is a very questionable bill more especially in regards to financing. We do not want to give this authority to the Secretary, and as I say again, tread on very, very dangerous ground. I urge a "no" vote.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise today as an original cosponsor and a strong supporter of the Headwaters Forest Act.

Mr. Chairman, our Nation's natural resources are an important part of our heritage. We have the sacred responsibility of ensuring that those resources endure so that future generations can enjoy and appreciate their beauty.

Our Nation's forests are vital parts of our ecological systems. They provide critical habitat for thousands of species including some that are threatened and endangered.

For these reasons, it is essential that logging be done in a sound and sustainable manner. By logging trees selectively and responsibly we can maintain a balance between conservation and economic development.

Regrettably, the Maxxam Corp. has not been logging the Headwaters Forest area in a responsible way. It has accelerated timber logging to the point where the ecological balance of the area is threatened and has placed in danger the old-growth redwoods that remain.

Mr. Chairman, this legislation will authorize the Department of Agriculture to acquire up to 44,000 acres of lands for addition to the Six Rivers National Forest. It will stop the irresponsible logging and provide protection for this precious area.

The Headwaters Forest Act is an important piece of legislation and I strongly urge my colleagues to support it.

Mr. HANSEN. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing I just want to point out a couple of things. I have a letter from the supervisor of the county of Humboldt, CA, that the supervisors, a majority, are opposed to this bill. I would like to submit that for the RECORD, Mr. Chairman, and again reiterate the cost of this bill, which is $1.5 billion. It does not make any difference whether you exchange land, whether you trade boot or whether you use dollars, it still adds up to $1.5 billion that the American taxpayer is going to have to pay, and that is 23 times the Forest Service acquisition budget. This bill will not only cost the American taxpayer money but as pointed out, it will also cost jobs.

The bill is unnecessary, I think it is inappropriate, I believe this bill is irresponsible. We already have as mentioned 265,000 acres of protected redwood which is the most protected commercial species that we have in the world.

I would also like to point out, Mr. Chairman, it was pointed out by the ranking member of the Committee on Agriculture the possibility of Maxxam trading land in this particular operation and I would like to point out that the author of the bill, though people

have said that this is not going to be used for debt retirement, I would like to point out that this author of the bill pointed out 2 weeks ago on a MacNeil/Lehrer report that should the Federal Government successfully act against Mr. Horwitz of Maxxam Corp., there could be a debt to the Federal Government which might be satisfied by a trade of these lands. I wanted that part in the record, Mr. Chairman, because there is concern about that.

Mr. Chairman, I include for the RECORD the letter referred to, as follows:

BOARD OF SUPERVISORS,
COUNTY OF HUMBOLDT,
Eureka, CA, September 21, 1994.

Hon. JOHN T. DOOLITTLE,
House of Representatives, Longworth Building, Washington, DC.

DEAR CONGRESSMAN DOOLITTLE: I have been informed that Congressman Hamburg's H.R. 2866 will be heard on the floor of the House of Representatives today. This letter is to reiterate the Humboldt County Board of Supervisors official position on that piece of legislation. Our Board has consistently opposed H.R. 2866. The vote was four to one and this position has been re-confirmed on several occasions.

As I testified before Congressional committees last October the preponderance of local elected officials on the North Coast of California are opposed to H.R. 2866.

Our reasons for opposition remain the same. Loss of productive timberland to the degree indicated in H.R. 2866 means loss of tax revenue to the county and local schools; increased unemployment in a county with already high unemployment levels; social and personal family disruption.

Our Board has supported the concept of a 4,500 acre Headwaters Forest proposal but remain adamantly opposed to the Hamburg proposal of 44,000 acres.

Sincerely,

STAN DIXON,
First District Supervisor.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I commend the gentleman from Texas [Mr. DE LA GARZA] and the gentleman from California [Mr. MILLER] for bringing this legislation to the floor today. Most of all I want to praise our colleague, the gentleman from northern California [Mr. HAMBURG] for his leadership in putting this legislation together and rallying support around it.

□ 1450

Others of our colleagues have referred to what this very important piece of legislation does. I would like to reference why it is needed.

Of the 2 million acres of ancient redwood forest that once stood on the Nation's Pacific coast, Mr. Chairman, less than 5 percent remain today. The Headwaters Forest in northern California is the largest privately owned stand of old growth redwoods left in the world.

I want to point out very strongly, Mr. Chairman, that of the 44,000 acres that are covered by this bill, only 5,200 would not have lumber harvested on them. Those acres are of the very old growth timber. For the most part, nearly 40,000 of the 44,000 acres will still be job producing in terms of lumber, and the entire 44,000 acres will be job producing because of the fishing that will be encouraged and protected there.

The gentleman from California [Mr. HAMBURG] has brought together environmentalists and workers, the company and the community. His leadership has served us well. I urge our colleagues to support this legislation to protect jobs and protect the environment.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, first I would like to include for the RECORD a press release from Pacific Lumber Co. in which they assert that H.R. 2866, as modified by the House Committee on Agriculture contains amendments that fully protect the company's rights as a private property owner. I will include that for the RECORD at the end of my remarks.

Also I submit for the RECORD a series of letters of support for this legislation. I think as Members read the names of these groups they will see how broad the support is not only among environmental organizations throughout the country, but markedly among fishery groups, among groups that are very concerned about the crashing of stocks of fish in the Pacific Northwest and over the coast of California. I will read some of the supporters. Save the Redwoods League, the National Audubon Society, the Western Ancient Forest Campaign, the Sierra Club, the Wilderness Society, Greenpeace, the Environmental Defense Fund, Pacific States Marine Fisheries Commission, Trout Unlimited, B.A.S.S., Inc., Bass Anglers Sportsmen Society, Mendocino Environmental Center, Columbiana Bioregional Education Project, Klamath Forest Alliance, and on and on.

Referring, if I may, to this map on the right, there has been a lot of discussion about how much redwood forest is currently protected, and a lot of talk to the effect that there is plenty of this already locked up, and they are protected by State and Federal Government. This map to my right indicates the original redwood forests. What we see here in red is the original redwood forests. In green is what remained as of 1992 of the virgin redwood forests of Humboldt and Del Norte Counties.

Several Members have referred to the fact that there are less than 5 percent of this ancient forest remaining. In fact, just about 100 years ago there were over 2 million acres of these forests stretching from Santa Cruz County to southern Oregon. Today there are less than 80,000 acres remaining.

This tract, the Headwaters Forest tract, represents the largest privately owned remaining tract of ancient redwood trees left in the world. Many speakers have referred to how this is an irreplaceable resource. This is not something that will happen again. These are trees which have grown since the time of Christ. They are 300 feet to 350 feet in height, they are 18 feet in diameter. They should not be cut down to make porch furniture or decking. These are our heritage for the future.

Second, I would like to refer to this map which shows the extent of the 44,000 acres. I think it illustrates why this bill has taken in this much acreage. A lot of speakers have said OK, let us save the 5,400 acres of ancient forest, but the rest maybe is not all that important.

This map outlines the 44,000-acre tract and shows that those boundaries have been drawn so that the remaining important tracts of virgin redwood forests can be included. The brown part here, which is approximately 3,000 acres, is what is commonly called the Headwaters Forest. The other tracts, which are in green, are also very significant stands of virgin redwood. Together they make up about 5,300 acres of land which this bill seeks to protect. The remaining acreage, 88 percent of this land, about 39,000 acres is second- and third-growth forests.

This forest under this bill will continue to be harvested on a sustained yield basis. However, it is not enough merely to preserve the stands of virgin old growth and leave the rest to be clearcut. We need to treat this unit as one ecosystem and manage it as one ecosystem. Otherwise we are going to have the same kinds of situation happen in northern California that we have already experienced with the northern spotted owl.

Secretary Babbitt often speaks in terms of environmental train wrecks, and the kind of train wreck we had in the Pacific Northwest when the northern spotted owl was listed as an endangered species and 11 million acres was tied up when that occurred. We cannot allow that to happen again, and unless we protect these stands of old growth ancient redwood forests, we will have more environmental train wrecks, we will have more people thrown out of work because lands are tied up, we will have less salmon in our streams for our fishermen to catch, and overall we will hurt our regional economy.

The material referred to previously is as follows:

[Press release from the Pacific Lumber Co.]
(By David W. Galitz)

The Pacific Lumber Company said today that H.R. 2866 (as modified by the House Committee on Agriculture) now contains significant amendments that fully protect the company's rights as a private property owner.

John A. Campbell, president and chief executive officer of the Pacific Lumber Company, said, "Although the legislation still

authorizes the acquisition of up to 44,000 acres, the bill now clearly says that no acquisition can occur without our consent. In essence, the 44,000 acres is not at risk. That's good news for us because, in fact, we continue to be opposed to the sale of 44,000 acres. Despite that unwillingness to sell 44,000 acres and our disagreement with the way in which the oil characterizes our forest management practices, we have decided to support H.R. 2866, with its important amendments, in the House of Representatives because the bill appears to be a vehicle for resolving the issue of government acquisition of the much smaller 'Headwater Forest.'" Pacific Lumber's "Headwaters Forest" is approximately 3,000 acres.

The bill is on the U.S. House of Representatives suspension calendar for August 16. Legislation on the suspension calendar requires a two-thirds vote to pass and ordinarily cannot be amended by the full House.

H.R. 2866 was originally introduced by Congressman Dan Hamburg (D-CA). The bill's important amendments were sponsored separately by Representatives Dooley (D-CA), Doolittle (R-CA), and Pombo (R-CA). Key amendments include:

A provision that states the landowner's consent is required for any acquisition.

A provision granting Pacific Lumber the full lawful use and enjoyment of its lands and confirming that enactment of the bill is not to be construed as imposing any new limitations upon the implementation of any timber harvest plans.

A provision clarifying that the government has no right under the legislation to develop a so-called "management plan" for any portion of the 44,000 acres that it does not acquire.

A provision stating that the government's authority under the legislation to acquire any lands, even with Pacific Lumber's consent, expires after ten years.

A provision that requires the Secretary of Agriculture to come up with a plan within six months for acquiring specific lands within the 44,000 acres that the government wishes to acquire. A related provision requires the Secretary to identify specific federal properties that would be suitable to swap for these lands.

A provision that states the boundaries of the Six Rivers National Forest will not be extended to include any portion of Pacific Lumber's timberland unless and until that land is actually acquired by the government with Pacific Lumber's consent.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, August 15, 1994.

Re support H.R. 2866, the Headwaters Forest Act (Hamburg, D-CA).

House of Representatives
Washington, DC.

DEAR REPRESENTATIVE: Since 1970, the League of Conservation Voters (LCV) has served as the bipartisan political arm of the environmental community. Each year LCV publishes the National Environmental Scoreboard which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members and concerned voters nationwide.

H.R. 2866, the Headwaters Forest Act, will soon come before the House for your consideration. LCV urges you to support H.R. 2866 which was introduced by Rep. Dan Hamburg, cosponsored by 142 of your colleagues, and reported out of the Agriculture and Natural Resources Committees.

Rep. Hamburg's bill will authorize the acquisition of the largest remaining unprotected virgin redwood forest in the world, currently owned by the Pacific Lumber Co. The Pacific Lumber Co. supports H.R. 2866, opening the door to resolution of the debate over the future of the Headwaters Forest which has polarized communities in Northern California for almost a decade. In addition to its recent endorsement by the Pacific Lumber Co., the Headwaters Forest Act is supported by a broad spectrum of local, regional, and national environmental groups.

If H.R. 2866 is enacted, the Forest Service will be authorized to acquire the Headwaters Forest from a willing seller. The unique ancient redwood groves, which provide critical habitat for wildlife and fish stocks threatened with extinction, will be acquired by the agency over a period of time using a wide range of acquisition policies, including land exchange.

If you need more information please call LCV's Political Director, Betsy Loyless, at 202-785-8683.

Sincerely,

JIM MADDY,
President.

PACIFIC STATES MARINE FISHERIES COMMISSION,
Gladstone, OR, September 2, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: The Pacific States Marine Fisheries Commission was established in 1947 to represent the interest and needs of the West Coast marine fisheries, both recreational and commercial, and those of its member states of Oregon, Washington, Idaho, Alaska, and California. The goal of the Commission is to promote and support policies and actions directed at the conservation, development and management of fishery resources through coordinated regional research, monitoring, and utilization.

We would like to be on record supporting H.R. 2866, legislation protecting the area known as the Headwaters Forest. Our support derives from the purported benefits that this legislation will confer on the maintenance of anadromous salmon coho and steelhead spawning and rearing habitat. As you are aware, numerous stocks of coho and steelhead are at all time record lows, making protection of healthy spawning and rearing habitats vital to any recovery efforts.

Please feel free to contact me if I may be of any further assistance.

Sincerely yours,

RANDY FISHER,
Executive Director.

THE PACIFIC RIVERS COUNCIL,
Alexandria, VA, August 25, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: The Pacific Rivers Council would like to offer our continuing support for H.R. 2866, the Headwaters Forest Act. We recognize the current constraints on the Federal budget and therefore support the land exchange concept as a means of acquiring this important acreage.

This magnificent forest is one of the few remaining, intact stands of ancient redwoods that once stretched along the coast of northern California and southern Oregon. This functioning old growth ecosystem provides a sanctuary for a number of rare plants and animals. In addition, the Headwaters Forest has some of the last remaining, good spawning and rearing habitat for the coho salmon in California; a species that is at risk throughout its range. Protection of this forest will be a legacy for future generations to enjoy.

We wish you well in this endeavor.

Sincerely,

JUDY R. GUSE-NORITAKE,
National Policy Director.

NATURAL RESOURCES DEFENSE COUNCIL,
San Francisco, CA, August 22, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

Re Headwaters Forest Act (H.R. 2866).

DEAR REPRESENTATIVE HAMBURG: I am writing on behalf of the 170,000 members of the Natural Resources Defense Council (NRDC) to express our strong support of the Headwaters Forest Act, H.R. 2866. We appreciate your leadership in this important legislative effort.

The Headwaters Forest and its associated old growth redwood ecosystem is a unique natural resource worthy of public acquisition. Only by the adequate protection and proper management provided by H.R. 2866 can we be certain that this ecosystem will persist over time and that future generations of Americans will be able to visit and enjoy this priceless treasure.

Thank you again for your commitment to sound stewardship and environmental protection demonstrated by the introduction of this important piece of legislation. The NRDC looks forward to working with you to secure passage of H.R. 2866 in this Congress.

Very truly yours,

SAMI YASSA,
Senior Project Scientist.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, August 22, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: I am writing to express the National Wildlife Federation's support for bringing H.R. 2866, the Headwaters Forest Act, to a vote on the House floor.

As you know, the Headwaters Forest, located in Northern California, is the largest remaining unprotected redwood forest in the world. It is valuable not only for its size and beauty, but also because it provides habitat for the coho salmon, a species whose decline has cost the state of California approximately $100 million a year in lost revenue since the 1970's. In fact, the plight of coho salmon is so serious that the species has been petitioned for listing as "threatened" under the Endangered Species Act.

The Headwaters Forest Act enjoys the support of local, regional and national environmental groups as well as that of many sport and commercial fishing organizations. Most importantly, the acquisition H.R. 2866 authorizes is acceptable to Headwater's current owners, the Maxxam Corporation and the Pacific Lumber Company. With such broad backing and 142 cosponsors of the bill, we see no reason why the Headwaters Forest Act should not move ahead and urge that it be brought to a House vote soon.

The passage and enactment of H.R. 2866 will finally resolve a longstanding regional issue and provide the affected communities with a sustainable ecosystem management strategy that incorporates both watershed restoration and private property rights protection. The time to save the Headwaters Forest is now, before it's too late.

We look forward to continuing to work with you to receive passage of H.R. 2866.

Thank you for your consideration of this important issue.

Sincerely,

JAY D. HAIR,
President.

LIGHTHAWK,
Santa Fe, NM, August 18, 1994.

Rep. DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: I am writing to let you know that LightHawk strongly supports efforts to protect Headwaters forest in northern California. Your work in combination with Rep. Pete Stark and a host of California-based and national organizations and individuals is a valuable example of teamwork to accomplish ecosystem preservation.

As you know, Headwaters contains the largest remaining unprotected stand of ancient redwood trees in the world. The array of biological diversity supported in the Headwaters forest complex is both unique and threatened. We at LightHawk have an ongoing conservation program interest in protecting the remnants of the temperate rain forest ecosystem—stretching from Alaska to Chile—of which Headwaters forest is a critical component.

Respectfully yours,

ROBERT W. HARRILL, Ph.D.,
Executive Director.

B.A.S.S., INC.,
Montgomery, AL, August 18, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: The Bass Anglers Sportsman Society (B.A.S.S., Inc.) and its membership approaching some 600,000 is fully supportive of H.R. 2866, the "Headwaters Forest Act," sponsored by Representative Hamburg et al. Although B.A.S.S. members are primarily interested in angling for and supporting the future well being of black bass, we all have an understanding and respect for healthy watersheds and the role they play in the future of our fisheries resources. Healthy streams and watersheds are particularly important where migratory (anadromous) species like coho salmon are involved.

We have a powerful testimony for the economic involved and the importance of protecting habitat for the future of our fisheries resources. Gamefish species like salmon and black bass are particularly sensitive. The public readily identifies with them and their "indicator role" in alerting us to the health of our watersheds and public waters. The fact that increasing numbers of species are threatened with extinction, or are often so contaminated with chemicals they can not be safely consumed by the public, is a national embarrassment.

We are beginning to comprehend the long term costs the public will bear when species appear on endangered and threatened lists in the numbers we are beginning to see. H.R. 2866 provides an unusual opportunity to begin reversing the trend of mortgaging our future for the extremely short sighted motives so evident in timber and fisheries resource decisions we have witnessed over the past century.

Best regards,

DON CORKRAN,
Federation National Director.

SAVE AMERICA'S FORESTS,
Washington, DC, August 19, 1994.

Rep. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: We are writing to thank you again for your courageous effort to save the last remaining privately owned Ancient Redwood groves still threatened with logging. We are honored to be working with you to pass your historic legislation, H.R. 2866, the Headwaters Forest Act.

This bill now supported by the Administration and has broad backing in the U.S. Congress. The Headwaters grove is a world treasure. Our coalition of over 500 environmental groups and responsible businesses nationwide will continue to work for your bill until these glorious forests are protected forever.

Sincerely,

CARL ROSS,
MARK WINSTEIN,
Co-Directors.

AUDUBON SOCIETY OF PORTLAND,
Portland, OR, August 17, 1994.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: Portland Audubon Society, with 7000 members in Oregon, strongly supports H.R. 2866, the Headwaters Forest Act, introduced by you and cosponsored by 142 House members.

What is at stake is the largest remaining unprotected virgin redwood forest in the world. We support your efforts to protect this priceless forest and threatened coho salmon and marbled murrelet, and other wildlife species which depend on this forest for their survival.

H.R. 2866 authorizes the Forest Service to acquire the Headwaters from a willing seller by means of direct payment, land exchange and other acquisition means. Pacific Lumber Co., the current owner, endorses H.R. 2866.

Please continue your stalwart efforts to gain passage of the Headwater Forest Act and to protect this irreplaceable virgin redwood forest. Your unfaltering support of H.R. 2866 is a critical vote for the hope of species and economies which depend on healthy ecosystems.

Sincerely,

PAUL KETCHAM,
Conservation Director.

SIERRA CLUB,
Washington, DC, August 15, 1994.

DEAR REPRESENTATIVE: I am writing on behalf of the Sierra Club's half-million members to urge you to support H.R. 2866, the Headwaters Forest Act, when it comes to the House floor. We expect the bill to come up for a vote this week.

This legislation offers critical protection for over 44,000 acres of redwood forest, including approximately 5,000 acres of old-growth. The old-growth in the Headwaters Forest is in urgent need of preservation, as it faces imminent logging if not protected by this bill. The Headwaters forest area also contains habitat for several threatened and endangered species including the peregrine falcon and marbled murrelet.

In the past eight years, more than 40,000 acres of residual old growth and almost 10,000 acres of virgin redwood trees have been logged by the Maxxam Corporation. The Headwaters Forest Act will put an end to this tragedy by balancing the need for timber production with the need for conservation. H.R. 2866 will also provide long-term job stability by shifting logging practices toward sustainable use and promoting regeneration. This legislation will create jobs in the restoration of watersheds and habitat critically damaged by previous timber harvests.

H.R. 2866 has passed both the Natural Resources and Agriculture committees by substantial margins, and it currently possesses over 130 cosponsors from both parties. Your support of this legislation is necessary to protect one of the last remaining ancient redwood forests. Thank you for your attention to this matter.

Sincerely,

DEBBIE SEASE,
Legislative Director.

TROUT UNLIMITED,
Washington, DC, August 26, 1994.

Re: Our Continuing Support for H.R. 2866, The Headwaters Forest Act of 1993

Hon. DAN HAMBURG,
House of Representatives, Cannon Building, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: On behalf of Trout Unlimited's (TU) 75,000 members nationwide, I am writing to let you know that we continue to support H.R. 2866, the Headwaters Forest Act of 1993, and urge you to continue your strong push to enact this legislation. We commend you for your leadership in pressing for enactment.

TU is committed to protecting and restoring west coast Pacific salmon resources. These runs were once the finest salmon resources in the world. Now, according to the Clinton Administration's Forest Ecosystem Management Assessment Team (FEMAT) Report, over 100 stocks have been extirpated and 314 are at risk of extinction. Despite dramatic declines in Pacific salmon stocks, these fish still support a one billion dollar annual sport and commercial fishing industry. These valuable industries are threatened directly by continuing loss of salmon habitat. Conversely, if the region takes strong actions now, the entire nation stands to gain tremendous new ecological and economic benefits from restored salmon runs.

In that light, your bill is an important element in the foundation of Pacific salmon recovery. If enacted and implemented, it will protect some of the best remaining salmon habitat in California, and in the case of coho salmon, some of the most critical habitat on the entire west coast. Dr. Peter Moyle, renowned salmon scientist from University of California at Davis, has testified before two House Committees that H.R. 2666 would protect 5 to 10% of the remaining coho spawning habitat in California. Such a management action is essential in view of the 97% decline in wild coho in California.

Again, we commend you for your work on this bill, and we look forward to its early enactment.

Sincerely,

STEVEN N. MOYER.

WORLD WILDLIFE FUND,
Washington, DC, October 25, 1993.

Hon. DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMBURG: On behalf of World Wildlife Fund (WWF) and our 1.25 million members nationwide, I am writing in support of H.R. 2866, the Headwaters Forest Act.

As you may know, during the past decade WWF has invested a great deal of effort protecting forest ecosystems throughout the world. Here in the United States, our old-growth redwood forest ecosystems have been

reduced to 5 percent of their original acreage, and we strongly support protection of the remaining fractions of these truly unique forests. We support the provisions of H.R. 2866 which designate 44,000 acres as an addition to the Six Rivers National Forest. This acreage is vital to the maintenance of intact watersheds in the Humboldt region. Given that, at present, most redwood forests have been substantially fragmented, maintaining the integrity of the remaining intact redwood ecosystems needs to become a priority for U.S. forest policy.

The proposed addition of redwood forest to the Six Rivers National forest contains critical intact watersheds for threatened salmonids, marbled murrelets, and northern spotted owls. The dire status of these species is a reflection of the health of many of our northern temperate forests, which we need to take strong steps to improve. Old-growth redwood forests also generate millions of dollars for local tourism industries yearly in California, hence these systems are vital to the economic health of the state.

It is clear that the long-term costs outweigh the short-term profits generated by current timber practices in the U.S. H.R. 2866 will protect vital redwood forest habitat, which we can no longer afford to degrade and squander. I congratulate you on this important piece of legislation and look forward to working with you in the future.

Sincerely,

MICHAEL SUTTON,
Acting Vice President,
U.S. Land and Wildlife Program.

MENDOCINO ENVIRONMENTAL CENTER,
Ukiah, CA, August 25, 1994.

Hon. DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR DAN: The Mendocino Environmental Center enthusiastically supports the Headwaters Forest Act H.R. 2866. We are most appreciative of your fine work in introducing and sponsoring this very important piece of legislation. This legislation will authorize acquisition by the federal government of approximately 44,000 acres of remaining old-growth redwood groves and the second growth forests that connect them. Because of the serious over cutting of the redwood forests, it is crucial that this bill pass, in order to insure the ability of the forest to regenerate.

In addition the Headwaters Forest is critical habitat for the Northern Spotted Owl, the Marbled Murrelet, several native stocks of salmon, and several other old-growth dependent species. We are losing these species at an alarming rate, due mainly to loss of habitat. If we are to keep these species from extinction, it is crucial that we maintain enough of their habitat to insure perpetuation of viable populations. Acquiring the 44,000 acres Headwaters Complex would be a significant step in this direction.

We are thrilled that the Headwaters Bill has passed so many hurdles, and that it is now ready to go to the House Floor. We send our support and best wishes. Please be assured that we are ready to assist in any efforts that may be needed to ensure the passage of this bill.

Sincerely yours,

GARY AND BETTY BALL.

GREENPEACE,
San Francisco, CA, August 18, 1994.

Congressman DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMBURG: Greenpeace U.S.A. would like to announce our continued support for H.R. 2866 and S. 2866, The Headwaters Forest Act. Greenpeace believes this Act to be one of the most important pieces of legislation facing Congress that will help protect the remaining U.S. ancient forests. The Act is critical to the protection of the Headwaters Forest, one of the last remaining unprotected stands of redwoods, a natural heritage of California.

Greenpeace is actively campaigning to stop the destructive logging of ancient forests worldwide, with a particular emphasis on stopping clearcut practices in the temperate forests. We believe the Hamburg bill is an important global contribution to the protection of old-growth forests.

Sincerely yours,

PAMELA WELLNER,
Forest Campaigner.

COLUMBIANA,
BIOREGIONAL EDUCATION PROJECT,
Oroville, WA, August 26, 1994.

Re: Headwaters Forest Bill HB 2866

Congressman DAN HAMBURG,
Cannon HOB, Washington, DC.

DEAR MR. HAMBURG: We want to add our voices in support of your bill which authorizes acquisition of the Headwaters Redwood Forest.

Before moving to Washington State, we lived in northern California, and were appalled at the wanton destruction of the incomparable heritage of the old growth redwood ecosystem. Whatever can be set aside as a living legacy of this splendid species, should be done so, without hesitation.

Thank you for your efforts on behalf of the redwoods.

Most Sincerely,

GERALDINE PAYTON,
President.

KETTLE RANGE CONSERVATION GROUP,
Republic, WA, August 18, 1994.

Representative DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: I wish to express the unequivocal support of the Kettle Range Conservation Group for the Headwaters Forest Act, H.R. 2866.

As you are aware, the majority of the once expansive ancient redwood forest has been logged. It is of key importance both to the new emerging economy of the Northern California coastal region, and to the multitude of plant and animal species that rely on this finite resource, that the Headwaters Forest grove of ancient redwoods be preserved.

The Kettle Range Conservation Group greatly appreciates your attention given to this important national issue. We thank you for your kind consideration.

Sincerely,

TIMOTHY J. COLEMAN,
President.

THE WILDERNESS SOCIETY,
San Francisco, CA, August 5, 1993.

Hon. DAN HAMBURG,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: I am writing on behalf of the 300,000 members of The Wilderness Society (TWS) to express our strong support for the Headwaters Forest Act of 1993, H.R. 2866. TWS would also like to thank you for your leadership in this important legislative effort.

As you are well aware, the Headwaters Forest and its associated old growth redwood ecosystem is an unique natural resource worthy of public acquisition. Only by the adequate protection and proper management provided by H.R. 2866 can we be certain that this ecosystem will persist over time and that future generations of Americans will be able to visit and enjoy this priceless treasure.

In addition, TWS is especially happy to support the addition of the Headwaters Forest into the National Wilderness Preservation System as Section Four of your bill provides. This addition will bestow the ultimate level of protection on this irreplaceable tract.

Congressman, thank you again for your commitment to sound stewardship and environmental protection demonstrated by the introduction of this important piece of legislation. The Wilderness Society looks forward to working with you and Mr. Stark to secure passage of H.R. 2866 in this Congress.

Very truly yours,

LOUIS BLUMBERG,
Assistant Regional Director.

SIERRA CLUB,
Washington, DC, August 31, 1994.

Hon. DAN HAMBURG,
House of Representative, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: I am writing on behalf of the Sierra Club's half-million members to offer our strong support and to express our gratitude for your leadership on the Headwaters Forest issue.

As you know, this legislation offers critical protection for over 44,000 acres of redwood forest, including approximately 5,000 acres of old-growth. The old-growth in the Headwaters Forest is in urgent need of preservation, as it faces imminent logging if not protected by this bill. The Headwaters Forest area also certain habitat for several threatened and endangered species including the peregrine falcon and marbled murrelet.

In the past eight years, more than 40,000 acres of residual old growth and almost 10,000 acres of virgin redwood trees have been logged by the Maxxam Corporation. The Headwaters Forest Act will put an end to this tragedy by balancing the need for timber production with the need for conservation. H.R. 2866 will also provide long-term job stability by shifting logging practices toward sustainable use and promoting regeneration. This legislation will create jobs in the restoration of watersheds and habitat critically damaged by previous timber harvests.

By introducing H.R. 2866, you have taken the lead in conserving the last unprotected old-growth redwood forest in the world. We hope to continue to work with you in protecting our ancient forests.

Sincerely,

DEBBIE SEASE,
Legislative Director.

ROBIN LAWRENCE SCHAEFFER, PH.D.,
HELENE SCHAEFFER, PH.D.,
Modesto, CA, August 18, 1994.

Congressman DAN HAMBURG,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: I am writing on behalf of our grassroots group S.A.F.E. (Save Our Ancient Forest Ecology), to thank you for introducing a most essential bill, H.R. 2866, The Headwaters Forest Act. I cannot tell you how important this is to all of us. I am delighted to hear that your bill has gained the support of both the environmental community and the timber company involved; since it is therefore quite non-controversial, we look forward to it's speedy

passage on the floor of the House. Our children thank you for your efforts to preserve such a vital part of their heritage.

Sincerely,

DR. ROBIN L. SCHAEFFER,
S.A.F.E. *(Save our Ancient Forest Ecology).*

WASHINGTON WILDERNESS COALITION,
Seattle, WA, August 24, 1994.

Representative DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: The Washington Wilderness Coalition is writing in support of your efforts to pass the Headwaters Forest Act (H.R. 2866). We advocate the acquisition of this 44,400 tract of unprotected redwood forest and are particulary pleased that Pacific Lumber is not opposed to the bill's passage.

We are concerned about the possibility of weakening amendments being added to this act. Amendments that do not allow a holistic management approach for all lands (both those acquired and those with acquisition pending) should be avoided at all costs.

At this crucial time when the remnant stands of redwood forests have suffered from the onslaught of whole-sale harvesting, it is of critical national importance that the Headwaters Forest be saved!

The Washington Wilderness Coalition represents forty grassroots and statewide conservation organizations and over one thousand individual members who are dedicated to protecting public lands in Washington State. Protection of ancient forest of Washington and the Pacific Northwest is a special priority to our members.

Thanks for your ongoing support.

Sincerely,

BARB MIRANDA,
Wilderness Project Coordinator.

SIERRA CLUB LEGAL
DEFENSE FUND, INC.,
Washington, DC, August 23, 1994.

Hon. DAN HAMBURG,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE HAMBURG: On behalf of the Sierra Club Legal Defense Fund, I am writing to express our support for H.R. 2866, the Headwaters Forest Act. The bill authorizes the purchase, from a willing seller, of the largest remaining tract of unprotected redwood forest.

As you well know, the Headwaters Forest—along with the people, fish, and wildlife that depend on it—are paying the price for the leveraged buy-out bonanza of the 1980s. Maxxam Corporation has more than doubled logging rates of this magnificent redwood forest in order to pay off junk bonds used to finance its hostile takeover of Pacific Lumber in 1985.

In so doing, Maxxam has jeopardized not only coho salmon and other species of fish and wildlife for which the Headwaters provides habitat, but the jobs of fishers and others who depend on healthy populations of those species as well. In addition, by rapidly liquidating the forest, Maxxam has effectively signed the termination papers for the workers who had logged Pacific Lumber's lands in a more conservative, sustainable manner for generations.

We appreciate your leadership in moving this bill through the Congress and look forward to working with you toward its enactment.

Sincerely,

KEVIN KIRCHNER.

NATIONAL AUDUBON SOCIETY,
Washington, DC, August 24, 1994.

Hon. DAN HAMBURG,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: The National Audubon Society would like to express its support of H.R. 2866, the Headwaters Forest Act of 1994.

The Headwaters Forest is a priceless remnant of an environment nearly lost. Only fragments remain of the great redwood stands that once blanketed much of the northwestern coast of your state. These virgin stands of redwood forest are more than just trees. They are complex ecosystems of hundreds of species, including the endangered northern spotted owl and marbled murrelet. The forest also protects the watersheds that support the coho salmon, which may be soon listed as a threatened species. Saving these remaining islands of old growth and the surrounding second growth forests is critical to protecting the species that depend on them.

The timing of this legislation is also critical. The Headwaters Forest Act would take advantage of a unique opportunity to rescue this last unprotected remnant of a virgin redwood forest ecosystem. Maxxam Corporation is a "willing seller", having endorsed H.R. 2866. But without government acquisition, Maxxam will log the area to service its debt. The moment for action to save the Headwaters Forest has arrived.

The National Audubon Society supports H.R. 2866 and thanks you for your efforts to protect this natural treasure. We look forward to working with you in every way possible to secure passage of H.R. 2866 and the permanent protection of the Headwaters Forest.

Sincerely,

BROCK EVANS,
Vice President for National Issues.

ANCIENT FOREST ALLIANCE
August 15, 1994.

House of Representatives,
Washington, DC.

DEAR MEMBER OF CONGRESS: The Ancient Forest Alliance, whose member groups represent citizens across the nation, strongly urges you to support H.R. 2866, the Headwaters Forest Act, when it comes before the House later this week. H.R. 2866 was introduced by Rep. Dan Hamburg D-CA) and cosponsored by 142 of your colleagues; it was recently passed out of both the Agriculture and Natural Resource Committees.

The Headwaters Forest Act would authorize the acquisition by the U.S. Forest Service of the largest remaining unprotected redwood forest in the world. These virgin redwood groves are currently owned by the Maxxam Corporation, which acquired them along with the Pacific Lumber Company in 1986. The Maxxam Corporation will not oppose the Headwaters bill, which is supported by local, regional and national environmental groups, along with the American Fishing Tackle Manufacturers Association and representatives of sport and commercial fishing organizations.

The Headwaters Forest is significant not only because of its size, and its virgin redwood forest ecosystem, but also because it is home to the coho salmon, which has been petitioned for listing as a threatened species under the Endangered Species Act. The protection of the coho salmon habitat is especially critical to northern California, where the decline of the coho salmon fishing industry since the 1970's has cost the state about $100 million a year in reduced economic activity.

The passage and ultimate enactment of H.R. 2866 would take a troubling land management issue affecting private lands and threatened species out of the courts and resolve a dispute which has polarized the people of northern California for almost a decade.

Please support the Headwater Forest Act. Your vote for H.R. 2866 can provide the community, and the remaining Headwaters Forest, with a sustainable ecosystem management strategy based upon watershed restoration and the protection of private property rights.

Sincerely,

BROCK EVANS,
National Audubon Society.
JUDY GUSE-NORITAKE,
Pacific Rivers Council.
JIM OWENS,
Western Ancient Forest Campaign.
DOUG INKLEY,
National Wildlife Federation.
KEVIN KIRCHNER,
Sierra Club Legal Defense Fund.
MICHAEL FRANCIS,
The Wilderness Society.

ETNA, CA,
August 18, 1994.

Re support for H.R. 2866, the Headwaters Forest Act.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: The directors and members of Marble Mountain Audubon Society wish to express their strong support for H.R. 2866 and our appreciation for the leadership you have demonstrated in bringing this bill through committee and, hopefully, to the floor of the House.

The best scientific information indicates that we need the Headwaters Forest protected if we are to have a chance of retaining viable populations of Marbled Murrelets in California. The Headwaters Forest is also a legacy for our children a place where we hope that, because of your efforts and the action of the US Congress, future generations will be able to experience the majesty of the Ancient Forests which dominated the landscape when European Americans first arrived on the North Coast.

Please let us know if there is any way we can help to achieve passage of H.R. 2866.

Sincerely yours,

FELICE PACE,
Conservation Chair.

KLAMATH FOREST ALLIANCE,
Etna, CA, August 18, 1994.

Subject: Support for H.R. 2866, the Headwaters Forest Act.

Hon. DAN HAMBURG,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HAMBURG: The board, activists and staff of Klamath Forest Alliance wish to express their strong support for H.R. 2866 and our appreciation for the leadership you have demonstrated in bringing this Bill through committee and, hopefully, to the floor of the House. It is abundantly clear that we need the Headwaters Forest protected if we are to have a chance of retaining viable populations of Marbled Murrelets in California. Furthermore, the Headwaters Forest is a legacy for our children—a place where we hope that, because of your efforts and the action of the U.S. Congress, future generations will be able to experience the

forests which dominated the landscape when European Americans first arrived on the North Coast.

Please let us know if there is any way we can assist you in achieving passage of H.R. 2866.

Sincerely yours,

FELICE PACE,
Program Coordinator.

SAVE-THE-REDWOODS LEAGUE,
San Francisco, CA, September 2, 1994.

Hon. DAN HAMBURG,
Cannon Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMBURG: The Save-the-Redwoods League supports the protection of the old growth Redwood Forest in H.R. 2866, the Headwaters Forest Act. Protecting the Headwaters Forest is a key to the long term regional protection of the remaining coastal old growth ecosystem.

We are encouraged that the Pacific Lumber Co. now supports the bill. We are committed to working with you to see that H.R. 2866 and Senator Boxer's companion legislation are enacted in this session of Congress.

The debate over the fate of the Headwaters Forest is of national importance. We feel that H.R. 2866 is an effective means for resolving this long-standing dispute to protect the remaining old growth Redwoods owned by Pacific Lumber Co. and its parent company Maxxam Corp.

Sincerely,

JOHN B. DEWITT,
Executive Director.

ENVIRONMENTAL DEFENSE FUND,
Washington, DC, August 29, 1994.

Hon. DAN HAMBURG,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMBURG: This letter is to offer my strong support for H.R. 2866, the Headwaters Forest Act. The Environmental Defense Fund welcomes the long overdue protection of the largest remaining stands of old-growth coastal redwoods on private property, and applauds the sale by willing owners to the federal government.

The old-growth redwoods of northern California are of inestimable value not only to Californians, but to all Americans. The transfer of this property to federal ownership would ensure permanent protection for these magnificent giants. In addition, through the broad-based protection of habitat in the Headwaters Forest, H.R. 2866 offers new hope for other imperilled species as coho and other salmon.

Sincerely,

MICHAEL J. BEAN,
Chairman, Wildlife Program.

RAINIER AUDUBON SOCIETY,
Auburn, WA, August 19, 1994.

Re H.R. 2866 Headwaters Forest Act.

Representative DAN HAMBURG,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE HAMBURG: The members of Rainier Audubon Society in Washington State would like you to know that we whole-heartedly support the Headwaters Forest Act that you have introduced in Congress.

The redwood forests in California are a National treasure. A treasure to man and wildlife to be protected and preserved forever. Who can think of the Redwood Forests without singing a few lines of "This Land Is My Land". This land is OUR land, and the US Forest Service has the chance to acquire 44,000 acres of forest and 7,000 acres of natural (never managed by man) late successional old growth forest. This wonderful part of the earth has for too long been abused and now needs good stewardship.

This bill is critical to not only saving trees, but we're also talking about essential habitat for threatened coho salmon. Salmon only live in cold water. The need for thick cover over rivers and streams means life or death. Salmon also need clear rivers and streams to lay eggs, too much silt from the land when trees are cut, suffocates the eggs.

Economically, this bill will help to keep the fishing industry alive along the coast and rivers of California. The Number 1 money maker in the world is tourism. When these lands are restored from past logging and brought back to their natural state, some of it can be used for tourism.

H.R. 2866 will designate as a wilderness area, The Headwaters Grove, the largest of the virgin stands in this acquisition. This is an area that can never be re-produced. It should be an area preserved for scientific and natural study as well as for its aestetic value.

The Maxxam Corporation has dropped its opposition to this bill and even the timber industry is supporting this bill. NOW is the time to act and turn over this land to the stewardship of the US Forest Service.

Please feel free to use any parts of this letter to help securing the passage of your bill.

Sincerely,

BEVERLY BLINN,
Rainier Audubon Society.

Mr. HANSEN. Mr. Chairman, I yield my remaining 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I yield to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding. If the author of the bill would not mind, I would like to ask a question about the map he has put up.

In particular, the gentleman has down there the irregular borders of what would be included in the 44,000 acres in this tract. Are there any other property owners, private property owners included in that 44,000 acres?

Mr. HAMBURG. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from California.

Mr. HAMBURG. Mr. Chairman, the vast majority is owned by the Pacific Lumber Co. There are some small owners. I believe Sierra Pacific, and I believe Simpson owns about a thousand acres in there, and I think that is it.

Mr. POMBO. If the gentleman will continue to yield, are there any areas outside of that 44,000 acres that are old growth redwood that should be protected in the gentleman's opinion?

Mr. HAMBURG. If the gentleman will yield further, I believe that on the 190,000-acre ownership of Pacific Lumber there are other stands of residual old growth.

□ 1500

Pacific Lumber has been logging that old growth. In fact, when they took over the company in 1985, there were about 16,000 acres of ancient redwoods on the property, and this 5,300 acres represents just about all that is left. I am sure there are some small residual stands which they continue to log.

Mr. POMBO. I thank the gentleman.

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, I would strongly urge opposition to this bill. It kills jobs. It burdens the taxpayers. It is totally unnecessary and is opposed by hundreds of workers who work for Palco who signed these petitions. Let us bring them into the equation, because it is their jobs that are going to be lost.

The CHAIRMAN. The gentleman from California [Mr. MILLER] has 30 seconds remaining, and the gentleman from Texas [Mr. DE LA GARZA] has 3½ minutes remaining.

Mr. MILLER of California. Mr. Chairman, I urge support for the legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in open debate, any statement that is made by one person can be refuted by another person, and that is where we find ourselves with a billion and a half and 1 billion, bringing in the RTC and all of the other areas of concern. I submit to you that we have an answer, a logical, appropriate answer, to every one of those statements made.

What I would like to finally say is that, and as I said in the beginning, I dissociated myself from any provincial, from any partisan, from any personal; I want to deal solely with the legislation that we have here before us and to state that these proposed acres to be acquired by whatever manner will belong to us, to all of us.

I have youngsters in my congressional district that have never seen a redwood. Iowa has youngsters that may not ever have seen a national seashore which we acquired, the Federal Government, some in my area, some in the Carolinas, some on the Pacific coast.

We are talking about the future of this country. We are talking about youngsters that may never have seen a redwood or a salmon in the river or a trout in the river or a deer in the wild. This is what this bill is all about. It is not about acquiring more property for the Government of the United States of America. It is so that we preserve for the future generations some of that which could be lost and never be again.

Time rolls on. The weather, the climate change. I have seen clearcutting and do not approve of it, and we have tried to temper that, these two committees that are here sponsoring, handling this bill. We do not want the clearcutting. We do not want to clear the countryside.

We want every American youngster to be able to see a pine tree, a redwood

tree, the ocean, to wet his feet in the ocean waters. The only pearls many of the youngsters in my district would be able to see would be seashells.

Finally, I want to quote the gentleman from South Carolina [Mr. RAVENEL], one of our colleagues, who mentioned that his son, when he saw the spread of trees and the light shining through, he asked him, "What is this?" And he said, "a church." Oddity of all oddities, I was at Mount Hood under some gigantic trees, old growth, and I told the forester who was my guide, when only a little bit of sun would shine through the trees, I says, "You know, I feel as if I were in a national cathedral somewhere in Europe." How odd that the chairman of the Committee on Agriculture, the Congressman from Texas, would say that at Mount Hood, and a little boy would say that in South Carolina. That is what this bill is all about.

Everything else can be compromised. Everything else can be adjusted. But the availability of the resources and the bounty of this country to future generations should be protected, and that is what this bill is all about.

Mr. ROEMER. Mr. Chairman, I rise today to support not only the Headwaters Forest Act, but the process that will be used to carry out the measures that comprise this legislation.

There were at one time 2 million acres of ancient redwood forests on our Nation's Pacific coast. Less than 5 percent of these remain. The Headwaters Forest now remains the largest private owned stand of old-growth forest in the world, and this bill is designed to protect this parcel of critical land and habitat.

But the unique thing about this bill, Mr. Chairman, is that it has enlisted the support of the owners of this private property as well as environmental and other groups.

The process spelled out in the bill seeks to avoid direct taxpayer expenditures whenever possible, using instead land transfers. This respect for both the environment and for the rights of private property owners is an important model for us to use in future endeavors, and I want to strongly compliment Representative DAN HAMBURG of California for carefully crafting this measure.

Mr. Chairman, we throw the word "leadership" around in this Chamber quite freely, but I want to say that this is an example of leadership. Congressman HAMBURG has provided a quality answer to a difficult problem, and I urge my colleagues to support this bill today.

Mr. BARLOW. Mr. Chairman, I rise today to urge my colleagues to support the Headwaters Forest Act, H.R. 2866. The trees in Headwaters Forest are the last and largest stand of unprotected giant redwoods. This stand of old growth trees is the anchor for an entire regional ecosystem of immense scientific and economic importance.

The Headwaters Forest Act will authorize Federal acquisition of 44,000 acres of redwood forest in northern California. The act will not only protect a 160-million-year-old species but will sustain the logging industry of Northern California, by allowing 80 percent of the acquisition to be managed for a sustainable level of logging in second growth forests.

By supporting the Headwaters Forest Act you are protecting our children's right to experience an unique ecosystem that exists nowhere else in the world.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the original bill shall be considered under the 5-minute rule and, without objection, is considered as read.

There was no objection.

The text of H.R. 2866 is as follows:

H.R. 2866

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 "Headwaters Forest Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Redwoods are a significant national symbol and a defining symbol of the State of California.

(2) Old growth redwood trees are a unique and irreplaceable natural resource.

(3) Most of the Nation's old growth forests have been cut. Less than 5 percent of the original 2,000,000 acre Coast redwoods remain standing. The groves that are left are crucial to maintain habitat needed for survival of old-growth dependent species. The Headwaters Forest, for example, is home to one of California's three largest population of marbled murrelets, rare sea birds that nest only in coastal old growth trees; the Northern Spotted Owl; and native salmon stocks that spawn in the Forest's creeks.

(4) The remaining unprotected stands of old growth forests and old growth redwoods are under immediate threat of being harvested without regard to their ecological importance and without following Federal timber harvest guidelines.

(5) Significant amounts of old growth redwoods in the proposed National Forest additions are being cut at a pace that is based on paying high interest rates on poor quality bonds and not at a pace that is based on sound forest management practices.

(b) PURPOSE.—The purpose of this Act is to provide for the sound management and protection of old growth Redwood forest areas in Humboldt County, California, and to preserve and enhance habitat for the marbled murrelet, Northern Spotted owl, native salmon stocks, and other old growth forest dependent species, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system.

SEC. 3. ADDITION TO SIX RIVERS NATIONAL FOREST.

(a) EXTENSION OF BOUNDARIES.—The exterior boundaries of the Six Rivers National Forest in the State of California are hereby extended to include the area comprising approximately 44,000 acres, as generally depicted on the map entitled "Six Rivers National Forest Addition proposed", dated June 1993. Such area shall hereinafter in this Act be referred to as the Six Rivers National Forest Addition. The map shall be on file and available for public inspection in the offices of the Forest Supervisor, Six Rivers National Forest, and in the offices of the Chief of the Forest Service, Department of Agriculture.

(b) ACQUISITION OF LAND.—(1) The Secretary shall acquire lands or interests in land within the exterior boundaries of the Six Rivers National Forest Addition by donation, by purchase with donated or appropriated funds, or by exchange for other lands owned by any department, agency, or instrumentality of the United States. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377). Lands, and interests in lands, within the boundaries of the Headwaters Forest which are owned by the State of California or any political subdivision thereof, may be acquired only by donation or exchange.

(2) The Secretary is authorized to accept from the State of California funds to cover the cost of acquiring lands within the Headwaters Forest, and notwithstanding any other provision of law, the Secretary may retain and expend such funds for purposes of such acquisition. Such funds shall be available for such purposes without further appropriation and without fiscal year limitation.

(c) LAND ACQUISITION PLAN.—The Secretary shall develop and implement, within 6 months after the enactment of this Act, a land acquisition plan which contains specific provisions addressing how and when lands will be acquired under subsection (b). The plan shall give priority first to the acquisition of lands within the boundaries of the Headwaters Forest Wilderness identified on the map referred to in section 3(a). The Secretary shall submit copies of such plan to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the United States House of Representatives and to the Committee on Energy and Commerce, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the United States Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 4. WILDERNESS AREAS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131–1136), lands in the State of California acquired under section 3 of this Act which are within the areas generally depicted on the map referred to in section 3 as the "Headwaters Forest Wilderness (Proposed)" shall be designated as wilderness and therefore as a component of the National Wilderness Preservation System, effective upon acquisition under section 3. Such lands shall be known as the Headwaters Forest Wilderness.

(b) MAP AND DESCRIPTION.—As soon as practicable after the inclusion of any lands in the Headwaters Forest Wilderness, the Secretary shall file a map and a boundary description of the area so included with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. The Secretary may correct clerical and typographical errors in such boundary description and such map. Each such map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

(c) BUFFER ZONES NOT INTENDED.—The Congress does not intend that designation of any area as wilderness under this section

lead to the creation of protective perimeters or buffer zones around the wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(d) STATE AUTHORITY OVER FISH AND WILDLIFE.—As provided in section 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of California with respect to wildlife and fish in any areas designated by this Act as wilderness.

SEC. 5. ADMINISTRATION.

(a) MANAGEMENT PLAN.—The Secretary shall develop, within 1 year after the enactment of this Act, a comprehensive management plan detailing measures for the preservation of the existing old growth redwood ecosystems in the Six Rivers National Forest Addition, including but not limited to each of the following:

(1) Prohibition of sale of timber from lands within the old growth redwood groves as depicted generally on the map referred to in section 3(a). Timber sales in other areas shall be allowed consistent with the purposes of this Act and other applicable Federal laws and regulations.

(2) Measures to restore lands affected by previous timber harvests to mitigate watershed degradation and impairment of habitat for the marbled murrelet, spotted owl, native salmon stocks, and other old-growth forest dependent species ("Restoration Measures").

The Management Plan shall be reviewed and revised every time the Six Rivers National Forest Land and Resource Management plan is revised or more frequently as necessary to meet the purposes of this Act.

(b) APPLICABLE LAWS AND POLICIES.—(1) The Secretary, acting through the Chief of the Forest Service, shall administer the lands acquired under section 3(b) in accordance with the Management Plan, this Act, and with the other laws, rules, and regulations applicable to such national forest. In addition, subject to valid existing rights, any lands acquired and designated as wilderness under section 4(a) shall also be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of acquisition of such lands under section 3 of this Act.

(2) To the maximum extent practicable, all work to implement the management plan's Restoration Measures shall be performed by unemployed forest and timber workers, unemployed commercial fishermen, or other unemployed persons whose livelihood depends on fishery and timber resources.

(3) In order to facilitate management, the Secretary, acting through the Chief of the Forest Service may enter into agreements with the State of California for the management of lands owned by the State or purchased with State assistance.

SEC. 6. PAYMENTS TO LOCAL GOVERNMENT.

(a) PILT.—Solely for purposes of payments made pursuant to chapter 69 of title 31 of the United States Code, all lands added to the Six Rivers National Forest by this Act shall be deemed to have been acquired for the purposes specified in section 6904(a) of such title 31.

(b) 10-YEAR PAYMENT.—(1) Subject to annual appropriations and the provisions of subsection (c), for a period of 10 years after acquisition by the United States of lands added to the Six Rivers National Forest by this Act, the Secretary, with respect to such acquired lands, shall make annual payments to Humboldt County in the State of California in an amount equal to the State of California Timber Yield Tax revenues payable under the California Revenue and Taxation Code (sec. 38101 et seq.) in effect as of the date of enactment of this Act that would have been paid with respect to such lands if the lands had not been acquired by the United States, as determined by the Secretary pursuant to this subsection.

(2) The Secretary shall determine the amounts to be paid pursuant to paragraph (1) of this subsection based on an assessment of a variety of factors including, but not limited to—

(A) timber actually sold in the subject year from comparable commercial forest lands of similar soil type, slope and such determination of appropriate timber harvest levels,

(B) comparable timber size class, age, and quality,

(C) market conditions,

(D) all applicable Federal, State, and local laws and regulations, and

(E) the goal of sustainable, even-flow harvest or renewable timber resources.

(c) CALIFORNIA TIMBER YIELD TAX.—The amount of State of California Timber Yield Tax payments paid to Humboldt County in any year pursuant to the laws of California for timber sold from lands acquired under this Act shall be deducted from the sums to be paid to Humboldt County in that year under subsection (b).

(d) 25-PERCENT FUND.—Amounts paid under subsection (b) with respect to any land in any year shall be reduced by any amounts paid under the Act of May 23, 1908 (16 U.S.C. 500) which are attributable to sales from the same lands in that year.

SEC. 7. FOREST STUDY.

The Secretary shall study the lands within the area comprising approximately 13,620 acres and generally depicted as "Study Area" on the map referred to in section 3(a). The study shall analyze the area's potential to be added to the Headwaters Forest and shall identify the natural resources of the area including the location of old growth forests, old growth redwood stands, threatened and endangered species habitat and populations including the northern spotted owl and marbled murrelet, commercial timber volume, recreational opportunities, wildlife and fish, watershed management, and the cost of acquiring the land. Within one year of the date of enactment of this Act, the Secretary shall submit a report with the findings of the study to the Committees on Natural Resources, and Agriculture of the United States House of Representatives and the Committees on Energy and Natural Resources, and Agriculture, Nutrition, and Forestry of the United States Senate.

The CHAIRMAN. No amendment to the bill shall be in order except the amendments printed in House Report 103-732. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order at any time for the chairman of the Committee on Agriculture or a designee to offer amendments en bloc consisting of amendments printed in the report or germane modifications of any such amendment. Amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, pursuant to section 2 of House Resolution 536, I offer amendments en bloc, as modified.

The CHAIRMAN. The Clerk will designate the amendments en bloc, as modified.

The text of the amendments en bloc, as modified, is as follows:

Amendments en bloc, as modified, offered by Mr. DE LA GARZA:

Amendment offered by Mr. DOOLEY, as modified: Strike section 3 and insert the following:

(c) DEFINITIONS.—For purposes of this Act:

(1) The terms "Six Rivers National Forest Addition" and "Headwaters Forest" mean the area authorized for land acquisition activities under section 3, as depicted on the map described in section 3(b)(1).

(2) The term "Secretary" means the Secretary of Agriculture.

SEC. 3. ADDITION TO SIX RIVERS NATIONAL FOREST.

(a) MODIFICATION OF BOUNDARIES.—Effective upon the consummation of a land acquisition conducted as provided in subsection (b), the Secretary of Agriculture shall modify the exterior boundaries of the Six Rivers National Forest in the State of California to include the acquired lands.

(b) ACQUISITION OF LAND.—

(1) AREA FOR ACQUISITION ACTIVITIES.—The Secretary may acquire lands and interests in land within the boundaries of an area comprising approximately 44,000 acres, as generally depicted on the map entitled "Six Rivers National Forest Addition proposed" and dated June 1993, for inclusion in the Six Rivers National Forest under subsection (a). The map shall be on file and available for public inspection in the offices of the Forest Supervisor, Six Rivers National Forest, and in the offices of the Chief of the Forest Service, Department of Agriculture.

(2) MANNER OF CONDUCTING ACQUISITION.—Lands and interests in lands within the Six Rivers National Forest Addition may be acquired by the Secretary only by donation, by purchase with donated or appropriated funds, or by exchange.

(3) SPECIAL RULE FOR FEDERAL TRANSFERS.—For purposes of making an exchange under paragraph (2), excess or surplus lands under the jurisdiction of any other department, agency, or instrumentality of the United States may be transferred, subject to

the advance approval of the transfer by law, to the administrative jurisdiction of the Secretary if the Secretary identifies the lands as suitable for use in making an exchange. To facilitate the approval of a transfer of lands under this paragraph, the Secretary shall submit to the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate proposed legislation in connection with the proposed transfer. The transfer of lands under this paragraph shall be made without compensation to the transferring department, agency, or instrumentality.

(4) ACQUISITION OF CERTAIN LANDS OUTSIDE ADDITION.—When a tract of land proposed to be acquired is only partly within the Six Rivers National Forest Addition, the Secretary may acquire all or any portion of the land outside of the Six Rivers National Forest Addition to minimize the payment of severance costs. Land acquired outside of the boundaries may be exchanged by the Secretary for nonFederal lands within the boundaries. Land acquired outside of the boundaries of the Six Rivers National Forest Addition under this paragraph and not used for exchange shall be reported to the Administrator of the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(5) SPECIAL RULE FOR STATE OR LOCAL GOVERNMENT LANDS.—Lands and interests in lands within the boundaries of the Six Rivers National Forest Addition that are owned by the State of California or any political subdivision thereof, may be acquired only by donation or exchanges.

(6) ACCEPTANCE AND USE OF FUNDS.—The Secretary may accept from the State of California funds to cover the cost of acquiring lands within the Six Rivers National Forest Addition. Notwithstanding any other provision of law, the Secretary may retain and expend such funds for purposes of such acquisition. Such funds shall be available for such purposes without further appropriation and without fiscal year limitation.

(c) LAND ACQUISITION PLAN.—The Secretary shall develop and implement, within 6 months after the date of the enactment of this Act, a land acquisition plan that contains specific provisions addressing how and when lands will be acquired under subsection (b). The plan shall give priority first to the acquisition of lands within the Six Rivers National Forest Addition proposed for inclusion in the National Wilderness Preservation System. The plan shall include an analysis of the possibilities for acquisition through means other than the expenditure of funds, including the use of excess and surplus Federal properties. The Secretary shall identify and list these properties. The Secretary shall submit copies of the plan to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and to the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(e) TERMINATION OF ACQUISITION AUTHORITY.—Notwithstanding any other provision of this section, the Secretary may not acquire lands under the authority of this section after the end of the 10-year period beginning on the date of the enactment of this Act.

In section 4 of the bill, strike subsection (b) and insert the following new subsection:

(b) MAP AND DESCRIPTION.—As soon as practicable after the inclusion of any lands in the Headwaters Forest Wilderness, the Secretary shall file a map and a legal description of the area so included with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. The Secretary may correct clerical and typographical errors in such legal description and such map. Each such map and legal description shall be on file and available for public inspection in the offices of the Forest Supervisor, Six Rivers National Forest, and in the offices of the Chief of the Forest Service, Department of Agriculture.

In section 5 of the bill, strike subsection (a) and insert the following new subsection:

(a) MANAGEMENT PLAN.—Within 1 year after acquiring all or part of the lands identified to be acquired in section 3, the Secretary shall develop a comprehensive management plan for the acquired lands detailing measures for the preservation of the existing old growth redwood ecosystems. The management plan shall include each of the following with respect to the lands so acquired:

(1) Prohibition of the sale of timber from lands within the old growth redwood groves as depicted generally on the map referred to in section 3(b)(1). Timber sales in other areas within the Six Rivers National Forest Addition shall be allowed consistent with the purposes of this Act and other applicable Federal laws and regulations.

(2) Measures to restore lands affected by previous timber harvests to mitigate watershed degradation and impairment of habitat for the marbled murrelet, northern spotted owl, native salmon stocks, and other old-growth forest dependent species.

The management plan shall be reviewed and revised each time the land and resource management plan for the Six Rivers National Forest is revised or more frequently as necessary to meet the purposes of this Act.

Amendment offered by Mr. DOOLITTLE:

Add at the end the following new section:

SEC. 8. NO ADVERSE EFFECT ON LANDS UNTIL ACQUIRED.

(A) IN GENERAL.—Until the lands in the Six River National Forest Addition are acquired under section 3, the owners of the lands and their designees shall be entitled to the full and lawful use and enjoyment of the lands. Nothing in this Act may be—

(1) construed to impose any limitations upon any otherwise lawful use of the lands by the owners of the lands or their designees;

(2) construed as authority to defer the submission, review, approval, or implementation of any timber harvest or similar plan with respect to any portion of the lands; or

(3) construed to grant a cause of action against the owner of the lands or their designees.

(b) VOLUNTARY DEFERMENT OF USE.—The owners of lands described in section 3 or their designees may agree of their own accord to defer some or all lawful enjoyment and use of the land for a certain period of time.

Amendment offered by Mr. POMBO, as modified:

Add at the end of section 3 of the bill the following new subsection:

(e) CONSENT OF OWNER REQUIRED FOR ACQUISITION.—Lands and interests in lands within the Six Rivers National Forest Addition may not be acquired by the Secretary for purposes of this Act without the consent of the owner of the lands.

The Secretary may not acquire lands or interests in land within the Six Rivers National Forest Addition by condemnation.

Amendment offered by Mr. GILCHREST: Add at the end of subsection (a) of section 2 of the bill the following new paragraph:

(6) The continued fragmentation and loss of irreplaceable ecosystems creates an urgent need to develop creative solutions to achieve the long-term benefits of permanent protection and preservation.

Amendment offered by Mr. SCHIFF: Add at the end the following new section:

SEC. . SEARCH AND RESCUE OPERATIONS IN SIX RIVERS NATIONAL FOREST.

As provided in section 4(c) of the Wilderness Act (16 U.S.C. 1133(c)), mechanical transport (including motor vehicles, motorized equipment, and the landing of fixed-wing and rotary aircraft) shall be permitted anywhere within the boundaries of the Six Rivers National Forest with respect to any emergency involving the health or safety of an individual within the national forests.

Amendment offered by Mr. TRAFICANT: Add at the end of the bill the following new section:

SEC. 8. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing payments under section 6 or other financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the Secretary, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. The Clerk will report the modifications to the amendments en bloc.

The Clerk read as follows:

Modifications to amendments en bloc offered by Mr. DE LA GARZA:

Amendment No. 1 offered by Mr. DOOLEY of California is modified by striking "Committee on Energy and Commerce" and inserting "Committee on Energy and Natural Resources".

Amendment No. 3 offered by Mr. POMBO is modified by adding at the end the following: "The Secretary may not acquire lands or interests in lands within the Six Rivers National Forest addition by condemnation."

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 5 minutes, and the gentleman from Florida [Mr. LEWIS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendments en bloc include one offered by the gentleman from California [Mr. DOOLEY] and the gentleman from Missouri [Mr. VOLKMER].

In addition, the amendment requires the land and interest in lands within the Six Rivers National Forest addition may be acquired only by donation, by purchasing with donated or appropriated funds, or by exchange; also, the amendment assures that privately held lands will continue to be available to the owners to use in any way consistent with State and Federal law.

Finally, the amendment sunsets authorization for the acquisition of the 44,000 acres 10 years after enactment of the bill, and as a result of the acquisition language in this amendment, CBO estimates that the pay-as-you-go impacts of the bill are negligible or basically zero.

We also have the so-called Doolittle amendments which were accepted by the full committee, and guarantee landowners full and lawful use and enjoyment of their lands until they are acquired by the Federal Government. The purpose of the amendment is, in part, to prevent restrictions on use as a result of the Federal Government's examination of this land for inclusion in the Six Rivers National Forest. This amendment is supported by the gentleman from California [Mr. HAMBURG] and the Maxxam Corp. This amendment was offered during the Natural Resources Committee markup, but not adopted. However, report language was included to reflect the intent of the amendment.

Then we have the Pombo amendment. This amendment was approved by the full committee and requires consent of the landowner as a condition of the acquisition of lands in the Six Rivers National Forest addition. This amendment is supported by the gentleman from California [Mr. HAMBURG] and the Maxxam Corp. This amendment was offered during the Natural Resources Committee markup but not adopted.

Then we have a Gilchrest amendment. This amendment provides that the continued fragmentation and loss of irreplaceable ecosystems creates an urgent need to develop creative solutions, which was explained by the gentleman from Maryland [Mr. GILCHREST].

Then we have an amendment offered by the gentleman from New Mexico [Mr. SCHIFF]. This amendment would permit the mechanical transport within the Six Rivers Forest addition, and that sometimes you legislate and it does not work out in real life. That is the reason for this amendment, in that if there be an injury or something like that that you can use mechanical transport to move the injured person, or in any other similar need.

Then there is the Traficant amendment, which applies to Buy American provisions of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Madam Chairman, I want to thank the chairman of the Committee on Agriculture for including my proposed amendment in the proposed en bloc amendments.

I want to explain, as the chairman said, sometimes we legislate in certain ways, but it does not work out well practically.

We had a situation in New Mexico a couple of months ago where, in brief, a 14-year-old was lost, and the State police helicopter located him but was denied permission to land by the U.S. Forest Service based upon their understanding of the Wilderness Act. The boy remained lost another night until the Forest Service made a special exception and called the State police helicopter back. This time they found him again and picked him up the second time.

This should not happen another time. I think that wilderness areas have their purpose. I support that purpose. But when someone is lost, when someone is injured, when there is any other kind of emergency involving life or health, that is a reason to allow a mechanical device, in this case it was a helicopter, to land and make a rescue. That is what this amendment says.

□ 1510

That is what this amendment says. This same language has been adopted in the Santa Fe Forest-related bill passed by this House in recent weeks.

Madam Chairman, I thank the gentleman from California [Mr. HAMBURG] for agreeing to this.

Mr. LEWIS of Florida. Madam Chairman, we have no objection to the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. DE LA GARZA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment was offered by us to accommodate legitimate, valid concerns of many Members. Madam Chairman, I urge an "aye" vote.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Ms. PELOSI). The question is on the amendments en bloc, as modified, offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore. The Chair is advised that amendment numbered 5 in House Report 103–732 will not be offered.

It is now in order to consider amendment No. 6, printed in House Report 103–732.

AMENDMENT OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Madam Chairman, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOOLITTLE: Strike subsection (d) of section 3 of the bill and insert the following new subsection.

(d) AUTHORIZATION OF APPROPRIATIONS; LIMITATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act; except that the total amount obligated or expended to acquire lands or interests in lands in the Six Rivers Forest Addition shall not exceed $200,000,000.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment is quite straightforward. It merely replaces the bill's unlimited authorization with a cap of $200 million for land acquisition.

Many of the bill's proponents claim that most of the 44,000 acres will be acquired through land exchanges rather than costly direct purchases. Consequently, my amendment should not hamstring the Forest Service's efforts to acquire this land through the exchange process. In fact, the Lands Division of the U.S. Forest Service has advised me that last year it spent about $7 million in administration costs to acquire 60,000 acres through the exchange process.

Madam Chairman, my amendment is an insurance policy for the taxpayer against the Federal Government's past history of grossly underestimating the value of redwood timber lands, which underestimation has resulted in exorbitant land acquisition costs. For example, Interior Secretary Cecil Andrus told Congress in 1978 that expansion of the Redwood National Park would cost an estimated $359 million. The final costs for that land acquisition were $1.4 billion. In other words, it ended up costing more than 400 percent what had been estimated.

By the way, this is one of the least visited national parks in the entire National Park System.

Mr. DE LA GARZA. Madam Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the chairman of the committee.

79–059 O—97 Vol. 140 (Pt. 18) 15

Mr. DE LA GARZA. I thank the gentleman for yielding.

Madam Chairman, I wanted to clarify something. My understanding is that the gentleman's so-called cap includes only prospective appropriated funds. Am I correct? It does not include donated or exchange properties?

Mr. DOOLITTLE. It is prospective, yes, that is my understanding.

Mr. DE LA GARZA. Of only appropriated funds.

Mr. DOOLITTLE. And prospective appropriated funds, that is correct.

Mr. DE LA GARZA. It does not include donated lands?

Mr. DOOLITTLE. Does not include donated lands.

Mr. DE LA GARZA. Or exchanged lands.

I thank the gentleman for helping us clarify the situation.

Mr. DOOLITTLE. Right. It only applies to appropriated money. That is why if the lands are going to be acquired through exchange, that is outside the $200 million.

Mr. DE LA GARZA. I appreciate the gentleman's clarification.

Mr. DOOLITTLE. If I may continue here: The Forest Service's official appraisal of a 4,488-acre tract, which included the Headwaters Forest and a buffer zone, conducted almost 2 years ago, found that tract valued $499 million. Since Redwood stumpage prices have risen about 15 percent annually since then, this tract now has a value exceeding $650 million. Moreover, the chief appraiser of the Forest Service told the Subcommittee on National Parks at a hearing on October 12, 1993, that the additional 40,000 acres in this bill had an estimated value of $1 billion. This would bring the entire price tag to $1.5 billion.

Let us remember the Congress in recent years has appropriated an average of $64 million per year for Forest Service land acquisition in the entire country. As a result, if there were no inflation and if the Forest Service used this money only for this particular property, it would take them 23 years to complete the purchase, to complete the purchase.

It is also important to remember that the Forest Service has a backlog of $750 million of high-priority land acquisitions. H.R. 2866 without the cap would only make this situation worse. Without my amendment, this bill appropriates "such sums as may be necessary," which history shows can be astronomical. In the case of the Redwood National Park, the expansion there in 1978, over 400 percent over what has been estimated. For that reason, Madam Chairman, I bring this amendment to the House, before the committee, just to provide some level of certainty as to what the costs are actually going to be. I request that the Members support the amendment.

The CHAIRMAN pro tempore. Does any Member rise in opposition?

Mr. DE LA GARZA. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Madam Chairman and my colleagues, the scenario presented by our distinguished colleague who immediately preceded me explains the reason why the concern. If there are 7,000-some projects and this goes to the bottom of the line, if it would take 23 years, when the bill already has a limitation of 10 years. So what is the problem? So it seems to me that there is something beyond the legislation, because if there are only $63 million per year appropriated, it may be years before there is a penny appropriated, and maybe never. It will be done by the land exchanges, by donations from California, or other interested groups.

So I think the excellent presentation made by my colleague just before me negates any major concern that we will be appropriating money, unless the Forest Service would negate all of its prior work and put this at the top of the list, which I am sure that all of the other prospective recipients would object to strenuously.

So I do not see any need at all for this amendment because the explanation by the author of the amendment dictates that it is not needed.

Mr. Chairman, I urge a "no" vote.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from California [Mr. DOOLITTLE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LEWIS of Florida. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The gentleman demands a recorded vote and makes the point of order that a quorum is not present.

The Chair will count for a quorum.

Mr. LEWIS of Florida. Mr. Chairman, I withdraw my point of order——

The CHAIRMAN. The Chair will count for a quorum for the moment.

Mr. LEWIS of Florida. Mr. Chairman, I withdrew my point of order on a quorum.

The CHAIRMAN. The gentleman withdraws his point of order.

The gentleman requests a recorded vote.

A sufficient number having risen, a recorded vote is ordered.

Mr. DE LA GARZA. Mr. Chairman, I ask unanimous consent that I be allowed to make a motion at this point if it is permissible, or if the gentleman would withdraw his request for a recorded vote.

Mr. LEWIS of Florida. Mr. Chairman, I reserve the right to object, but I will not withdraw my request for a vote.

The CHAIRMAN. Will the gentleman from Texas please state the reason he has risen.

Mr. DE LA GARZA. Mr. Chairman, I would ask unanimous consent to vacate the proceedings up to this point if the gentleman is in agreement. The purpose for doing this is that the author of the legislation feels that he would be agreeable to accepting the amendment.

□ 1520

Mr. LEWIS of Florida. I have no objection, Mr. Chairman.

The CHAIRMAN. Is there objection to vacating the proceedings by which a recorded vote was ordered and the proceedings by voice vote on the amendment?

Mr. DOOLITTLE. Yes, Mr. Chairman, I object. I would like a recorded vote. I would like the recorded vote because the chairman, the gentleman from Texas [Mr. DE LA GARZA], testified it was a useless amendment. So, let us get the recorded vote.

The CHAIRMAN. Objection is heard. A recorded vote is ordered.

RECORDED VOTE

The vote was taken by electronic device, and there were—ayes 240, noes 188, not voting 11, as follows:

[Roll No. 431]

AYES—240

Ackerman	DeFazio	Hoke
Allard	DeLay	Holden
Archer	Derrick	Horn
Armey	Diaz-Balart	Houghton
Bachus (AL)	Dickey	Huffington
Baker (CA)	Doolittle	Hunter
Baker (LA)	Dornan	Hutchinson
Ballenger	Dreier	Hutto
Barca	Duncan	Hyde
Barrett (NE)	Dunn	Inglis
Barrett (WI)	Edwards (TX)	Inslee
Bartlett	Ehlers	Istook
Barton	Emerson	Jacobs
Bateman	English	Johnson (CT)
Bentley	Everett	Johnson, Sam
Bereuter	Ewing	Johnston
Bilirakis	Fawell	Kaptur
Bliley	Fields (TX)	Kasich
Blute	Fish	Kim
Boehlert	Fowler	King
Boehner	Franks (CT)	Kingston
Bonilla	Franks (NJ)	Klein
Browder	Furse	Klug
Bunning	Gallegly	Knollenberg
Burton	Gekas	Kolbe
Buyer	Geren	Kyl
Callahan	Gilchrest	Lambert
Calvert	Gillmor	Lancaster
Camp	Gilman	Lazio
Canady	Glickman	Leach
Cantwell	Goodlatte	Lehman
Cardin	Goodling	Levin
Castle	Goss	Levy
Chapman	Grams	Lewis (CA)
Clement	Grandy	Lewis (FL)
Clinger	Green	Lewis (KY)
Coble	Greenwood	Lightfoot
Collins (GA)	Gunderson	Linder
Combest	Hall (OH)	Lipinski
Condit	Hall (TX)	Livingston
Cooper	Hamilton	Lloyd
Coppersmith	Hancock	Long
Costello	Hansen	Lucas
Cox	Harman	Machtley
Cramer	Hastert	Manzullo
Crane	Hefley	McCandless
Crapo	Herger	McCloskey
Cunningham	Hobson	McCollum
Darden	Hochbrueckner	McCrery
Deal	Hoekstra	McDade

McHugh
McInnis
McKeon
McMillan
Meyers
Mfume
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Nussle
Orton
Owens
Oxley
Packard
Paxon
Payne (VA)
Penny
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—188

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
de Lugo (VI)
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gutierrez
Hamburg
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hoyer
Hughes
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lantos
LaRocco
Laughlin
Lewis (GA)
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Romero-Barcelo (PR)
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Skaggs
Skelton
Slaughter
Smith (IA)
Stark
Stokes
Studds
Swift
Synar
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—11

Blackwell
Frost
Gallo
Gingrich
Inhofe
Ros-Lehtinen
Rostenkowski
Slattery
Sundquist
Thompson
Washington

□ 1543

Messrs. BERMAN, KREIDLER, FINGERHUT, MOAKLEY, WATT, BISHOP, and DINGELL changed their vote from "aye" to "no."

Messrs. SAXTON, HOLDEN, TAYLOR of Mississippi, PAYNE of Virginia, MFUME, LEVIN, PETERSON of Florida, LANCASTER, BROWDER, GLICKMAN, JACOBS, RIDGE, POMEROY, Ms. FURSE, and Mr. DEAL changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 103-732.

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. POMBO: Strike section 7 of the bill relating to a forest study by the Secretary of Agriculture.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. POMBO] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, section 7 of the bill requires that a study be conducted to look into the possible expansion of this bill from 44,000 acres and adding an additional 13,260 acres.

As I have stated previously in the debate over the bill, I feel that the 44,000 acres that are already included in the bill are unneeded. I do believe that there are arguments over the old growth, the virgin old growth redwood forest and that that is the way the bill should have been brought up to begin with and should not have been expanded to include a 40,000 acres buffer zone around a 4,500 acre old redwood forest.

What this section of the bill attempts to do is add an additional 13,260 acres for possible acquisition under the bill. We currently have—and Members, this is important—we currently have an estimated cost of $1.5 billion on this bill. And what section 7 would authorize is an additional 13,260 acres.

I would like to state that again for those who did not hear. We have 4,500 acres of old redwood forest in the center of this bill at an approximate cost of $500 million.

□ 1550

We have the further acquisition of another 40,000 acres with an approximate cost of $1 billion. What section 7 of this bill attempts to do is add an additional 13,620 acres, or the possibility of adding 13,620 acres to the bill for acquisition and for study.

Mr. Chairman, I feel that, because of the current fiscal situation that the Federal Government is in, it is totally irresponsible, first of all, to buy the 40,000 acres, but even more so, to expand that by an additional 13,620 acres. I think it is unconscionable to include this provision in this bill at this time for a number of reasons, including the fiscal reasons that I have said.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from California [Mr. HAMBURG] seek recognition in opposition to the amendment?

Mr. HAMBURG. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from California [Mr. HAMBURG] is recognized for 5 minutes in opposition to the amendment.

Mr. HAMBURG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to stress that in section 7 there is no authorization for acquisition of this land. This is a study area only. In my statement earlier I talked about one of the key importances of this acreage being its importance for the restoration of the salmon fisheries of northern California and the Pacific Northwest. Nearly 8,400 full-time jobs in the region depend on this particular resource; $70 million in annual revenue to the State of California from the salmon fisheries; $150 million from the salmon resource for the Pacific Northwest.

Mr. Chairman, the coho fishery in and of itself, and this is one of the remaining last areas, this Elk River area, for the spawning of coho salmon, has historically generated $60 million a year in revenues.

Mr. Chairman, the drainages which are contained in the 44,000 acres and contained within the study area, Salmon Creek, Elk River, and Yager Creek, contain significant populations of coho salmon, chinook salmon, cutthroat trout, and steelhead, which are of primary importance, not only to the commercial fisheries, but to sport fishery as well.

The drainages within this study area and within the 44,000 acres block of the Headwaters Forest contain the spawning grounds for up to 10 percent of the remaining wild salmon population in the State of California.

Mr. Chairman, during the hearings on this bill, Dr. Peter Moyle, who is a renowned fisheries biologist from the University of California at Davis, discussed the importance of this acreage,

of the 44,000 acres, and of the remaining acreage, as a protector for the future health of the spawning populations of coho salmon.

Mr. Chairman, this particular drainage is one of the very few remaining on the west coast which has a genetic pool for coho salmon which has not been contaminated by hatchery fish. There have been no hatcheries built on this river which have in any way compromised the health of this coho population.

Again, Mr. Chairman, what this amendment does is it takes out of the bill the possibility of a study of this area for its overall importance for the coho salmon fishery.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. HAMBURG. I yield to the gentleman from Minnesota.

Mr. VENTO. I rise in opposition to this amendment. Mr. Chairman, we have to operate on a base of information. What this amendment does, it says, "We are not going to study it. We are not going to look at it." That is the entire type of attitude that has gotten us into so many environmental crises.

Mr. Chairman, all that is being asked here is to study these essential 12,000 acres, 13,000 acres, so that the House, so that the Congress, so others can have the basis of that information to make sound decisions. This amendment really should be soundly defeated.

I do not know why it is being offered. Any product that comes out of this has to come back to Congress to be acted on. It has to be appropriated in terms of the major underlying bill. It would have to be authorized or designated in terms of being brought into the forest, if that is the decision.

Mr. Chairman, Members may disagree or agree with that, but Members ought to agree that it ought to be done on the basis of having the information. This amendment says, "We do not want to know. We do not care." That is exactly the type of head-in-the-sand point of view that has delivered the problems to us in terms of the Pacific Northwest. We need to move forward. We need to defeat this amendment and pass this bill.

Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. HAMBURG. Mr. Chairman, I just want to thank my colleague, the gentleman from Minnesota, and urge my colleagues to vote against this amendment. This area should be studied. It is essential to the future of the salmon industry of northern California and the Pacific Northwest. I urge all my colleagues to vote in opposition to this amendment and for the bill.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. HAMBURG. I yield the balance of my time to the gentleman from Missouri, Mr. Chairman.

Mr. VOLKMER. Mr. Chairman, I wish to join with the gentleman from California in alerting the Members to the fact that this amendment really is nothing more than a gutting amendment to the bill. If Members want to vote against the bill, vote against the bill at the end. However, I would recommend that they do not vote for this amendment.

The CHAIRMAN. The gentleman from California [Mr. POMBO] has 2 minutes remaining.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take offense at the last statement made on the floor that this is a gutting amendment. It is not a gutting amendment. It has nothing to do with the backbone of this bill, which is the acquiring of 4,000 acres. It has to do with the acquisition of an additional 13,620 acres. That is what we are talking about in this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to point out that the author of the bill was specifically saying that "We shall identify the natural resources in the area," talking about the various fishes. However, we just put a $200,000 cap on this bill, and this study is looking to add this additional 13,000 and some acres to the Six Rivers National Forest.

Mr. Chairman, I want to make sure that the record shows that, that we are looking to put more acreage in, not only looking at the natural resources.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just, in closing, say that I believe that the Federal Government is too big and it spends too much; and that this bill in its entirety is part of that problem, that ever-growing Federal Government. The addition of 13,620 to the 44,000 acres that are already included in this bill is a mistake. It is a mistake for a number of reasons. The fiscal reasons are just part of that.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. POMBO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. POMBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 253, not voting 16, as follows:

[Roll No. 432]

AYES—170

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Gallegly
Gekas
Geren
Goodlatte
Goodling
Gordon
Goss
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Pomeroy
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—253

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard

Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price (NC)
Rahall
Ravenel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Studds
Swett
Swift
Synar
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—16

Blackwell
Frost
Gallo
Gingrich
Grams
Matsui
Norton (DC)
Pelosi
Rangel
Ros-Lehtinen
Rostenkowski
Slattery
Stokes
Sundquist
Thompson
Washington

□ 1616

The Clerk announced the following pair:

On this vote:

Mr. Grams for, with Mr. Rangel against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chairman, I rise to indicate that I was unavoidably detained at the Federal District Court here where a new Federal District Court judge was being sworn in while Amendment No. 4, the Pombo amendment, was being voted on. Had I been here, I would have voted "no."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. LANCASTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2866) to provide for the sound management and protection of Redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system, pursuant to House Resolution 536, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEWIS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 288, noes 133, not voting 13, as follows:

[Roll No. 433]

AYES—288

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Glickman
Gonzalez
Gordon
Goss
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—133

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fowler
Gallegly
Gekas
Goodlatte
Goodling
Grams
Gunderson
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Knollenberg
Kolbe
Kyl
Laughlin
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Roberts
Rogers
Rohrabacher
Roth
Royce
Schaefer
Sensenbrenner
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Talent
Taylor (NC)
Thomas (CA)

Thomas (WY)	Walker	Zeliff
Upton	Wolf	
Vucanovich	Young (AK)	

NOT VOTING—13

Blackwell	Rangel	Sundquist
Frost	Ros-Lehtinen	Thompson
Gallo	Rose	Washington
Gilman	Rostenkowski	
Gingrich	Slattery	

□ 1638

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2866, HEADWATERS FOREST ACT

MR. DE LA GARZA. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2866, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be necessary to reflect to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. STUPAK). Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2866, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE SUPPLEMENTAL REPORT TO H.R. 3171, DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may be permitted to file a supplemental report to the bill (H.R. 3171) to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–736) on the resolution (H.Res. 537) waiving points of order against the conference report to accompany the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

VACATING OF SPECIAL ORDER

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent to vacate the 5-minute special order for today granted to the gentleman from Indiana [Mr. BURTON].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

MINORITY WHIP BLACKMAILING PRESIDENT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, today, page A21, Washington Post, "Clinton Warned on Trade Measure." "House Minority Whip Gingrich said he told Clinton, you have a chance to get GATT, you have no chance to get health care, you need to choose what you want to get done."

So now we have lowered ourselves, or the minority, to blackmailing the President of the United States and saying if you go forward with health care, we will kill GATT.

Now, either you think GATT is good, or you do not. I do not. I think it is a big loser for the American economy, for working people in America, and for American sovereignty, and I am against it. And I think we need to improve the system of health care in this country. But it is pretty hard for me to see how the minority whip can say, "I am going to kill GATT if you try and do something on health care."

Now, either he believes in GATT, or he does not. One or the other. Or is he using it to blackmail the President of the United States for his own gain?

Mr. Speaker, the Washington Post article is included for the RECORD.

[From the Washington Post, Sept. 21, 1994]

CLINTON WARNED ON TRADE MEASURE

(By Dana Priest)

Republican House and Senate leaders told President Clinton yesterday that trying to pass a last-minute health care bill would create what one called "a partisan reaction" in Congress and kill Republican support for the General Agreement on Tariffs and Trade (GATT) legislation.

"I suggested strongly they could not pass a health bill in the House, but [they] have the opportunity to pass GATT. If they pursued health care much longer, they would kill both," House Minority Whip Newt Gingrich (R-Ga.) said he told Clinton at a White House meeting with congressional leaders.

The Gingrich remarks came as 45 groups and other prominent supporters of comprehensive health care reform asked Senate Majority Leader George J. Mitchell (D-Maine) to abandon efforts to pass a modest reform bill this year because it "represents a step backwards for our members."

Mitchell said he would begin polling members to "evaluate the impact" of the Republican statements and the letter on any bill's prospects. "They make an already difficult task even more difficult," Mitchell said.

But even the authors of the modest bill being written by a "mainstream" bipartisan Senate group says it has virtually no chance of passing the Senate and House before this session's scheduled mid-October adjournment.

Rep. John D. Dingell (D-Mich.), chairman of the House Energy and Commerce Committee, wrote to Clinton urging him to "give health care a decent burial. . . . It is time for us to accept the fact that the health insurance industry, an assortment of small and large freeloaders, ideologues and their allies in the Congress have succeeded in their goal: preserving a status quo in which they prosper while millions of Americans suffer."

The 45 groups that signed the letter to Mitchell said "it would be a grave mistake to bow to last minute pressure to pass any 'mainstream' health care legislation that is both unworkable and destined to cause real harm to millions of Americans."

The letter was signed by several unions, consumer groups, medical associations, senior citizen and church organizations including Citizen Action, Consumer Unions, the American Association of Retired Persons and the Unitarian Universalist Association.

At the White House meeting with leaders of both parties, Gingrich said, he told Clinton, "You have a chance to get GATT, you have no chance to get health care, you need to choose what you want to get done." Trying to pass health care "would create a partisan reaction" in the House that would spill over to GATT, he said.

Asked whether his party would consider supporting even a modest health bill, Gingrich responded: "They are not going to get [Republican] cooperation. We don't want to participate in writing a 1,100-page bill at the last minute."

House Majority Whip David E. Bonior (D-Mich.), who has supported the administration's push for comprehensive health care reform and also attended the White House meeting, said Gingrich and Senate Minority Leader Robert J. Dole (R-Kan.) told Clinton, "That's the choice you have, health care or this GATT agreement. . . . I was taken aback by the fact they were so blatant about it."

Bonior said Vice President Gore then "expressed the need to do GATT, why it was so important." Gore, he added, "spoke in defense of GATT, as opposed to health care."

Mitchell, who took himself out of contention for the Supreme Court to help Clinton pass an insurance-for-all health care bill, has been trying to reach agreement with the mainstream group on a package of insurance market reforms and insurance subsidies for low-income people.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and

under a previous order of the House, the following Members will be recognized for 5 minutes each.

DAY THREE OF THE UNITED STATES OCCUPATION OF HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, September 21, 1994, day three of the United States occupation of Haiti. With each day that passes it is becoming clearer that the administration does not know quite what to do with the country they have occupied and none of the parties involved know what to do with the agreement that was signed on their behalf by Emile Jonassaint and Jimmy Carter on Sunday. Aristide will not publicly support the agreement because the military leadership does not have to physically leave Haiti. The Haitian military leaders will not leave their country period and have said they won't step down unless the Parliament passes an amnesty law. The Parliament hopes to pass an amnesty law but fears that they cannot get it past the Aristide supporters in the Haitian Senate. Haitians are beginning to wonder if the agreement meant anything at all because the United States has not acted to lift the embargo and sanctions, ostensibly because of the United Nations position. While all of the involved parties go about the business of trying to figure out what it all means to them, American soldiers are still on the ground in Haiti with no orders to intervene in Haitian-to-Haitian unrest, no mission objective and no idea of when they will be allowed to go home.

Someone down at the White House better start thinking about the question so many of us asked over the last few months before events move too far to capitalize on the agreement made this past Sunday:

How do you move from intervention in Haiti to democracy in Haiti?

This noon I had a phone conversation with several members of the Haitian Chamber of Deputies in Haiti that I believe offers some hope for the future of Haiti. There is a group of 48 members in the Chamber of Deputies who months ago issued an invitation to both the House and the Senate to exchange delegations for discussion about a peaceful resolution to the situation in Haiti. They are still there and are still hard at work trying to right what's wrong with their country. If I were to offer any advice for the White House, I would say: Start talking to these people now. The parliamentarians are on the right track and have begun drawing together different segments of Haitians society—members of the Haitian Parliament, the churches and the business sector to build what they call the "the grand national consensus." Their aim is to balance the factions in Haiti concentrating on the center rather than on the two extremes of the military junta and the Aristide camp. Their efforts are based on the assumption that if there is to be any lasting change in Haiti, no one faction can have it all their own way. As Lawrence Pezzullo, former special adviser on Haiti, wrote today in a column in the New York Times:

> The Haitian constitution of 1987, which balances executive power with parliament's—essential in a country with a long history of abusive strongment—requires that the President build a working majority in the legislature. It was precisely father Aristide's estrangement from the elected Parliament, coupled with his chilly relationship with business leaders and the military that led to his overthrow in 1991 without a broader governing coalition and an operating majority in the Parliament, Father Aristide could face a repetition of the conflict that turned violent in 1991.

Only this time, American soldiers will be right in the thick of it. While American policy has tended to deal purely with the good guy-bad guy, Aristide-Cedras comparison, the time has come to examine what lies between these two extremes—a group of Haitians who simply want to bring long-term peace and prosperity to their beleaguered nation and are asking for our help in doing so.

As we have long said, there is a better way than the Clinton administration's policy in Haiti, and it is long overdue, but it is not too late to pursue it. We need to stop the embargo, as we have now promised we will do. We need to bring home the troops that are down there in an extra-hazardous situation for no apparent gain, or certainly for no justification, of the national security of our country. And we need to follow up on the gains that former President Carter, General Powell, and Senator NUNN meant by opening the door with negotiations.

When the President of the United States told the people of the United States last Thursday night that all efforts, all options, all possibilities, had been exhausted, that the only chance was invasion, he was clearly wrong. It is now time to admit it and get on with the negotiating with the people in an atmosphere that has been fighting us to do that. It is the right way. It is not too late yet, but we need to do it now.

□ 1650

ASK CONGRESSMAN LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, it is with sadness that I report to this body the death of my predecessor in the Maryland's 2d Congressional District seat, former Congressman Clarence Long. For 22 years, he served the people of Maryland's second district with respect and with dignity. When I ran for Doc Long's seat, my first promise was to continue the remarkable record of constituent service he had established.

This was not an easy task. After all, this was the man with the slogan, "If anything goes wrong, call Congressman Long."

This was the man who promised to "See anybody who is sober and not carrying a gun twice a day, at 11:45 a.m. or 4:45 p.m." And Congressman Long's office on wheels was a familiar sight in the district on Saturdays.

Even though I have held this seat for 10 years, my Towson office to this day receives an occasional call from constituents who remind us that Congressman Long helped them with a Social Security problem, or fixed a pothole on their street.

One of my more colorful encounters with a Doc Long constituent occurred during a phone call from a gentleman who insisted that my office track down the name of a company in Wyoming that sold buffalo jerky—beef jerky just wouldn't do—after all he said, when he was hunting for special radishes, he called Congressman Long, and the Congressman not only ordered the radishes for him, but even came over to his house to help him plant them when they came in. With the help from the Wyoming Congressman, we found the man's buffalo jerky. However, I did not offer to hunt the buffalo.

Congressman Long was a veteran of World War II, serving as a Lieutenant in the Navy. It was at the end of his service that he and his wife, Susanna, moved to Baltimore.

Clarence Long was an economics professor at Johns Hopkins University when he first won his seat in the House of Representatives in 1962. It was his Ph.D. that earned him the nickname of Doc Long.

Congressman Long rose to the chairmanship of the Foreign Appropriations Subcommittee of the House Appropriations Committee. He was proud of his stance against the Vietnam War and against committing American troops to El Salvador.

He was a man who had a reputation of voting his conscience. Questioned by one of his colleagues about whether or not a certain vote may hurt him politically, Congressman Long replied, "If you can't do what you believe in, you don't belong in Congress."

As one of my fellow Members of the Maryland delegation has commented, Doc Long, "came riding into politics as a white knight riding on his Ph.D., challenging the machine." He rarely suffered from any delusions of grandeur.

When asked about the stardom that accompanies the office, Clarence Long said:

Take a watch in one hand and dip the other in water. Withdraw your hand from the water and count the number of seconds until the place it occupied disappears. That's how long you will be missed after you leave public office.

Clarence Long underestimated his service.

Congressman Long will be remembered by those he represented and I am proud to have succeeded him.

My promise to my constituents in Maryland's second district is that their next congressman will have the foundation to continue the excellent constituent service that 32 years of a Long-Bentley tradition has provided.

The family will receive visitors at 6 p.m. Thursday at the Towson Presbyterian Church with a memorial service following at 7 p.m.

PLO-ISRAEL PEACE ACCORD: ONE YEAR LATER

The SPEAKER pro tempore (Mr. STUPAK). Under the Speaker's announced policy of February 11 and June 10, 1994, the gentleman from California [Mr. BERMAN] will be recognized for 60 minutes as the designee of the majority leader.

Mr. BERMAN. Mr. Speaker, I rise today to commemorate the first anniversary of the signing of the Israel-PLO Peace Accord last September 13 on the White House lawn.

This has been a dramatic, difficult, but on the whole, very positive year. The peace process between Israel and her Arab neighbors, especially Palestinians, has become institutionalized in a way that I believe is all but irreversible. There has been an historic sea change in the way in which the two peoples regard each other and the nature of the conflict.

I also want to point out that this has been an equally dramatic and historic year for the diaspora communities—Jewish and Arab—who have worked together to demonstrate and build support for the peace process.

Organizations such as the American Israel Public Affairs Committee, Americans for Peace Now, the National Association of Arab Americans, and the American Muslim Public Affairs Council are ensuring that the constituency for peace and reconciliation strengthens and grows. At the same time, new organizations—like Builders for Peace—are working to ensure that peace becomes a reality and provides tangible benefits on the ground.

It is truly remarkable to see how quickly that which would have been inconceivable less than 2 years ago has become simply routine.

Two years ago, peace and integration into the Middle East seemed a distant dream for most Israelis. Now, Israelis and Arabs meet all the time, formally and informally, in the region and around the world.

Two years ago it was a crime for any Israeli to meet the PLO officials. Now Israeli Ministers' meetings with Chairman Arafat rate one paragraph articles on page seven of Israeli newspapers.

Two years ago the notion of Israeli officials landing in official Israeli aircraft in Arab States would have seemed unthinkable; today, Israeli officials travel publicly to Arab States, and no one blinks.

What have we accomplished on the ground in 1 short year?

Israelis and Palestinians have implemented the autonomy agreement in Jericho and Gaza.

A Palestinian authority has been established, a police force trained and put into operation.

Early empowerment has been accomplished for a number of issues in areas outside the autonomous zones.

Methods to assure transparency and accountability in international donations to be given to the Palestinian authority are almost finalized, paving the way for the flow of assistance to begin in earnest.

On the wider peace front, Jordan and Israel have officially ended the state of war between them. Jordanian aircraft now fly over Israeli airspace, the two countries have opened up border crossing points for the free flow of third country tourism, and a final peace treaty is thought to be only months away from completion.

Israel, the Palestinians, and a dozen Arab States meet routinely—and do so in the region—on such regional issues as security and arms control and the environment, adopting joint measures and common regional approaches.

While progress has been slower on the Syrian-Lebanese tracks, even here at least the sides are on the same negotiating field, and the contours of a settlement are taking shape.

In short, for both Israelis and the Palestinians, life in the region is becoming normalized. Perhaps, most encouraging, even though international assistance has flowed more slowly than we might have wished, Palestinians on the ground have not yet lost their sense of optimism and belief in the process.

Arabs and Israelis increasingly regard each other as neighbors and not as adversaries. This accomplishment cannot be overstated; it is of fundamental and overriding importance and underlies both the tremendous progress that has been made already and the optimism we share that the remaining problems are not beyond the scope of settlement.

We should not shy away from the fact that there are some key problems that will require great skill to resolve. These include the willingness and ability of the Palestinian Authority to implement and operate a tax collection system, including property taxes.

At the same time, particularly in Gaza, there is up to 50 percent unemployment, aggravated by the inability of Palestinians to work, in large numbers, in the Gulf States and Israel.

There is still a major problem with the consolidation of democracy, press freedom, and the rule of law. Ultimately, it is for the Palestinians to resolve the tensions that exist between certain elements of the previously Tunis-based PLO leadership and those Palestinians who reside in the territories and who are perhaps more familiar with Israeli style pluralism and democracy. A key goal of U.S. assistance is to assist those many grassroots, civic, human rights, and political organizations working to create an accountable democracy.

I am particularly disturbed by recent curbs on press freedom. Last month Chairman Arafat banned the Al-Nahar newspaper because of his objections to its coverage of the Jordan-Israel pact. The paper was allowed to resume publication only after the publisher agreed to commit himself to the national line and Arafat's media spokesman issued an edict saying the press "should not be against the interests and security of the Palestinian people."

Underlying all of this is the urgent need to develop a constitutional and uniform legal code for the Palestinian Authority. Currently, law enforcement is conducted through a hodgepodge of British mandate, Ottoman, Egyptian, Jordanian, and Israeli military law and regulation. Resolving this problem is particularly important as we meet requests to fund and strengthen the police forces. Investors, too, require an enforceable system of civil and commercial law in order to conduct business transactions.

These, of course, are short-term problems that need immediate attention. Ahead lie the final status issues concerning Jerusalem and the ultimate resolution of Palestinian political identity. Both sides, of course, will be influenced in determining their attitudes to these questions by the actions of the other and the willingness of both to keep to the letter and spirit of their agreements.

I am particularly proud of the role the United States is playing in making the peace process work. We have provided both the essential political and substantive support necessary to permit the progress that has been made so far and to sustain the process over the longer term. On the ground, U.S. funds are already being used to build hundreds of new housing units, conduct health programs, provide small business support, and fund a whole range of private voluntary organizations.

And here at home, Americans of diverse backgrounds, whose previous relations have mirrored the conflict in the Middle East, now join in common cause to support and promote peace.

Mr. Speaker, I am pleased that so many of our colleagues are joining

with us today to commemorate this truly historic event. Let us renew our commitment to work to ensure the success of all that has been achieved this year and signal American readiness to play a constructive and positive role in the pursuit of a comprehensive, secure, and just peace agreement between Israel and all her neighbors.

Mr. WHEAT. Mr. Speaker, I rise to join my colleagues in recognizing the historic accords—the Declaration of Principles [DoP]—signed one year ago by Israel and the Palestine Liberation Organization [PLO].

All of us remember that promising September afternoon on the White House lawn as the groundwork for peace was laid. In an image that many of us believed we would never see, a message of hope for lasting peace in the Middle East was broadcast around the globe.

Over the course of the last year, additional agreements have been reached building upon the framework of the DoP, troops have been withdrawn from the Gaza Strip and Jericho, the Palestinian Authority has been established, and Jordan has finally ended its state of war with Israel and moved down the path of peace.

Much has been achieved in the last year, but much more remains to be done.

Terrorism in the region continues. Israel and Syria have not yet made peace.

And the Arab League boycott continues in defiance of all the progress that has been made. We must continually remind those seeking to make peace with Israel that public talk of partnership and dialogu has a hollow ring as long as those same nations maintain the Arab Boycott.

The boycott remains an affront to the peace process and it must end. And I will continue to work with my colleagues toward that goal.

Mr. Speaker, as we enter the second year of the DoP, it is imperative that the United States remain vigilant in the cause of peace.

We must maintain our role as a facilitator, not an imposer, of peace. Peace, after all, cannot be dictated from the outside, it can only come from the parties themselves. We must also maintain our support to those truly committed to peace.

Mr. Speaker, I represent the congressional district of Harry Truman. It was President Truman who recognized the State of Israel moments after it was established. Since that time, the United States has not wavered in its commitment to the peace and security of the State of Israel.

Israel is our strategic partner in one of the world's most unstable and turbulent regions. And it is our ally in democracy.

As we work with the people of the region to help move the Middle East peace process forward, we must also continue to preserve the United States-Israel alliance and ensure the security of Israel.

A lasting peace in the Middle East is clearly in American strategic and economic interests. As we build upon the foundation laid last year, I will continue to support efforts toward that long-sought goal.

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the 1-year anniversary of the historic signing of the Declarations of Principles by Israel and the Palestinian Liberation Organization.

Based on the Declaration, and despite problems, the Israeli-Palestinian peace has flourished over the past year. Israel and the Palestinians have signed an agreement that has given the Palestinians self-rule in the Gaza Strip and Jericho. Many aspects of daily governance in the West Bank and Gaza have been, or are in the process of being transferred to the Palestinians.

More than just facilitating the peace between Israel and the Palestinians, the Declaration of Principles has led to the normalization of relations between Israel and Jordan. A 46-year-old Jordanian declaration of war on the Israeli State has now assumed its rightful place in the history books. Joint projects between Israel and Jordan are underway—hopefully signalling the beginning of peaceful, neighborly relations.

Mr. Speaker, certainly all is not settled in the Mid-East. The Palestinian authorities have not adequately controlled terrorism. Israel and Syria have not yet reached a peace agreement. The Arab League boycott on Israel is still in place—violating universal principles of free trade. The boycott harms the Israeli economy as well as the fledgling Palestinian economy. Mr. Speaker, all that having been said, I urge all my colleagues to join me as I honor the anniversary of the historic declaration that has changed the course of history in the Middle East forever.

Mr. LANTOS. Mr. Speaker, let me first of all commend my distinguished colleague from my home State of California, Mr. BERMAN, for calling this special order. Congressman BERMAN is one of the finest, most energetic and intelligent Members of the Congress, and his leadership in marking this important anniversary is only one of the examples of his enlightened and far-sighted leadership.

I wish to commend the State of Israel and Prime Minister Rabin and Foreign Minister Peres and the moderate leadership of the Palestine Liberation Organization for the great strides toward peace made in the year since their courageous signing of the Declaration of Principles here in Washington last September. In the past year, the world has witnessed massive fissures in the once solid wall of hatred and mistrust between Arabs and Israelis. Israel and the PLO have reached additional agreements based on the Declaration of Principles, Jordan declared an end to its 46-year state of war with Israel, and the Jewish State has achieved unprecedented levels of international recognition.

Nevertheless, neither the parties to peace nor their friends and allies can rest while several difficult obstacles remain. Chief among the obstacles to peace has been the failure of the Palestinian Authority to halt terror attacks against Israelis by extremist Palestinians within the self-rule areas of Gaza and Jericho. We must call upon Chairman Arafat to carry through on his express promise to stop the terrorism in exchange for further progress in the peace process.

We must stand firm on the principle of a united Jerusalem. Although the Declaration of Principles specifically leaves discussion of the final status of Jerusalem for negotiations to begin in 1996, recent actions by the PLO in Jerusalem have threatened to undermine the delicate formula for negotiations set forth in that document. We must oppose any actions which threaten the peace process or undermine Israel's sovereignty over Jerusalem.

Finally, we must press for an end to the Arab League boycott of Israel. This most tangible and offensive symbol of war has no place in the new environment of peace and negotiation. The boycott, in its secondary and tertiary forms, causes significant hardship to United States and international companies that wish to do business with Israel. This is not only a clear violation of principles of free trade, but it is also unjustified and mean-spirited. I call upon my colleagues to reaffirm the Congress' disgust for this policy and call for its end during the opening of the 49th session of the U.N. General Assembly.

Mr. Speaker, the benefits of peace are too great to be listed. Even the most obvious gains in socio-economic development for Arabs and Israelis promised by peace pale in comparison to the opportunity for children to grow up free of the ever-present danger of terrorism and war. The PLO, Jordan, and Israel all deserve our praise for the great leaps forward taken this past year. We should temper our praise, however, with caution. The PLO must still prove that it can control the extremists in its midst and we must still wait for other hostile states to join the process and make the peace a comprehensive one.

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise to honor the first anniversary of the signing of a Declaration of Principles for the conclusion of the Israeli-Palestinian conflict between Israeli Prime Minister Yitzhak Rabin and Chairman Yasser Arafat of the Palestine Liberation Organization. Since that historic event we have seen a slow growth in structures of stability and peace in the Middle East.

Israel has been recognized by 20 nations and Israeli emissaries have journeyed to such previously forbidden places as Morocco, Tunisia, Oman, and Qatar. Since the signing of the Gaza-Jericho agreement on May 4, 1994, Israeli security forces have departed the Gaza Strip and Jericho and their place has been taken by Palestinian security forces. Relations with Jordan have dramatically improved as the two nations in July 1994 agreed to end their 46-year state of war, an event marked by a joint address to this House by Prime Minister Rabin and King Hussein. Syria has become increasingly isolated and as a result is now seeking, in a more serious way, discussions on resolving its disputes with Israel, particularly the question of the Golan Heights.

A number of problems remain. Palestinian authorities have not always prosecuted individuals accused of terrorist acts with sufficient vigor and have shown an unwillingness to take strong actions against Hamas, which totally rejects the peace process. Syria, despite its weakened influence, has succeeded in holding together the Arab boycott against Israel. Iraq, Iran, and Sudan continue to do all they can to disrupt the peace process. However, among the nations in the vicinity of Israel, there is a new interest in making progress in resolving old conflicts.

In the coming year I hope we can improve the security situation in the areas turned over to Palestinian control. Prime Minister Rabin recently proposed a partial pullback of Israeli forces on the Golan Heights and I hope Syria

will respond in a constructive fashion. The end of the cold war has removed from the scene the superpower sponsor of those in the Arab world who wish to remain intransigent. With this disruptive force removed from the scene it has been possible to make progress which was unthinkable before. I am hopeful that progress toward a stable structure of peace in the Middle East will continue to be made in the coming year.

Mr. SWETT. Mr. Speaker, just over 1 year ago, PLO Chairman Yasser Arafat sent a letter to Israeli Prime Minister Yitzhak Rabin stating that the PLO recognizes the right of Israel to exist in peace and security. Chairman Arafat vowed that the PLO would renounce the use of terrorism and would work with Israel toward a peaceful resolution of conflicts.

This historic PLO recognition of the State of Israel led to the emotional ceremony on the White House lawn when Chairman Arafat and Prime Minister Rabin joined together to sign the Israel-PLO Declaration of Principles. In taking this courageous step, Rabin and Arafat brought hope to the troubled Middle East region. In the months that have followed, Jordan has declared an end to its 46-year state of war with Israel and Syria has entered into broad negotiations with Israel.

As Americans, we have a tremendous national interest in stability in the Middle East. It is my hope that a sustainable environment of peace and economic cooperation in this region rule out the future necessity for U.S. military action in the Middle East, like that our Nation undertook in the gulf war.

The United States must continue to emphasize in words and action our unshakable commitment to the one true democracy in the Middle East—the State of Israel. Over the years, Israel has proven to be a constant and valuable ally. This nation, which was founded almost half a century ago, has maintained essential democratic freedom for its people and has sought economic opportunity for all its citizens.

It is gratifying, indeed, to see Arab States ending decades of hostility against Israel. Peace should bring greater economic cooperation between Arab States and Israel, which should, in turn, bring a better quality of life to the people of these Arab nations.

In order to promote lasting peace in the Middle East, nations must be held accountable for the agreements they sign. I have considerable concern about the PLO's failure over the last year to adequately comply with its pledge to combat terrorism, investigate terrorist incidents, and prosecute those who carry out these acts. Terrorism in the Middle East and around the world is a threat to all Americans. The United States should join with other democratic nations to see that those who commit acts of terrorism are identified and prosecuted.

Mr. Speaker, the United States must also work to end the Arab League economic boycott of Israel that continues to be used as a tool of economic warfare. The related secondary and tertiary boycotts, which act as a barrier to United States exports, have substantially hurt American companies that do business with Israel. A continued boycott undermines peace efforts and contradicts the principle of free trade. Ultimately, the boycott threatens to hurt the citizens of Arab nations who so desperately need expanded economic opportunity.

The United States should withhold most favored nation trade status from those countries that participate or cooperate in the Arab League economic boycott of Israel. True peace in the Middle East can only be established and endure if there is economic cooperation in the region.

The United States can promote sustained peace and economic vitality in the Middle East by supporting those nations that do move forward in the peace process. I, along with many of my colleagues, have urged President Clinton to expand the United States-Israel Free Trade Area Agreement to include countries that reach comprehensive peace agreements with Israel.

Furthermore, the United States must stand by Israel in asserting that Jerusalem is the capital of the State of Israel and of the State of Israel only.

In closing, Mr. Speaker, I urge my colleagues to remember this first anniversary of the PLO-Israel accord. I strongly support the United States' role in fostering peace in the Middle East, and I applaud those leaders who have taken bold steps to accomplish peace in this region.

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to thank Representative BERMAN for arranging today's special order, so that Members may acknowledge the anniversary of the signing of the Declaration of Principles between Israel and the Palestine Liberation Organization. Much has happened since that historic document was signed 1 year ago, and much remains to be agreed to before one can say that peace has been firmly implanted in the region. Despite the difficulties, Israel is to be commended for its perseverance and the many risks it has taken in an effort to achieve peace in the Middle East.

Since the initiation of the Middle East Peace Talks at the Madrid Conference in October 1991, more than 54 countries have established or renewed diplomatic relations with the State of Israel. Of those, 20 have done so since the signing of the Declaration of Principles, most recently, Ghana. Israel now maintains diplomatic relations with 146 countries.

The signing and implementation of the Declaration of Principles also set the stage for an end to the state of war between Israel and the Hashemite Kingdom of Jordan, culminating in the watershed Washington Declaration, which brought both Prime Minister Rabin and King Hussein to this very Chamber. Their heartfelt words were most convincing, and an indicator of the peaceful future bilateral cooperation we all envision. The swift opening of a border crossing station is just the beginning of what we believe will be a most mutually beneficial bilateral relationship.

Yet the Palestinian/Israel track of the peace process is still cause for much concern and consternation. Since the signing of the Declaration of Principles, over 60 innocent Israelis have died at the hands of Palestinian terrorists. The Palestinian police were to investigate terror incidents, combat terrorism, and prosecute terrorists, but to date, that commitment appears to be rather hollow. Illegal weapons remain in the hands of unauthorized individuals throughout the autonomous areas, yet the Palestinian police force has not confiscated them.

PLO Chairman Yasir Arafat committed himself to a great deal a year ago. Regrettably, he has not lived up to most of his commitments. The PLO charter remains in tact, replete with its vitriolic attacks against Israel. Arafat also verbally dedicated himself to a "jihad to liberate Jerusalem". The result is an effort by the Palestinians to expand their sphere of influence in Jerusalem, Israel's eternal capital. Such belligerence does not advance the peace process, and only serves to endanger it.

Mr. Speaker, 1 year ago we were witnesses to a bizarre, yet historic event. One year later I wish to once again commend Prime Minister Rabin and the people of Israel for their courage in the face of adversity, and for their ongoing dedication to peaceful coexistence.

Mr. PALLONE. Mr. Speaker, I would like to join my colleagues in paying tribute to the historic peace accord that was signed by Israel and the PLO 1 year ago today.

Before that day, few people dared to hope that we would celebrate a peace agreement between Israel and the PLO. The image of PLO leader Yassir Arafat shaking hands with the Israeli Prime Minister was one few thought that they would ever see. Since that day, we have been given a reason to believe that a real, lasting peace in the Middle East can be achieved.

During the first year of this new era, the steps toward peace have been significant, but have not come easily. We have witnessed the beginning of Palestinian self-rule in Gaza. Yet, implementing the details of the accord has proven to be a task that requires tremendous patience. We have seen the momentum for peace bring an end to the 46-year state of war between Israel and Jordan. Yet, terrorists greeted this occasion with acts of violence against innocent people on three continents. This year has brought new hope for Israeli-Syrian peace. Yet, progress has been slow and we still do not have an agreement.

In spite of the difficulties that we have seen this year, we have been assured that the course we are on toward peace is certain and sure. The acts of terrorism and tragic killings that have plagued the process have not curbed the resolve of those who want peace. We will see that those who oppose peace will not be able to frustrate the process.

There is much that we can do here to encourage the peace process. We must continue to provide aid to Israel and ensure its security as the process continues. We must continue to condemn terrorism and ensure that no nation gives support to terrorists who seek a return to the days before peace. We must continue to work toward bringing an end to the Arab boycott and help Israel and its neighbors to become economic partners as well as partners in peace.

On the second anniversary of the peace accord I hope to come before this body and talk with pride about a smooth transition on the Palestinian tract, a peace agreement with Syria, and an end to terrorism in the region. I am committed to United States support of the peace process and will continue to help Israel and its neighbors achieve peace.

Mr. WAXMAN. Mr. Speaker, 1 year ago last week, Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat signed the historic Declaration of Principles [DOP] on the White House lawn, thereby creating the foundation for peace in the Middle East. Since that time, the PLO and Israel have moved forward in their peace negotiations, and Jordan has become the second Middle Eastern country to end its state of war with Israel and move towards a peace agreement.

I want to praise President Clinton, Israeli Prime Minister Yitzhak Rabin, and Foreign Minister Shimon Peres for their visionary efforts to extend the PLO-Israeli agreement to other countries in the Middle East. We have made real progress, but only when all countries in the Middle East end their economic and political boycott of Israel, will the Middle East see a real, comprehensive peace.

Mr. Speaker, I hope 1 year from now we will have reached that real, comprehensive peace, and I again commend all who have brought us so far, so quickly.

Ms. MARGOLIES–MEZVINSKY. Mr. Speaker, while the country's and the media's attention remains focused on the United States' Military presence in the Caribbean, I would like to take a moment to remind the Nation that this week marks the 1-year anniversary of the signing of the Declaration of Principles. This contract between the PLO and Israel promises a new era of hope in the Middle East. Since last September, we have witnessed momentous progress, yet we recognize the long road ahead. As we embark on a second year of negotiations, it is imperative that both parties maintain their commitment to peace in compliance with the Declaration of Principles.

Since the September signing, Israel has withdrawn from the Gaza Strip and Jericho in accordance with the spirit of the Declaration of Principles. The Israeli Government and Palestinian Authority are moving towards the transfer of power throughout the West Bank. This unparalleled cooperation between former enemies provided the impetus for a long-awaited peace between Israel and Jordan.

The transition from hope to reality must be closely watched and guided as fundamental problems continue to threaten the negotiations. The Palestinian Authority has not done enough to stop terrorist factions like Hamas in the self-rule areas. Furthermore, the Arab League continues to boycott Israel and the companies that do business with her, serving as one of the last vestiges of the age of conflict in the region.

As negotiations proceed, it is paramount that we maintain our commitment to a united Jerusalem as the eternal capital of Israel. Any premature Palestinian discussion on the ultimate status of Jerusalem, as evidenced in Arafat's recent call for a "jihad to liberate Jerusalem," will not be tolerated.

My blessings and best wishes go out to those who helped make the signing of the Declaration of Principles 1 year ago a reality. I also commend the continued discourse between the Palestinian and Israeli people which seeks to fortify the road to peace. The anniversary of this milestone appropriately falls at the time of the Jewish New Year. As we embark on the Jewish year 5755, I look forward to a year filled with unprecedented progress leading us to our ultimate goal of peaceful coexistence.

Mr. BORSKI. Mr. Speaker, I rise today to commemorate the 1 year anniversary of the Declaration of Principles between Israel and the Palestinian Liberation Organization [PLO].

As you know, Mr. Speaker, on September 13, 1993, Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat made history when they shook hands on the White House lawn and signed the Declaration of Principles. This dramatic day opened a new era of courage and cooperation in the Middle East.

One year later, Israel and the PLO have worked successfully to implement the Declaration of Principles, despite repeated attempts by extremists to derail the peace process. However, many challenges lie ahead between Israel and the PLO, and between Israel and her Arab neighbors. For this reason, it is more important than ever that the United States demonstrate its support for the peace process and those who are taking the risks to make it succeed.

A great deal has happened since that historic handshake last year. On May 4, Israel and the PLO signed a detailed agreement on self-rule in the Gaza Strip and Jericho. On May 18, Israel completed its withdrawal from the two areas. Soon after, the Palestinian police force assumed responsibility for these areas and a new Palestinian Authority was established to administer Palestinian self-government. On August 29, both parties agreed to transfer to the Palestinians the administration of education, tourism, taxation, health, and culture and social welfare in the rest of the West Bank.

In addition, on July 25, Prime Minister Rabin and Jordan's King Hussein signed the Washington Declaration to end Jordan's state of war with Israel and begin the normalization of relations between the two countries. Both countries also agreed to open borders, establish telephone links, and cooperate on crime prevention.

Despite the success and dramatic pace of peace implementation, there have been some setbacks. The PLO has fallen short on its pledge to combat terrorism in the self-rule areas and to investigate and prosecute those suspected of terrorist acts. Chairman Arafat has also made statements claiming PLO sovereignty over Jerusalem—even though he agreed in the Declaration of Principles that its status would not be discussed until 1996. Without the PLO's compliance to prevent the derailment of the peace process, the implementation of these agreements will be significantly difficult to achieve.

Mr. Speaker, some have suggested that peace has been achieved in the Middle East, and that our foreign aid to Israel is therefore no longer needed to maintain security and stability in the region. I believe that now more than ever our foreign aid—and our support for those who seek peace—is critical to keep the peace process moving forward. The Declaration of Principles represents a first step toward lasting peace. But the road ahead will be long and difficult.

While we have many challenges ahead, we must not lose sight of what has been done to achieve the historic breakthrough of September 13, 1993. Few believed we would ever reach this stage in the Middle East. I hope and believe the same breakthrough will be achieved between Israel and her Arab neighbors.

Mr. ZIMMER. Mr. Speaker, I want to thank my colleague, Mr. BERMAN, for arranging this special order today.

The signing of the Declaration of Principles on September 13, 1993, by Israel and the Palestine Liberation Organization was a historic occasion in Israeli-Palestinian relations and in the long quest for peace in the Middle East.

Since that signing, significant developments have occurred. On May 4, Israel and the PLO signed an agreement detailing Palestinian self-rule in the Gaza Strip and Jericho. On May 18, Israel completed its withdrawal from those areas and the Palestinian police force assumed responsibility for guaranteeing internal security and controlling terrorism there. Yasir Arafat then moved to Gaza and established the Palestinian Authority, the civil entity charged with Palestinian self-government. And on August 29, Israel and the PLO signed an agreement outlining the transfer of authority in areas such as education, tourism, taxation, health, and culture to the Palestinians in the rest of the West Bank.

Last year's Israel-PLO accord also set the stage for another historic milestone: On July 25, Jordan ended its 46-year state of war with Israel when the two countries signed the Washington Declaration here. That document has laid the foundation for normalization of relations between Israel and Jordan.

Mr. Speaker, these developments are significant and promising. But even as we recognize them today, we should be deeply mindful that the peace process that began with the 1993 accord remains fraught with peril.

For true peace to be created, the terrorism of Arab extremists must come to an end. The PLO formally pledged to fight terrorism in the self-rule areas and to prosecute those who perpetrate it. But that pledge has not been honored.

For true peace to be created, the Palestinian Covenant must be amended to recognize Israel's right to exist. That is fundamental. Yasir Arafat repeatedly has promised to convene the Palestine National Council so this change can be made. But that promise has not been fulfilled.

For true peace to be created, the Arab League also must end what remains the most tangible symbol of war against Israel—the illegal trade boycott against Israel. The boycott must be lifted, but it has not been.

For true peace to be created, the United States must remain steadfast in its support for Israel, politically, economically, and militarily. Israel's enemies finally agreed to negotiate peace with Israel only because they were convinced that violence would be unavailing. If we waver in our support for Israel, or pressure this ally to make concessions that imperil its security, we could kill the peace process.

Mr. Speaker, I commend the efforts that have been made in pursuit of peace in the Middle East. I strongly support those who have worked tirelessly to achieve peace. And I continue to pray that the commitments that have been made will be honored so that true peace can finally be realized.

Mr. HAMILTON. Mr. Speaker, the awkward handshake on the White House lawn between Israeli Prime Minister Rabin and PLO Chairman Arafat 1 year ago has not only endured—it has prevailed. A psychology of peace in the Middle East is slowly replacing a mindset of war. Israel is becoming an accepted part of the landscape; Israelis and Arabs are becoming partners.

Events unimaginable prior to the September 1993 Israeli-PLO Declaration of Principles are now taking place daily in the Middle East. Consider the following:

For the first time in their history, Palestinians are governing their own affairs. Palestinian police patrol the streets in Jericho and Gaza, where half of all residents in the territories live. The powers of a Palestinian authority are now expanding to include health, education, welfare, taxation, and tourism throughout the West Bank and Gaza. Children in the territories began the new school year in an entirely Palestinian-run education system.

Despite continuing incidents, including acts of terrorism abroad, overall security for Israelis and Palestinians is improving in Israel and the territories. Immediately following the withdrawal of the Israel Defense Forces from Gaza and Jericho last May, the number of terrorist attacks against Israelis declined 75 percent. Palestinians in Gaza and Jericho are free from confrontations with Israeli troops.

Jordan and Israel have achieved their own remarkable breakthrough, also marked by public reconciliation on the White House Lawn The two parties talk of partnership and business deals. A new border crossing between Aqaba and Eilat has opened, and joint economic and environmental projects are underway. Negotiators are pushing ahead on an overall Israeli-Jordanian peace treaty.

With little public fanfare, Arabs and Israelis are engaged in genuine problem-solving discussions on a whole range of issues affecting the region: economic development, water resources, the environment, refugees, and arms control. Israeli delegations have attended talks in countries previously closed to them—including Oman, Qatar, and Tunisa—evidence in itself of a new pattern of regional cooperation.

The peace process has enhanced Israel's international stature and legitimacy. Since last September, an additional 21 states have established diplomatic relations with Israel, including, most recently, Morocco.

The historic events are possible because the Israeli leaders like Yitzhak Rabin and Shimon Peres, and Arab leaders like Yasser Arafat, Jordan's King Hussein, and Morocco's King Hassan, have displayed the courage and vision necessary to break with a decades-long cycle of conflict.

The Clinton administration also has been wise in its energetic pursuit of a comprehensive peace in the Middle East. War in the Middle East is always possible, but each step toward peace makes it more remote. Peace pays its own dividend, and the investment of considerable time, resources, and diplomatic prestige remains in the U.S. national interest.

The job is, of course, unfinished. Continued United States involvement, and a renewed commitment to peace from both Israelis and Arabs is needed to meet the challenges ahead:

Syria and Israel need to begin serious bargaining on a peace treaty that includes normalized relations, Israeli withdrawal from the Golan Heights, and extensive security guarantees. Here the U.S. role is still central; as Secretary Christopher has demonstrated, the United States is the party that makes these talks happen, but it is up to the parties themselves, in direct talks, to take the toughest steps.

Israel and the Palestinians must work quickly to reach agreement on the expansion of Palestinian autonomy, the redeployment of Israeli troops throughout the West Bank, and the convening of Palestinian elections. Only then can they move on to the difficult final status issues of Jerusalem, refugees, and settlements.

The Palestinian Authority, and Chairman Arafat, must demonstrate that they can make the transition from revolution to governance. Security is the first key test. The Palestinian Authority must take all necessary steps to stop terrorism, and reassure the Israeli public of its commitment to prevent further violence. Israel, for its part must do more to reduce tensions between Palestinians and Israeli troops and to prevent settler violence.

Finally, members of the international community must make good on their pledges of assistance to the Palestinians in order to improve economic conditions in the West Bank and Gaza. They must also focus on assisting the Palestinians in building a democratic civil society, and conducting free and fair municipal elections and elections for a Palestinian self-governing council.

One year ago, Israeli and Palestinian leaders declared their intention to put aside decades of conflict and build a new future. The progress achieved since then means it is no longer fanciful to think of the Middle East at peace. A vision of the region's future can realistically include lasting peace, growing commerce, and emerging democracies.

Even through Arabs and Israelis are now talking face to face, the United States role remains crucial. American leadership is still needed to help sustain momentum toward peace. It will be needed to break deadlocks that no doubt occur. Good things are happening today in the Middle East, but if peace talks do not continue to move forward, they will move backward. With continued courage from Arab and Israeli leaders, strong American leadership, and the help of other nations, the Middle East can move closer in the next year to the elusive goal of a comprehensive peace.

Mr. KING. Mr. Speaker, I am proud to join with my colleagues today in making the 1 year anniversary of the signing of the Declaration of Principles by Israel and the Palestine Liberation Organization [PLO]. This historic step launched a year of dramatic development in the peace process in the Middle East.

The courageous commitment to peace made by both the Israelis and the Palestinians deserves the full support of the United States Government and the American people. The important steps taken by Prime Minister Yitzhak Rabin and Chairman Yassir Arafat last year, have set this long-troubled region on the road toward peace, self-determination, and security for all nations. Blessed indeed are the peacemakers.

Unfortunately, some problems remain in the Middle East that continue to threaten the road toward peace. As a member of the Congressional Peace Accord Monitoring Group, I am committed to do my utmost to help remove these stumbling blocks to peace.

Peace between Israel and Syria must be given top priority. Such an agreement is vital to further progress toward peace for all of the Middle East. However, the brutal dictator in Damascus will have to renounce his support for terrorism and recognize Israel's security needs.

The most tangible symbol of war against Israel that still clouds the horizon is the Arab League boycott. This illegal embargo hurts not only Israel but the entire international system of free trade as well. There can be no final peace while the Arab League boycott remains in effect.

While we have come a long way toward peace in the past year, it is clear that hurdles remain to be cleared. The United States has an obligation to help smooth the way toward a just, lasting, and secure peace in the Middle East. I will continue to do all that I can to further this peace process.

Mr. Speaker, I yield to the gentleman from New York [Mr. HINCHEY].

FEDERAL RESERVE INTEREST RATE POLICIES

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today to discuss an important subject that is on the minds of people throughout my district and the entire country: The Federal Reserve's interest rate policies that undermine economic recovery and keep millions of people out of work. The question that must be addressed is why the Federal Reserve has increased interest rates by over 50 percent since February despite the fact that there are few signs of inflation in the present, or in the future. I come to the House floor today to call on the Federal Reserve Board to end this ongoing crusade that foils economic progress and threatens the livelihood of the American people. The fact is that the economy is not overheating and millions upon millions of Americans remain out of work. Mr. Speaker, the American people cannot bear any further rate hikes until there is some evidence of inflation in the economy.

The current indicators lead any sensible person to believe that inflation is not a destabilizing force in the economy. Through the first 8 months of 1994, inflation is running at an annual rate of less than 3 percent. This remains a historically low rate by any standard, and it is unchanged from the record low levels we have seen over the past 3 years. Exclude the volatility in the prices of gasoline and coffee products during the summer, and the inflation rate becomes even lower. This may explain why Sung Won Sohn, chief economist at Norwest Corp., recently stated that, "We should settle down and worry less. The inflation picture really hasn't changed that much."

I believe this is a fair and accurate statement. Even Chairman Greenspan has acknowledged that the inflation

picture hasn't changed much this year. A few months ago, I joined Chairman OBEY and over 50 of my colleagues to request Federal Reserve Chairman Alan Greenspan to explain the basis for the Fed's interest rate increases that have proven so destructive to our economy. In his response to our request, Mr. Greenspan stated, "There currently are few indications that inflation has already begun to pick up. But our concerns are for the future." As we approach the end of September—over 4 months and two more rate increases since Mr. Greenspan's reply—there are still no signs of inflation in the present, and little evidence it will emerge in the future.

Wages remain stagnant, business inventories have risen, unemployment has increased, and much of the job growth we have seen is limited to part-time, temporary positions. Despite these indications, it is rumored that the Fed will again hike rates at the monetary policy meeting next week because it has been spooked by the ghost of inflation. I urge them to refrain from such action, because our fragile economy may be jolted back into a downturn by further escalation of interest rates. In the words of National Association of Manufacturers president, Jerry Jasinowski, "One more rate increase by the Federal Reserve will drive the economy into the ditch, bringing on a recession."

Currently, over 8 million Americans are looking for work. Hundreds of thousands more are too discouraged by the economy to enter the labor market. And corporate America continues to lay off people by the thousands. Additionally, the Blue Chip Economic Indicators September survey found that forecasters have become increasingly pessimistic about growth in each of the last 3 months and now estimate that the economy is expanding at about a 2 percent annual rate. In my district, for example, the unemployment rate approaches 10 percent as more people become victims of corporate downsizing and seasonal employment subsides. These are hardly signs of an economy that is in danger of overheating.

The Federal Reserve's actions threaten many more people with unemployment, and that's a situation that I find intolerable. The Fed is clearly oversimplifying the way it looks at the economy. They see any signs of job growth as a reason for concern. There seems to be the belief at the Fed that as the national employment rate reaches 6 percent, inflation must necessarily result. This is a notion that I don't agree with, and I know that more than 8 million Americans will continue to suffer until this notion is corrected.

The Fed's disregard for unemployed Americans is contrary to the requirements of several existing Federal laws. The Federal Reserve Act explicitly states that the Board of Governors of the Federal Reserve System and the Fed committee that sets interest Rates shall—and I quote, "promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates." It is important to note that maximum employment is mentioned as the first goal of the Federal Reserve. I believe that this was done for good reason. In addition, the historic Employment Act of 1946 states:

> It is the continuing policy and responsibility of the Federal Government to use all practicable means * * * to coordinate and utilize all its plans, functions, and resources * * * to promote maximum employment, production, and purchasing power.

The Fed, albeit an independent Federal agency, falls under the purview of this law as well. In my view, however, they have failed to carry out the intent of both the Full Employment Act and the Federal Reserve Act and this cannot continue.

The disregard for the needs of middle-class Americans is further highlighted by Chairman Greenspan's recent endorsement of legislation to limit the mission of the Federal Reserve Board to fighting inflation. During testimony he delivered before the Banking Subcommittee on Economic Growth this year, Mr. Greenspan stated that there is no downside to limiting the Federal Reserve's mission to price stability and thereby ignoring the maximum employment mandate. I would call attention, however, to the fact that the impact of this change would prove terribly destructive to the middle class in our country. Almost every economist—including Mr. Greenspan—agrees that monetary policy changes directly affect national employment levels. Newly appointed Vice Chairman Alan Blinder, who shows signs he is sensitive to the impact of the Fed's policies on middle-class people, stated during a recent conference that the central bank "should have a short-run employment objective in addition to its inflation objective." This statement has caused waves within the closed walls of the Federal Reserve and throughout the banking community. But it shouldn't. This employment objective is part of the law that establishes the Federal Reserve.

As Blinder remarked in a follow-up statement, "I don't think it is controversial for the Vice Chairman of the Federal Reserve to endorse the Federal Reserve Act." Mr. Blinder's colleagues at the Fed would do well to consider these carefully chosen words.

The continuing insensitivity to the needs of middle-class Americans provides further grounds for reforming the Fed to instill some accountability to the American people. The idea of a sacred priesthood in the Federal Reserve where no one can see what's going on is outdated. I think it's time for the American people to understand what's going on with the Federal Reserve and the impact its decisions have on the economy of the Nation. When the Fed raises interest rates, it is essentially taxing the American people by increasing mortgage payments, credit card payments, and the cost of credit. Yet there is no accountability to the people, and the Fed's decisions remain closed to the public. This is surely taxation without representation.

Former Presidential candidate Michael Dukakis spoke to the core of the issue during a recent speech at the Jerome Levy Economics Institute when he called the Fed's operations "profoundly undemocratic."

It is time that this body enact the Federal Reserve System Accountability Act introduced by Banking Committee chairman HENRY B. GONZALEZ. Chairman GONZALEZ was awarded the John F. Kennedy Profiles in Courage Award this year because he has the fortitude to stand up for what's right for the American people. The Fed Accountability Act is right for the American people. It proposes several sensible reforms to help democratize the Federal Reserve System. Most importantly, it allows the President of the United States rather than local bankers to nominate the 12 regional bank presidents who help shape our Nation's interest rate policies. The present nomination process flies in the face of fundamental democratic principles, as there is an inherent conflict of interest in allowing bankers not only to control this country's money supply but also to oversee the regulation of their own institutions. Equally disturbing is the fact that a substantial proportion of the banks directing this process are foreign-owned, thus subjecting our country's monetary policy decisions to input from beyond our Nation's shores. Chairman GONZALEZ' bill would prohibit any member of the Board of Directors of regional Federal Reserve banks from being employed by foreign banks in order to protect U.S. sovereignty in monetary policy.

The Fed Accountability Act takes many other important steps to create greater openness at the secret temple of the Federal Reserve. It requires that transcripts and videotapes of meetings of the Fed's interest rate setting committee to be released to the public more quickly. It was recently revealed that this committee already takes verbatim minutes of all of its meetings. This legislation simply reduces the waiting period for release from 5 years to 60 days. The bill also opens up the Fed's operations to allow the General Accounting Office to perform more comprehensive audits. The GAO greatly improves the operations of Federal agencies, and I see no reason why the Fed should receive a special exemption. The Federal Reserve System Accountability Act will require the Fed to stay

more in touch with the needs of ordinary people, and I urge its enactment as soon as possible.

Mr. Speaker, I want to conclude by reading excerpts from a recent letter sent to me by my constituent Francine Heinlein that summarizes what many people in this country are feeling about the Federal Reserve:

I am writing to you because you are the representative for us and you are on the Banking Committee. We must do something to stop—the Federal Reserve—from raising interest rates and effectively putting a dead halt to my business. This time raising interest rates has affected me personally as well as in my business.

First of all, the Hudson Valley in New York State, is still suffering from unemployment from major cutbacks in several large employers. We have a huge exodus from New York State. I am a one-person small-operation real estate company. Seventy-five percent of the people I deal with have been affected by a job displacement of some kind. Now enter Mr. Greenspan. Interest rates go up and potential business for me goes down. Prospective buyers are squeezed out of the market.

But let me get back to how it personally affected me and my husband. We had intended to cash out of an investment and buy an apartment for income for our retirement. This is not possible anymore because now I don't have enough down payment for the purchase. Do you see how this stops the economy? These—increases—in interest rates do more harm than good. Our struggling economy is still too fragile and weak. Now, we are just living day by day * * * and I think we are not alone.

Sincerely, Francine Heinlein, Saugerties, NY.

When the Fed committee meets next Tuesday to consider interest rate changes, for the sake of Francine Heinlein and thousands of other residents in the 26th District who have not experienced economic recovery, I urge the Fed in the strongest possible terms to hold the line on interest rates.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. STUPAK). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1710

ANNOUNCEMENT OF INTENTION TO OFFER PRIVILEGED RESOLUTION UNDER HOUSE RULE IX

Mr. COX. Mr. Speaker, I am here to announce my intention to offer a privileged resolution under House Rule IX.

Mr. Speaker, the form of my resolution is as follows. It is titled "House Resolution Calling for Congressional Debate and Authorization for U.S. Occupation of Haiti."

HOUSE RESOLUTION CALLING FOR CONGRESSIONAL DEBATE AND AUTHORIZATION FOR U.S. OCCUPATION OF HAITI

Whereas for months prior to the September 19, 1994 occupation of Haiti by U.S. military forces, President Clinton and members of his Administration publicly and repeatedly threatened a military occupation of Haiti; and

Whereas the Speaker's refusal to schedule floor debate on the impending occupation of Haiti led to the occupation of Haiti without Congressional consideration or authorization; and

Whereas the need for immediate Congressional consideration of Haiti policy is clear, inasmuch as the thousands of U.S. troops in Haiti without Congressional authorization could be required to defend themselves at any moment, without notice, thus initiating hostilities; and

Whereas immediate Congressional consideration of Haiti policy is further required by the impending October 15 deadline for the departure of the Haitian military leaders, inasmuch as noncompliance would in all likelihood prompt the thousands of U.S. troops now in Haiti to immediately commence offensive military operations; and

Whereas the continued refusal of the Speaker to schedule floor debate to consider the scope of, and authorization for, U.S. military operations in Haiti deprives the House collectively of its prerogatives under Article I of the Constitution; and

Whereas the continued refusal of the Speaker to schedule floor debate to consider the scope of, and authorization for, U.S. military operations in Haiti deprives the House collectively of its authority to speak on such important questions of policy; and

Whereas the refusal of the Speaker to consider the scope of, and authorization for, U.S. military operations in Haiti effectively requires each Member of this body to abdicate his or her responsibility to debate and vote upon such important questions of policy, and therefore has brought scorn and ridicule on the House collectively; and

Whereas there are no exigencies of secrecy or surprise that would prevent the House from considering these issues; and

Whereas the House is scheduled to adjourn in a matter of weeks, and failure of the Speaker to schedule floor debate to consider the scope of, and authorization for, the U.S. military occupation of Haiti will effectively commit our nation to occupy Haiti for nine months or more without Congressional authorization; and

Whereas the extraordinary and heroic commitment of U.S. service men and women in the current military operation requires from the U.S. Congress a high level of responsibility and attentiveness in policymaking towards Haiti; and

Whereas Rule IX of the House of Representatives provides that a privileged motion shall be in order to protect the rights and dignity of the House collectively and of members individually,

Resolved, That the Speaker should immediately schedule a debate and vote upon the scope of, and authorization for, the U.S. military occupation of Haiti.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

AMERICA'S ROLE IN IMPROVING OCEAN ENVIRONMENTS AND RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, one of the most pleasant parts of my summer this year was having the opportunity to travel to the southern part of New Jersey, specifically to the area around Wildwood and North Wildwood, where I had a chance, with my family and some old friends, and also the pleasure of meeting some new friends, to experience the positive changes that are occurring with the oceans along our borders in this country.

Because of the hard work of many people, both in this Congress, and especially the officials in New Jersey, we are seeing dramatic change with the oceans and to our shorelines. That extends all up and down the east coast and the west coast. As the ranking Republican on the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf of the Committee on Merchant Marine and Fisheries, however, what bothers me is what is happening around the world to the oceans, and the need for us to join together with other nations to explore how we can better protect our oceans, and how we can enhance the ability for people to fish and to share information about oceanography and ocean resources.

To that end, Mr. Speaker, approximately 1 year ago I began to work on an initiative to assist the Soviet Union, the former Soviet Union and its republics, with the massive problem of disposing of its spent nuclear fuel and its nuclear waste. There was a report released last August by one of the premier scientists in Russia by the name of Yablakov that documented for the first time the facts that all of us in fact had known, and that is that the Soviets had, for the previous 20 to 25 years, dumped their nuclear fuel, including nuclear powerplants and nuclear waste from their submarines and other ships, into the oceans of the world, especially those around the Sea of Japan and the Bering Sea.

□ 1720

In fact, we knew they had one submarine that had sunk, the *Komsmoletzk*, which in fact has nuclear fuel that may in fact be leaking at this very time. One of the major issues that we have attempted to focus on that has led us to the announcement I am going to make tonight is this issue of the illegal dumping of nuclear waste. Part of our problem was that we in America had also been responsible for a couple of incidents involving our Navy ships that had sunk in the ocean and were not willing to up-front acknowledge this, that the *Thresher* and *Scorpion* are still

intact at the bottom of the ocean and are in fact nuclear powered.

As a member of the Committee on Armed Services I worked to publicly expose that. Finally last September the Navy acknowledged for the first time publicly that in fact we do have a potential problem but that it is under control at this time.

With that acknowledgement, the Russians have come forth now and are willing to talk to us about coming to terms with an international agreement that would ban the dumping of nuclear waste in our oceans. We passed my legislation earlier this year which is currently pending in the Senate which would make that law, and we are in fact encouraging the Russians right now to do the same. Just several months ago, a group of us traveled to Murmamsk and to St. Petersburg where we met with leading Russian officials to convince them of this need. Through the organization called GLOBE, Global Legislators for a Balanced Environment, we proposed an international conference on oceans that will take place in this country in February, tentatively February 8, where legislators from Japan, from the European countries, from Russia and from the United States and other countries will gather and focus on three particular problems with the world's oceans.

The first, in fact, will be the uncontrolled nuclear dumping that has occurred in the past and how we can put a total prohibition against that kind of dumping in the future. The second will deal with another major problem, and that is the problem of declining fish stocks. In 1950 the global catch of fish totaled 20 million metric tons. It increased until 1990 when it was over 100 million metric tons. Now for the first time in history fish catches are declining worldwide and this is having a negative impact on all of the free economies and certainly our individuals who rely on fishing as a way of living.

Part of the decline is caused by overfishing but that is not the real reason. Under this conference we are going to have in February, we are going to focus on what are the problems with the reduction in our fish stocks and what can we do, what are the problems with our fisheries, our nonpoint pollution problems, our rehabilitating salmon streams. We will explore other measures that we can cooperate with other nations on dealing with the problem of declining fish stocks. Third, we will focus on improving our understanding of the ocean ecosystem.

We have spent a ton of money exploring outer space. NASA has done a good job but we have spent nothing in comparison to outer space in terms of understanding our oceans, sharing information that has been obtained over the years by our military experts, by our Navy personnel.

The third part of this conference will allow us to begin to share the kind of data and information that we already have about our marine ecosystem, about the kinds of technologies that can help us develop new breakthroughs in terms of understanding why our oceans can help us as a world.

These are the three main priorities that we will be discussing on February 8 and we will involve all aspects of America in this process and hopefully Jacques Cousteau will be our keynote speaker. Senator JOHN KERRY from Massachusetts who is, in fact, the chairman of GLOBE USA, will cohost this conference with me as I act in my role as the chairman of the Oceans Task Force for GLOBE. The gentleman from Illinois, JOHN PORTER, who cochairs GLOBE for GLOBE USA, has been a tireless leader on behalf of global issues involving the environment and will be a key player also in this conference.

At the recent conference in Moscow where global legislators came together in early September to discuss the kind of issues that we should be focusing on and working together cooperatively, the legislators there adopted my proposal for this conference unanimously and, therefore, the conference will take place. I would hope that all of our colleagues would join together with us so that in the future legislators and individuals from around the world can do as I did this past summer and have the experience of enjoying the kinds of things that can occur with our oceans and experience the kind of positive economic benefits from allowing our fishermen and women to improve their products and also to have our country share in the way that we better understand the oceans of the world. I would ask our colleagues to join with us.

Mr. Speaker, I include for the RECORD the agenda for the GLOBE conference which will take place in February 1995, as follows:

PROPOSED AGENDA FOR GLOBE OCEANS PROTECTION WASHINGTON CONFERENCE

(Presented by Congressman Curt Weldon, Chairman GLOBE Oceans Protection Working Group)

On March 1, 1994, the GLOBE International General Assembly Recognizing:

The importance of maintaining the health of the world's ocean environment:

The degradation of the earth's aquatic ecosystems can have significant short and long-term impacts on the world's weather, climate, food supply and biodiversity;

The oceans cover the vast majority of the earth's surface but are poorly understood and in need of increased scientific study;

The oceans are a sensitive global resource and actions taken within an individual nation's coastal waters impact directly on the health of the resource; and

The radioactive contamination from ocean dumping of radioactive waste poses potentially significant future threats to the marine environment;

SANCTIONED

(1) The creation of a GLOBE Ocean Protection Working Group: and

(2) Making Ocean Protection a major issue area to be addressed during the 1995 GLOBE International General Assemblies.

To further these goals, GLOBE USA will sponsor a major Oceans Protection Conference in Washington, DC in February 1995.

(1) END DUMPING OF RADIOACTIVE WASTE AT SEA

The Conference will explore methods to secure compliance with the November 12, 1993, amendments to the Annexes to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Waste at Sea and Other Matter (London Convention) which banned the international dumping of radioactive waste at sea.

Background

The following pressure from GLOBE USA, the United States supported amending the London Convention to ban the ocean dumping of low-level radioactive waste. With the U.S. joining a long list of other nations supporting a ban, the London Convention was amended to create a global ban on the ocean dumping of radioactive waste.

Subsequent to the London Convention amendments, the U.S. House of Representatives passed H.R. 3892, the Ocean Radioactive Dumping Ban Act to conform U.S. law to the London Convention ban. The measure is currently awaiting Senate action.

The threat of radioactive contamination of the oceans still exists. Russia currently does not posses the capacity to safely dispose of its radioactive waste.

The immediate threat to the ocean environment is liquid radioactive waste. Last year, Russia dumped 900 tons of liquid radioactive waste in the Sea of Japan. Immediate progress on this issue is vital since liquid waste storage facilities in the northern Russian harbor of Murmansk will reach capacity in the next two years.

Significant progress is being made. Japan has entered into an agreement with Russia to construct a liquid waste treatment facility near the Sea of Japan. The United States and Norway are now considering helping Russia to expand its Liquid radioactive waste treatment facility near the Arctic Ocean.

The Conference will explore the potential of these international initiatives and search for solutions to the long-term problem of safely disposing of the solid radioactive waste likely to be generated by the dismantling of numerous Russian nuclear vessels.

(2) DECLINING FISH STOCKS

Background

In 1950, the global catch of fish totaled 20 million metric tons. That total increased steadily until 1990 when over 100 million metric tons of fish were harvested. Now, for the first time in history, fish catches are declining world-wide. Currently, up to one-third of the oceans's marine fish resources are fully or over exploited.

The decline in fish stocks has been largely attributed to over-fishing, but habitat loss and ocean pollution play a significant role. Ninety percent of the oceans's fishery resources spend some portion of their life cycle in near-shore waters. Urban and agricultural runoff, coastal wetlands loss, and river obstructions, such as dams, have all contributed to the decline in fish populations.

From reducing wasteful by-catch, which in some fisheries can total as much as seventy percent, to addressing non-point source pollution, to rehabilitating salmon streams, the Conference will explore methods for conserving the oceans' fishery resources.

(3) IMPROVING UNDERSTANDING OF THE OCEAN ECOSYSTEM

The Conference will pursue options to open access to data, technologies, and water bodies for the purpose of expanding the scientific knowledge of the oceans and marine life.

Background

Although the world's oceans cover over two-thirds of the earth's surface, our understanding of this resource is extremely poor. Oceans control the world's weather and climate and hold vast but finite supplies of food and energy. All life originated in our oceans and our oceans still hold the key to the continued health of our planet's environment.

Historically, the United States has spent little on enhancing our understanding of the marine environment, while at the same time expending billions of dollars on the exploration of space. The irony is that we have probably spent more money searching for water bodies on other planets than we have on understanding the earth's oceans.

The end of the Cold War has made previously classified military data and technology available to civilian scientists. The potential for using these formerly secret technologies to expand our knowledge of the marine environment is significant.

Already, civilian marine biologists have been given access to data from the Integrated Underseas Surveillance System (IUSS) to conduct research on whales and study hydrothermal activity on the ocean floor. IUSS was originally designed to track enemy submarines and warships, but these recent cooperative ventures have demonstrated the system's great potential as a civilian scientific resource.

This new role for military technology has become known as "dual use" and language has been included in both the Department of Defense and National Oceanic and Atmospheric Agency (NOAA) authorization bills to promote the concept. Unfortunately, just as the full research potential of these previously classified technologies is being recognized, budgetary cuts are threatening to close down these resources.

The Conference will investigate opportunities to use existing defense technologies for civilian research, improve international cooperation and information sharing, and increase marine research efforts.

PROPOSED MOTION TO INSTRUCT CONFEREES ON EDUCATION BILL AND DISCUSSION OF LOS ANGELES SCHOOL DISTRICT DOCUMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Missouri [Mr. HANCOCK] is recognized for 30 minutes as the designee of the minority leader.

Mr. HANCOCK. Mr. Speaker, I am going to have to speak somewhat slowly because I may get a little bit emotional before this is over and I am going to do my best not to be because I want to be factual and with proper information.

Yesterday as part of a bill on education, I was offered the opportunity to introduce a motion to instruct. That motion to instruct was denied to me later during the House floor debate. That motion to instruct said that I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 6 be instructed to agree to section 406 of the Senate amendment which prohibits local educational agencies that receive Federal tax dollars from implementing or carrying out programs or activities which support or encourage homosexuality as a positive lifestyle alternative. I have had a lot of people ask me, "Why would you get involved in a situation like this? This is not a function of the United States Congress." Well, that may or may not be, but there are things going on in this Nation that I think has to be brought up that is going on in public education.

An example of that, and there are many, is what is going on in the Los Angeles Unified School District. I have a document dated May 29, 1992, in which the Los Angeles Unified School District passed a resolution establishing Gay and Lesbian Education Month, distributed to all schools, and offices, approved by Sidney A. Thompson. The type of literature that is being distributed to our students is an abomination.

I have one of the articles published by this school. Here is an article published in April 1994 by the Los Angeles Unified School District, Gay and Lesbian Education Commission. It has to do with historical figures. In fact, it says:

ABRAHAM LINCOLN'S LOVE FOR JOSHUA FRY SPEED

Contemporaries who did not understand Lincoln's sexuality found him difficult to comprehend. Thus William Herndon, his law partner of 16 years and an active heterosexual, wrote that Lincoln was a profound mystery, an enigma, a sphinx, a riddle.

For Lincoln, writers have thoroughly explored and even freely invented love affairs with women, but no one has explored his homosexual activities. Lincoln had a 4-year love affair with his boyfriend Joshua Speed and at other times in his life had occasional male-to-male liaisons."

In the Robert L. Kincaid biography of Joshua Fry Speed, the author detailed the 4 years that Lincoln and Speed shared the same bed.

Mr. Speaker, I shared the same bed with my brother, because we only had one bed.

□ 1730

There certainly was not any homosexual activity that went on. I have been on camping trips with good friends and shared the bed. The idea that two adult males cannot sleep in the same bed without engaging in homosexual activity can only be perpetrated by homosexuals themselves.

In the biography they go on,

Speed kept a general store in Springfield, Illinois. Being twenty-seven years old, a lawyer without client and no money, Lincoln was unable to pay the price for the bed. Speed suggested that Lincoln could "avoid the debt and at the same time attain your end. I have a large room with a double bed up-stairs, which you are very welcome to share with me . . . [Lincoln] took his saddle-bags on his arm, went upstairs, set them down on the floor, and came down with the most changed countenance. Beaming with pleasure he exclaimed, "Well, Speed, I am moved!" Both Lincoln and Speed always used the specific term "four years" similar to the way lovers mention anniversaries.

Lincoln was thrown into deep depression when the two of them separated due to Speed having to leave the area to attend to family matters. While away, Speed was pressured into marriage against his wishes. At the same time Lincoln sought a substitute in Mary Todd. Lincoln called off his wedding on January 1, 1841 and was not lifted out of his depression until having spent that summer with Speed. "No incident in Lincoln's life was perhaps more enjoyable than his visit in the Speed home [that summer]". Speed did marry in February 1842 and Lincoln wrote, "I feel somewhat jealous of both of you now; you will be so exclusively concerned for one another, that I shall be forgotten entirely."

Well, gee whiz, how many times with real good buddies that you grew up with did you say, "Well, you're getting married. Now I won't get to see you anymore." That makes you homosexual?

Lincoln never forgot Speed and wanted to name his first born child after him (Mary Todd objected) and was able to see Speed alone a few times later during the presidency. The main difference between Mary and Joshua in their relations with Lincoln was that Lincoln tried to spend all his time with Speed while he was eager to get away from Mary. There is in fact, more evidence for Lincoln's love of Speed than there is for Mary Todd. Lincoln was uncomfortable around women.

A lot of us are uncomfortable around women.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. HANCOCK. It makes you speechless when you read this type of stuff being put out by school districts.

I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. The thing that concerns me is here we have one of the truly great Americans, Abraham Lincoln. We have a statue of him, the Lincoln Memorial down here on the plaza. He is one of the people that is most revered, most revered by the American citizenry. He is the one who saved the Union. He held it together with his own iron will during the darker days of the American Civil War, and for his memory to be denigrated and partially destroyed by this kind of trash really bothers me. I know it bothers the gentleman in the well.

But in addition to that, the thing that bothers me even more is to know that that is being paid for with tax dollars. What right do people who want to destroy the image of one of the greatest Americans who ever lived, what right do they have to do that in the first place, and in the second place what right do they have to do it with taxpayer dollars? That article was written, and the gentleman can read at

the bottom who put that piece of trash out. But I guarantee that was paid for by an education commission in California, and that was paid for at least in part by tax dollars. I think that is a disgrace. And whether it was Federal tax dollars or State or local tax dollars, those people should be taken to task for allowing that kind of innuendo and trash to be published and put out at taxpayer expense.

Mr. HANCOCK. I will read to the gentleman that it was paid for by the Los Angeles Unified School District, their gay and lesbian education commission. That is who paid for it.

Mr. BURTON of Indiana. The Los Angeles Unified School District paid for it, the taxpayers of California and the taxpayers of Los Angeles County, and I am sure some Federal tax dollars found their way down to the bureaucracy to the Los Angeles school corporation. I think all of us ought to protect that kind of garbage being paid for by tax dollars and being put out as fact. That is pure, unadulterated trash, and Abraham Lincoln, one of the greatest leaders of this country, should not be denigrated or destroyed or his reputation distorted in any way by that kind of garbage.

I thank the gentleman for yielding.

Mr. HANSEN. Since I was denied the opportunity to offer and the time to discuss it, I am going to go into the details of what my comments would have been if we had been allowed the opportunity to offer this motion to instruct. It was very simple. It instructs the conferees to agree to the Smith-Helms amendment adopted by the other body which prohibits tax-funded pro-homosexual propaganda in our public schools. The Smith-Helms language is the exact same language I offered originally here in the House. As Members may recall, however, due to a gutting amendment, there was never a clean up or down vote on my original amendment.

This motion was our opportunity to put the House on record once and for all with regard to the Hancock-Smith-Helms language on the issue of taxpayer-funded homosexual propaganda in the public school classrooms of our country. The Hancock-Smith-Helms amendment is very simple. It prohibits any school or school districts which receive Federal funds from promoting or advocating homosexual lifestyle. The language is very simple. I will read it. No local education agency that receives funds under this act shall implement or carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle alternative.

It is very clear and simple and direct language. It prohibits activities which advocate homosexuality, which presents it in a positive light as being normal and desirable.

The cases that would have been covered by this amendment would not be in any kind of gray area. Ours is a bright-line test. Advocacy. Does it encourage or support homosexuality as a positive lifestyle alternative? I am talking about things like Gay Pride Month sponsored by the Los Angeles Unified School District featuring things like bulletin boards and school assemblies organized expressly for the purposes of legitimizing homosexuality.

I am also talking about books like "Heather's Two Mommies" and others which teach children that the homosexual lifestyle is normal, healthy, and desirable. Only a demagog would suggest that that language prohibits schools from teaching, from teaching homosexuality in the context of legitimate sex education or AIDS education. It did not stop schools from providing actual factual health information. All the amendment says is you cannot, under color of these things, portray homosexuality as a positive lifestyle. You cannot support, encourage or affirm it.

Most Americans consider this lifestyle immoral and decadent. They do not want their children recruited to it at school, but even more, preventing students from being morally corrupt, my amendment also protects students from receiving false or misleading health information which may actually endanger their lives.

The amendment was prompted in part by materials handed out at a student conference on AIDS sponsored in New York. This literature, given to students as young as 12, graphically portrays and glorifies conduct which is unsafe, unhealthy, and in some cases, even fatal. I cannot be more specific without offending the decorum of the House. I attempted to try to introduce it a few months ago as extraneous material, and the House Parliamentarian said that it was not fitting to become part of the CONGRESSIONAL RECORD. But it is fitting for us to hand it out in public education and in public schools.

We had the literature over here. It is not AIDS information as it claims to be. It is the advocacy of inherently unsafe conduct. We do not dare say that we care about the health of our children and not look at this type of literature that we are putting out.

□ 1740

The amendment enhances the efforts of legitimate sex and AIDS education by prohibiting literature such as this which promotes inherently unsafe conduct.

Now, you may ask, what is the scope of the Hancock-Smith-Helms language; what sort of programs and activities does it cover? Allow me to read the definition directly from the amendment. It is a very short amendment: A program or activity for purposes of this section includes the distribution of instructional materials; instruction, counseling, or other services on school grounds or referral of a pupil to an organization that affirms the homosexual lifestyle.

Yes, we do cover some books that are in the library, and we cover some curriculums. We do cover counseling. We do cover referral to outside groups.

Under our amendment, none of those things, books, instructions, counseling, or referral, are allowed to affirm this lifestyle.

It is just not appropriate for a taxpayer-supported public school to use any of these means to promote the homosexual lifestyle.

Does this mean counselors will not be able to talk to troubled suicidal teens who are having a crisis with their sexual identity? Absolutely not. Counselors can counsel against suicide. They can counsel against low self-esteem. They simply cannot affirm homosexuality as a positive lifestyle alternative, and they most certainly cannot hand such a troubled youth over to some homosexual recruiting service passing itself off as a community center or counseling organization.

Indeed, the amendment is especially for the protection of such troubled youths. The last thing such a wayward student needs is for an authority figure to encourage them to give in to unhealthy temptations, to pursue a path of immoral and unsafe conduct. They need the moral guidance of a parent or a pastor, not the corrupting influence of a permissive counselor.

Ladies and gentleman, this was a very clear vote if we had gotten it through yesterday. If we had voted for the motion to instruct, we would have been voting for the Hancock-Smith-Helms language adopted by a 2-to-1 margin in the other body which will prohibit schools which receive Federal tax dollars from promoting the homosexual lifestyle in our classrooms. If we voted against the motion, which they denied me the opportunity to offer it, therefore, we did not get a vote. And, now, I want to close just by answering again some of the questions, the key questions, that have been brought up in objecting to the amendment or to the motion to instruct and the original amendment.

Will this not interfere with legitimate counseling of students who are at risk for suicide because they think they are homosexual? No. Under the Hancock-Smith-Helms language, counselors are in no way restricted from counseling against suicide or against low self-esteem. They are merely restricted from affirming the homosexual lifestyle as a positive alternative. After all, the last thing they need is for them to send them to an organization that is homosexual-oriented that is going to recruit them rather than to help them.

Did not the Reagan administration, and there was a rumor that came out,

did not the Reagan administration study find that homosexual youth were at a greater risk for suicide and in need of affirmation? That is what has been circulated. No. A draft of a study was prepared making those assertions. The draft was soundly rejected by Dr. Louis Sullivan, Secretary of Health and Human Services, as biased and unreliable. The draft, in fact, was condemned as an unfair diatribe against the Catholic Church and traditional morality.

Where is this sort of thing going on? Luckily, I do not know for sure whether it is going on in my district in southwest Missouri. I would not think so. But I am sure that it is there. I have had people say, "Well, if this stuff was being given to your children, they would bring it home." I think that I had a very open, a very open relationship with my children. I do not think my children would have brought this type of trash home. I do not think that they would even have told me about it and, in fact, I have asked some of the newspapers, "Why don't you publish this stuff," and they say, "Look, we tried once, and we had people canceling because they did not want their children to see it."

Where is this sort of thing going on? We know Alaska, California, Connecticut, Hawaii, Louisiana, Massachusetts, Minnesota, Nebraska, New Hampshire, New York, Vermont, and Virginia, and a number of places we probably do not know about yet. Frankly, I think it is going on in my own town. I cannot prove it, but possibly there will be some people, maybe, and maybe I can encourage, maybe I can encourage some people that if this type of stuff shows up to bring it to me. I want to know.

Now, finally, would this type of legislation prohibit and interfere with legitimate AIDS education, sex education, or health education? Absolutely not; absolutely not.

When I was in school, we had what we called a class called physical hygiene. We talked about body parts. We talked about a little bit of everything, you know. But we at that time, I do not remember that we talked about homosexuality. Frankly, I had never personally, and I do not even think about it in my association with people. I have had people say, "Well, would you hire a homosexual?" I never think about it. I never think about it when I am interviewing somebody or when I am working with somebody. I never think about what is their sexual orientation.

But I can tell you one thing, folks, if I ever found out that some schoolteacher was trying to educate my grandsons that homosexuality is the thing they ought to participate in and start giving them instruction on how to commit homosexual acts to where they can do it without preventing AIDS, I will think about it then, and I think there are a lot of people that will think about it then. I think the gentleman over here would be thinking about it pretty quickly. And I think there are a lot of parents that ought to start thinking about what they are teaching in our schools.

When they go to the point, when they go to the point to publish literature stating that anybody basically that ever slept in a bed, a male with a male or a female with a female, that there had to be some type of sexual activity, I cannot believe; I cannot believe that the U.S. Congress would deny our children the protection that our amendment would have offered them. I cannot believe it.

I hope some way, some way that the right-thinking people will get the telephone numbers of their Representatives and say, "Wait a minute, is this the type of country that we want? Do we want what happened throughout history? Do we want the same situation in Washington, DC, that existed in the Roman Empire when it started down the tube?" Read your history, folks. Do we want to participate in the world population control organization that the other day said one way to control the world population is to encourage homosexuality? I guess that would do it. Do we want laws passed for where homosexuals, avowed homosexuals, are able to marry and adopt? Is that what we want in this country?

All I can do is ask the question. I am fully aware of the fact of what probably is going to happen to me tomorrow.

But I did not come to Washington, DC, to get into this question. I came to Washington, DC, because I believe in what the Founding Fathers and the people, what they stood for and what made this country the greatest country in the world, and I resent any organization doing what they are doing to one of the most respected leaders in the history of the world, and they are doing it with our tax dollars, condoned by Members of the U.S. Congress.

LOS ANGELES UNIFIED SCHOOL DISTRICT, OFFICE OF INSTRUCTION

May 29, 1992

Memorandum No. 36.

Subject: Gay and Lesbian Pride Month.

On May 18, 1992, the Board of Education passed a resolution recognizing June of each year as Gay and Lesbian Pride Month. The resolution is based on District policy contained in the "Educating for Diversity" document, which states as a District goal the development of "students who appreciate and respect diversity and understand the roles and contribution of people of diverse groups." The document calls upon the District to include in the curriculum the historical and current role and treatment of homosexuals in society, "the contributions of gay and lesbian people in history and culture, and the current status of homosexuals as it relates to social policy, family diversity and human relations."

The approved Board of Education resolution states:

Whereas, In June of 1969 in the Greenwich Village section of New York City a routine raid on a gay and lesbian bar called the Stonewall Inn was for the first time resisted by the peacefully assembled gay and lesbian patrons;

Whereas, This resistance led to several days of uprising by the gay and lesbian population of New York City who demanded equal rights and an end to police harassment of their establishments; and

Whereas, This event now called the Stonewall Rebellion, is widely viewed as the beginning of the modern gay and lesbian movement and is the reason why the month of June has come to be a time to celebrate the accomplishments of gay and lesbian people through parades, marches, commemorations, cultural programs, and other means; therefore, be it

Resolved, That the Board of Education of the City of Los Angeles recognize June of each year as Gay and Lesbian Pride Month and encourage schools and offices to find appropriate ways to fulfill the mandate of this resolution and of the policy document "Educating for Diversity."

For assistance call Bernadine Lyles, Advisor, Multicultural Unit, at (213) 625-6791, or Laura Hale, acting director of the Gay and Lesbian Education Commission, at (213) 351-7311.

Approved: Sidney A. Thompson, Deputy Superintendent.

Distribution: All Schools and Offices.

[Excerpts from various publications of the Los Angeles Unified School District Gay and Lesbian Education Commission]

HISTORICAL FIGURES

ABRAHAM LINCOLN'S LOVE FOR JOSHUA FRY SPEED

Contemporaries who did not understand Lincoln's sexuality found him difficult to comprehend. Thus William Herndon, his law partner of sixteen years and an active heterosexual, wrote that Lincoln was 'a profound mystery—an enigma—a sphinx—a riddle' (Donald, Herndon, 361.)" (Shively, p. 71).

"For Lincoln, writers have thoroughly explored (and even freely invented) love affairs with women, but no one has explored his homosexual activities. Lincoln had a four-year love affair with his boyfriend Joshua Speed and at other times in his life had occasional male-to-male liaisons" (Shively, p. 72).

In Robert L. Kincaid biography of Joshua Fry Speed, the author detailed the four years that Lincoln and Speed shared the same bed. Speed kept a general store in Springfield Illinois and initially met Lincoln when he entered the store to buy a bed. Being twenty-seven years old, a lawyer without client and no money, Lincoln was unable to pay the price for the bed. Speed suggested that Lincoln could "avoid the debt and at the same time attain your end. I have a large room with a double bed up-stairs, which you are very welcome to share with me * * * [Lincoln] took his saddle-bags on his arm, went up stairs, set them down on the floor, and came down with the most changed countenance. Beaming with pleasure he exclaimed, "Well, Speed, I am moved!" (Speed, 22-23). Both Lincoln and Speed always used the specific term "four years" similar to the way lovers mention anniversaries.

Lincoln was thrown into deep depression when the two of them separated due to Speed having to leave the area to attend to family matters. While away, Speed was pressured into marriage against his wishes. At the same time Lincoln sought a substitute in Mary Todd. Lincoln called off his wedding on January 1, 1841 and was not lifted out of his depression until having spent that summer

with Speed. "No incident in Lincoln's life was perhaps more enjoyable than his visit in the Speed home [that summer]" (Kincaid, 15). Speed did marry in February 1842 and Lincoln wrote, "I feel somewhat jealous of both of you now; you will be so exclusively concerned for one another, that I shall be forgotten entirely" (Lincoln, I, 281).

Lincoln never forgot Speed and wanted to name his first born child after (Mary Todd objected) and was able to see Speed alone a few times later during the presidency. "The main difference between Mary and Joshua in their relations with Lincoln was that Lincoln tried to spend all his time with Speed while he was eager to get away from Mary" (Shively, p. 79). There is in fact, more evidence for Lincoln's love of Speed than there is for Mary Todd. Lincoln was uncomfortable around women (Baker, p. 89).

REFERENCES:

*Donald, D. (1948). Lincoln's Herndon: A biography, New York, Knopf.

*Shively, C. (1989). Drum beats. San Francisco: Gay Sunshine Press.

*Kincaid, R.L. (1943). Joshua Fry Speed, Lincoln's Most Intimate Friend. Harrogate, Tennessee; Lincoln Memorial University.

*Lincoln, A. The collected works of Abraham Lincoln. Roy P. Balser, editor. 9 vols. New Brunswick, N.J.; Rutgers University Press, 1953–1955.

*Baker, J.H. (1987). Mary Todd Lincoln: A Biography. New York; Norton.

URIBE RECEIVES AWARD FROM NEA

In September, 1992, the Los Angeles Unified School Board honored Commission Chair Dr. Virginia Uribe at a regular Board meeting for her receipt of the Human Rights Award from the National Education Association. This award was given in recognition of Uribe's contribution to identifying and making recommendations to help alleviate the problems gay and lesbian youths face in the public schools.

Dr. Virginia Uribe is the founder of Project 10, a program that offers counseling for gay and lesbian youths attending schools within Los Angeles Unified School District. Since Project 10's inception in 1984, Uribe has contributed to many educational journals, including: Harvard Educational Review; Education Week; Education Digest; California Association of Health, Physical Education and Dance Journal; Focal Point; the Journal of Homosexuality; and the Newsletter of the Association of School Counselors. She is also an active member of: United Teachers of Los Angeles, Gay and Lesbian Issues Committee; National Education Association, Gay and Lesbian Caucus; California Teachers Association, Gay and Lesbian Youth Task Force; Multicultural Committee, Los Angeles Unified School District; and, HIV Blue Ribbon Task Force, Los Angeles Unified School District.

We are proud of Uribe's achievements and are proud that she has been elected the first Chair of the Gay and Lesbian Commission.

GAY AND LESBIAN EDUCATION COMMISSION FORMED TO ADDRESS SPECIAL NEEDS OF GAY AND LESBIAN STUDENTS

Los Angeles, November 18, 1991.—The Los Angeles Board of Education has created a Gay and Lesbian Education Commission, the first of its kind in the nation. This community-based commission came as the result of a motion by openly gay school board member Jeff Horton. Its purpose is to advise and assist the school board on programs and issues related to gay and lesbian students, which make up approximately ten percent of the student population, their parents, and school personnel.

"This commission is going to be the life line for gay and lesbian students who may be confused and too frightened to turn to parents and friends," said commission Acting Director Laura Hale. "The Gay and Lesbian Education Commission was formed to be their voice."

The education commission will confront the critical issues facing gay and lesbian students. Harassment and peer pressure have led to soaring drop out and suicide rates among gay and lesbian students. Members will also recommend ways to monitor and curtail these problems on school campuses.

The Gay and Lesbian Education Commission will serve as a clearing house by reviewing materials and improving programs to increase awareness on issues of homosexuality, especially homophobia, AIDS education and prevention. It will also serve as a conduit between the gay and lesbian community and all sectors of the educational community. Outreach programs will support gay and lesbian students.

CURRICULUM COMMITTEE

The committee is currently reviewing a number of existing gay sensitivity curriculums to develop their own that would be appropriate for LAUSD students. These materials will be tested in one area of LAUSD before extending it to the entire district.

PRIDE MONTH COMMITTEE

The committee has begun developing "terrific" materials to send to each school about Pride Month with a March target completion date.

CONDOM COMMITTEE

The committee realized that it needs much more information about the effectiveness of the current LAUSD condom distribution program. The Committee is in the process of surveying high schools about their programs. We must help stop AIDS.

GAY AND LESBIAN YOUTH CONFERENCE

The committee has decided to broaden the scope of the Career Day to extend it to all gay and lesbian youths and to address not only careers but other issues of importance to gay and lesbian youths. It is hoped that GLEC's conference can be tied in with other college with university youth conferences.

BOY SCOUTS COMMITTEE

The Commission has sent the School Board a letter requesting the District to sever relationships with the Boy Scouts until the Scouts remove their anti-gay policy. Other school districts and police departments nation-wide have also severed their ties with the Boy Scouts over this issue. The committee believes that the School Board should take this action in order to be consistent with their anti-discrimination policy.

DOMESTIC PARTNER/HEALTH BENEFITS COMMITTEE

The District has refused to provide benefits to domestic partners citing the cost. The committee will continue to press for fairness.

WELCOME THE NEW COMMISSIONERS

The response for applications to be on the Gay and Lesbian Education Commission was overwhelming. We wish to thank all of you who applied. The Commission needs many volunteers besides official commissioners and the public is encouraged to attend any and all Commission meetings.

Our current commissioners include: Brad Albion, Julie Baron, Gary Campbell, Carl Englebrecht, Charles Fogarty, March Goodman, Laura Hale, Ellen Kameya, Irene Kaufman, Roy Dawaskai. Steven Kornfeld, Rich Llewellyn, Max Manuel, Ernie Martinez, Cheryl Mandoza, Rene Narvaez, Steve Oster, Jonathan Poullard, Mary Reyna, Jason Riggs, Joe Salvemini, Dick Sargent, Ken Silk, Voltaire Tinana, Virginia Uribe, Hector Viera, Vallerie Wagner, Darlene Weege, Thelma Barrios, and Norine Boehmer.

Again, Congratulations!!

GAY AND LESBIAN VICTORIES IN THE LOS ANGELES UNIFIED SCHOOL DISTRICT

1. Ten years of Project 10. This school based counseling program for gay and lesbian students was founded in 1984 by Virginia Uribe and now exists in over half of the District's 52 high schools and in many middle schools as well. (For more information call Virginia Uribe at Fairfax High School, 213–651–5200.)

2. The Gay and Lesbian Education Commission. This is one of seven commissions created by the Board of Education for the purpose of bringing the concerns of the community directly to the Board and to the District as a whole. These commissions have one full time director funded by the District and unpaid commissioners appointed by board members. (The other commissions include Black, Mexican-American, Asian and Pacific Islander, American Indian, Sex Equity, and Special Education.) This institutionalization of gay and lesbian interests in a public school district is the first of its kind in the nation. (For more information call the director Kathy Gill at 213–625–6392.)

3. Annual recognition since 1992 of June as Gay and Lesbian Pride Month in all of the schools. Last year, the Commission sent an extensive packet of materials to all middle schools and high schools, and many of them had assembly programs, speakers, displays, and other activities associated with Pride Month in the gay community.

4. First Annual Gay, Lesbian, and Bisexual Youth Conference. In October, 1993, over 200 high school and college youth were brought together in this day-long event sponsored by the Commission and held at Occidental College.

5. Full inclusion of sexual orientation and gay and lesbian; interests in the District's multicultural, human relations, counseling, and nondiscrimination policies.

6. A drop-out recovery program at its own school site aimed at keeping lesbian, gay, and bisexual students in school. (The EAGLES Center; for more information call Jerry Battey at 213–937–4819.)

7. An openly gay member of the school board. (Jeff Horton, 213–625–6386.)

In addition, the LAUSD is one of the few school districts in the nation which has a policy of making condoms available to high school students.

Although there is still much to do, the Los Angeles Unified School District has been in the forefront of efforts to meet the needs of gay and lesbian youth.

APRIL 20, 1994.

DEAR FRIENDS: This coming June we're looking forward to our third annual Gay & Lesbian Pride Month. Many people ask why we've chosen June for Gay & Lesbian Pride Month. The answer dates back to the Stonewall riots which began June 27, 1969. These riots became the symbol of the Gay Liberation Movement and June became the month to celebrate equal rights and respect for Gays & Lesbians. (For detailed information, please see the handout on Stonewall.) Thus,

June has become the month that we have dedicated to teach respect for Gays and Lesbians and to develop students who appreciate the diversity of humankind. This will help to provide a school environment that is free of harassment of Gay & Lesbian youth and encourage them to finish high school and continue their higher education. Following are the suggested activities for Gay & Lesbian Pride Month:

1. Display:

Using the colorful handouts enclosed, chose a central display case to post the information about the Gay & Lesbian community, its symbols, various organizations and resources. An additional display may be done in the media center.

2. Bulletins:

Daily facts and information about famous Gays & Lesbians, well-known contemporary Gays & Lesbians, facts about Gays & Lesbians, resources for Gays & Lesbians can be put in the daily bulletins.

3. Assemblies:

If you'd like to plan an assembly at your school, please contact Kathy Gill at (213) 625-6392. We have videos, (see below), college students from USC's Shout and other poets and artists who will help with the assemblies.

Available videos:

1. LAUSD's "1st Annual Gay, Lesbian & Bisexual Youth Conference."

2. "Leticia Quezada addresses the Issue of Gay & Lesbian Rights." (available in English & Spanish)

4. Lessons:

The information on Famous Gays and Lesbians in History & Well-known contemporary Gays, Lesbians & Bisexuals may be duplicated and used in History classes. The latest scientific research on the possible correlates for a genetic and biological basis for sexual orientation may be duplicated and used in health and science classes.

Please feel free to call if you have any questions.

Sincerely,

KATHY J. GILL,
Director, GLEC.

THURSDAY, MAY 20, 1993.

DEAR COLLEAGUES: The enclosed materials have been assembled by the Los Angeles Unified School Gay and Lesbian Education Commission to assist middle and senior high schools in planning activities for "Gay and Lesbian Pride Month" in June. I have included posters, resources, lessons and materials I hope you find useful. Don't hesitate to call the various organizations listed on the resource list. They are all trained to give staff inservices, assemblies and workshops.

Since the Gay and Lesbian Education Commission is not funded with a full time director, we are unable to assist with activities during the school day. However, if there are any questions you might have, please call the commission office and leave a message. I will return your call ASAP.

For your information, all of the materials included in this packet were donated by the various organizations listed on the handout. The materials, envelopes and letterhead were bought at no cost to the Los Angeles Unified School District whatsoever.

With Pride,

LAURA A. HALE,
Director.

P.S. Your efforts on behalf of the Gay and Lesbian students, staff, and parents at your school will be appreciated more than you will ever know. Since we have been an often "invisible" group of individuals, many people don't think they know anyone gay or lesbian. Believe me, you do.

[From Project 21, Kansas City, MO]

PROJECT 21—A NATIONAL LESBIAN, GAY AND BISEXUAL ALLIANCE FOR CURRICULUM ADVOCACY

Project 21 is an informal, national alliance of organizations and individuals working to ensure that fair, accurate and unbiased information is presented to America's youth regarding the nature and diversity of sexual orientation.

Project 21 also strives for inclusion of long-censored information regarding the same-gender orientation of significant historical and cultural figures in course content throughout the curriculum.

The organizational nexus of Project 21 is the Gay and Lesbian Alliance Against Deformation/San Francisco Bay Area Chapter, which acts as fiscal agent and sponsor. GLAAD/SFBA was joined by the Bay Area Network of Gay and Lesbian Educators [BANGLE] and the Gay and Lesbian Youth Advocacy Council of San Francisco to launch Project 21 in 1990.

Project 21 pursues a proactive agenda to improve the treatment of lesbian, gay and bisexual persons in educational systems of all levels of society. Advocates for Project 21 provide testimony before state and local boards of education, inform the public about educational equity issues, and furnish various resources for addressing lesbian and gay subjects in the classroom. Project 21 members call for an end to the censorship of information about our communities in textbooks, course content, resource materials and library offerings.

Project 21 members believe that elementary and secondary curricula should include:

Fair and factual information about sexual orientation in sex education, social studies, humanities and family life classes;

Information about the historical and continuing contributions of lesbian, gay and bisexual people to art, language, education, science, sport;

Discussion of the gay liberation movement and the history of the struggle for gay, lesbian and bisexual equality in the United States and throughout the world;

Documentation of significant social, legal and historical events, including the National Marches on Washington for Lesbian and Gay Rights in 1979, 1987 and 1993, the Stonewall Resistance of 1969, and the struggle for privacy rights argued before the Supreme Court in Bowers vs. Hardwick (1986).

Did your textbooks say that:

Alvin Ailey, Edward Albee, Alexander the Great, Horatio Alger, James Baldwin, Truman Capote, Willa Cather, Queen Christina of Sweden, Colette, Noel Coward, Leonardo da Vinci, Emily Dickinson, T.S. Eliot, E.M. Forster, Michael Foucalt, Margaret Fuller, Allen Ginsberg, Hadrian, Henry III, J. Edgar Hoover, Langston Hughes, Frida Kahle, John Maynard Keynes, Federico García Lorca, Michelangelo, Yukio Mishima, Montezuma II, Martina Navratilova, Plato, Richard II, Eleanor Roosevelt, Bayard Rustin, Sappho, Bessie Smith, Socrates, Gertrude Stein, Peter Ilyich Tchaikovsky, Alan Turing, Gore Vidal, Walt Whitman, Oscar Wilde, Tennessee Williams, Virginia Woolf, and Marguerita Yourcener were lesbian, bisexual or gay?

Were their achievements even mentioned?

□ 1750

ACTIVITIES OF THE CLINTON ADMINISTRATION

The SPEAKER pro tempore (Mr. STUPAK). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 30 minutes.

Mr. BURTON of Indiana. Mr. Speaker, over the past several months I have been talking about the activities of Bill Clinton and members of his administration regarding Whitewater, Monroe Savings and Loan, their relationships with other people who were involved in drug trafficking. I think some of this bears repeating before I go into my special order tonight.

One of the very close friends of President Clinton was a gentleman named Dan Lasater. Mr. Lasater was an entrepreneur who started out in Indiana, my home State, started a company called Ponderosa Steak Houses. He went down and started an investment firm down in Little Rock, AR. Mr. Lasater was a very big supporter of President Clinton when he was running for Governor of Arkansas on several occasions. They partied together, they flew around in Mr. Lasater's plane, they dined together. They were very close friends.

Mr. Lasater received millions and millions of dollars in bond contracts.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. HANCOCK. I wonder if they ever slept together on a hunting trip. Maybe we got something going here.

Mr. BURTON of Indiana. I do not have any idea. But anyhow, Mr. Lasater was a very close friend of the President's and was one of his big financial supporters. Mr. Lasater was known to use cocaine and distributed cocaine freely at many parties. And he was convicted, convicted by the Arkansas authorities of trafficking in cocaine. He received a prison sentence, and his prison sentence was partially reduced. After he got out of prison, he was in a halfway house for a few months, he was pardoned, exonerated by then-Governor Clinton, his friend. During the time that he was incarcerated in this halfway house—he really was not in a penitentiary, he was in a halfway house most of the time—during the time he was incarcerated, a lady named Patsy Thomasson, who is his chief financial officer, took over control of his businesses, and she ran his businesses as the chief financial officer while Mr. Lasater was away at prison. When he got out and was pardoned by President Clinton, Ms. Thomasson continued to be the chief financial officer of his companies, and she also became the chief officer of what was called the Phoenix—the Phoenix Group. A subsidiary of the Phoenix Group was the Phoenix Mortgage Co., and Mr. Lasater became the president of the Phoenix Mortgage Co. So the relationship between Patsy Thomasson, and Mr. Lasater, and Bill Clinton was of long duration and continued even after he went to jail and

was out. As a matter of fact, Mr. Lasater paid an $8,000 drug debt, drug bill for cocaine use that Bill Clinton's brother had incurred. So he paid off a drug bill for Bill Clinton's brother. So there was a very close relationship between the Clintons and Mr. Lasater.

Now, Patsy Thomasson, to give you some more background, my colleagues, now is one of the chief officers at the White House. She is the personnel director at the White House. She conducts, quote unquote, the drug testing of personnel at the White House.

Now, yesterday the people of Albuquerque, NM, awoke to another tale of corruption that may involve the President, President Clinton. The front page of Tuesday's Albuquerque Journal reports that a joint Federal/State narcotics investigation of the President's friend, Mr. Dan Lasater, was called off before it was completed. A former Arkansas State police investigator, J.N. "Doc" DeLaughter, told two Journal investigative reporters that the investigation included Lasater, a close friend of the President and high-dollar contributor to Mr. Clinton's campaign, and the President's brother, Roger Clinton. DeLaughter said the investigation was cut off prematurely for political reasons.

The State police investigators say he briefed the Clinton-appointed Arkansas State police director, Tommy Goodwin, twice by telephone about the Lasater/Clinton investigation. On both occasions Tommy Goodwin, the State police investigator, was using a phone in then Governor Clinton's personal office. Mr. DeLaughter, who was then on the force, was not sure whether or not Governor Clinton, now President Clinton, overheard the conversations. But it is very clear that Governor Clinton, now President Clinton, was very close to the Arkansas State Police director, who was getting the information about the investigation.

DeLaughter said, and I quote, "Moneys could have been seized and planes could have been seized because we had evidence that cocaine was being used on planes," used by Mr. Lasater. As I said before, Mr. Lasater quite frequently flew then Governor Bill Clinton around in these planes.

DeLaughter told the newspaper that he and another investigator were barred from interviews with Lasater, Roger Clinton and another Lasater associate. In other words, his superiors on the State police said, "You can't go and investigate this." They stopped him cold in his tracks. Eventually Lasater was convicted of possession and distribution of cocaine, as I said before. He was sentenced to 30 months in prison but served only 10 months, most of which was in a halfway house, before being released on parole. Lasater was later paroled by his friend, then-Governor Bill Clinton.

Now, right in the thick of all this is Patsy Thomasson, who is now the personnel director at the White House. She took over the day-to-day operations of the Lasater companies while Lasater was in prison. As I speak to you tonight, she is responsible for the daily administration of the Clinton White House.

The newspaper is careful to point out that there is no evidence to support any indictment of Ms. Thomasson or establish a direct connection between the illegal activity that led to the conviction of Lasater and the President's brother.

Now harkening back to an earlier Washington scandal, one has to wonder what did Ms. Thomasson know about the illegal activity which surrounded her, and when did she realize that her boss, Lasater, was a large-scale drug pusher?

The Albuquerque Journal found no one in that firm, no one in that firm other than Ms. Thomasson, the chief financial officer, had any doubt about what was going on in the Lasater companies. I quote the newspaper's story:

> Former Lasater employees interviewed by the FBI said they left or joined the firm between 1982 and 1985 because of its reputation for cocaine use.

As the chief financial officer for Lasater during that period, are we to believe that Ms. Thomasson, now the chief personnel director at the White House, had no clue about what was going on in the company? The Albuquerque Journal reported that the FBI received sworn statements from Lasater employees there—that were there at Christmas parties at which cocaine was available in ashtrays. Cocaine was freely available at Lasater Company outings in Lexington. KY, Hot Springs, AR and elsewhere, according to Lasater employees. Reporters Dick Lynch and Mike Gallagher quote Federal grand jury testimony which said that, "Cocaine was served like hors d'oeuvres." But we are asked to believe that the chief financial officer, even though everybody else in that firm knew about it, knew nothing of this. And we are talking about Ms. Thomasson. Ms. Thomasson, Patsy Thomasson, was a key player in the Lasater operations.

The newspaper cites numerous public and court records which show her as president of the various Lasater enterprises, including New Mexico's Angel Fire Corp., which Lasater purchased in 1984 and sold in 1987. Articles of incorporation show that Thomasson as an incorporator of the Phoenix Group, which was the successor to Lasater & Co.

Records of the sale of Angel Fire in 1987 to a Texas investment partnership bear Patsy Thomasson's signature. She was tied to Mr. Lasater all the way through all of his operations. At the time of this sale, the Customs Service and the FBI were busy investigating money laundering and drug trafficking.

She signed the partnership agreement. The two agencies formed an Organized Crime Drug Enforcement Task Force and named Lasater as the chief target of the probe. Pasty Thomasson was given power of attorney, power of attorney by Mr. Lasater in January 1987 while he was in prison and, surprisingly, appears to still be acting as a registered agent for Lasater's Phoenix Mortgage Co.

Calls by the newspaper to Patsy Thomasson at the White House were not returned. I understand Ms. Thomasson has taken leave of absense from her position as the director of administration for the President. I continue to be concerned about the President's association with people like Mr. Lasater, pardoning him after he was convicted of dealing in drugs, giving him $65 million, I believe, in State bonds during the time he was being investigated and later indicted by the Arkansas State Police and the Federal authorities for drug trafficking. I continue to be concerned about his association, President Clinton's, with people like Mr. Lasater and Ms. Thomasson. In the very limited hearings that we had on Whitewater——

The SPEAKER pro tempore. The gentleman will suspend for just a moment.

Mr. BURTON of Indiana. For what purpose, Mr. Speaker?

The SPEAKER pro tempore. Will the gentleman suspend for a moment?

Mr. BURTON of Indiana. Yes.

The SPEAKER pro tempore. The Chair must remind Members, all Members, that it is a breach of order in debate to level personal innuendo at the President of the United States.

□ 1800

Mr. BURTON of Indiana. Well, I do not believe I am saying anything that is innuendo, Mr. Speaker. I think I am talking about what has been reported in the media and is, in fact, publicized by the media all across this country, and I would take issue with the Speaker by saying that the President did pardon Mr. Lasater after he was convicted of cocaine use. That is as a matter of fact, it is not innuendo, and for the Speaker to interrupt my special order by saying I am inferring, this is a misuse of the Speaker's power.

The SPEAKER pro tempore (Mr. STUPAK). The Chair is merely reminding Members that it is improper during debate to level personal innuendo, at the President, and the fact that others have already done so in the media is not material to this rule of decorum.

Mr. BURTON of Indiana. I request that that be read back, Mr. Speaker, so I could check that out.

The SPEAKER pro tempore. The gentleman may proceed in order. The purpose of the Chair's comment was to caution the gentleman against a breach of order.

Mr. BURTON of Indiana. I appreciate that, Mr. Speaker. I will proceed and say:

If you find that I'm using innuendo instead of fact, I hope you will remind me, but I don't think I have.

The fact of the matter is the President of the United States, Mr. Clinton; fact, not innuendo; pardoned Mr. Lasater after he was convicted of cocaine trafficking in Little Rock, AR, and during the time that he was under investigation by the Arkansas State Police, the Arkansas bonding agency down there gave Mr. Lasater, I think, I believe, $65 million in State government contracts, and I think that is something that is of great question by Members of this body and deserves a full hearing in congressional hearings.

So, I do continue to be concerned about the President's association with people like Mr. Lasater and Miss Thomasson. In the very limited hearings on Whitewater which have been held so far, Mr. Speaker, witness after witness told us what they did not know. I believe someone at the White House does know the answer to many of these questions which have been left unanswered.

I have taken the floor of this House many times over the past several months during this session to raise questions about a number of incidents connected to this White House. In every instance the Clinton White House has not responded, and we need full congressional hearings on many of these issues, not these limited parameters that are being set by the Democrat leadership and the Democrat chairmen of these committees which would limit us in our questioning of White House employees and people who have relevant information to these questions. When we had the Whitewater hearings, the members of the Committee on Banking, Finance and Urban Affairs had 5 minutes to question 10 members of the White House staff and get answers, not 5 minutes to question each one of them, 5 minutes to question all 10 of them and get a response. That in my opinion smacks of a whitewash and certainly was not full congressional hearings.

The thing that bothers me is during the Reagan and Bush administrations there were 23 full-blown hearings on everything from Iran-Contra, to the October Surprise, to everything else, and something as important as the Whitewater investigation is being swept under the rug, and I believe for political purposes, and it is unfortunate.

Now the smoke is starting to clear around the Clinton White House. I think the American people are not being fooled by a lot of this, and, as Clinton loyalists continue to resign, the pattern of distortion is continuing to change.

We need a full investigation of the President's association with Mr. Lasater and Miss Thomasson. We need a full investigation of possible obstruction of justice in the investigations of drug use and drug trafficking by Mr. Lasater and the President's brother. And there are other questions that need to be answered, like Mr. Vince Foster. We still have not gotten all the answers concerning his mysterious death and finding him at Fort Marcy Park.

So, Mr. Speaker, this is another in a series of special orders I will be taking over the next few weeks until we adjourn, and, when we come back in January, if we have not had an agreement by both the majority and minority to have full-blown hearings on many of these issues relating to Whitewater and other mysterious things that have been going on, like the special order I took last night regarding two savings and loan associations in the State of Illinois who had the Rose law firm and Hillary Rodham Clinton representing the government in going after Mr. Lasater himself at a time when they were friends, which smacks of a conflict of interest, I am hopeful that we will be able to get a bipartisan agreement so that we can actually have full-blown hearings and get to the bottom of it. The questions need to be answered. If the President and the White House has nothing to hide, then they should be very happy to answer the questions that the Congress will raise at these hearings.

CLINTON QUO VADIS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the Chair recognizes the gentleman from California [Mr. DORNAN] for 60 minutes.

Mr. DORNAN. Mr. Speaker, first of all, I want to compliment the gentleman from Indiana [Mr. BURTON] on his special order and say that I think he has done an outstanding job in trying to keep before the public a story that torments most of the dominant media culture. They turn it on, they turn it off, they turn it on. Then they build up, and they create comebacks. But somehow or other we are going to get to the truth on this.

I know you were on the floor, Mr. BURTON. I was not. I had my staff tape the remarks of Mr. MEL HANCOCK who preceded you. If there were a category in this country called 'Is There No Shame, Is There No Respect for Any Institution,' the hands down winner would be the Los Angeles school district where my younger brother Richard, of whom I am exceedingly and justifiably proud, teaches. That they would turn loose forces in that school system to try and make the shabby, unforgivable case that President Abraham Lincoln, considered by both parties to probably be our greatest President, is somehow or another a homosexual, an activist one to boot, is just beyond description. And the fact that we could not get into that debate on the House floor yesterday is a tragedy. But I am hoping that you and I, who have trekked through parts of Central America during the conflict against communism there, where the Reagan doctrine prevailed and our side won, can travel to Haiti to show our young men and women down there, marines, rangers, commandos, Coast Guard, our 10th Army Division, BOB DOLE's division, that we support them, but that we know that it is not the right mission. It is not right to raise young Americans to be decent human beings, understanding fully civil rights and how we denied it, for most of our history, to Americans of African descent, to understand human rights, understand that human life is sacred, and then ask them to stand there mute with loaded weapons on safety while limping and teen-age boys are beaten to death. It is more than we should ask of any fighting man.

There was one quote that struck me by all of our fine young GI's who are daring to talk to the press. And I can imagine the White House sending orders through General Shalikashvili telling our young men and women in uniform, "Don't talk to the press." But their remarks were pretty cogent yesterday, and the one quote that stuck in my mind was: "I thought we came down here to help people. What are we doing here?"

Another quote was from a young man who said: "I feel like dumping my gear, footing it to the Santo Domingo border and getting out of here."

Mr. BURTON of Indiana. Mr. Speaker, would the gentleman yield just real briefly?

Mr. DORNAN. I have an hour.

Mr. BURTON of Indiana. Mr. Speaker, one of the things that is distressing to me: First of all, I think the vast majority of the Members of both the House and the Senate and the American people did not want us to go into Haiti in the first place.

□ 1810

But now that we are there, one of the things that troubles me, and we should be supporting our troops now that they are there, I did not want them in, you did not want them in, but now that they are there, we should be supporting them because they are our troops. But one of the things that concerns me is there have been no apparent rules of engagement delineated or given to the troops on the ground. They really, as far as I can tell, do not know how to deal with these situations, and there are no plans to do it.

Now, the White House and the Pentagon, it seems to me, before we landed one soldier, one marine, or anybody else on those beaches down there in Haiti, should have given a set of rules

and guidelines for dealing with the people of Haiti and how to deal with situations like those which took place yesterday. It is apparent that that did not take place.

So if there is one thing I would like to say to the Pentagon, if anybody were to be paying attention to this special order, along with you and my colleagues, is that let us very clearly, very quickly, set up the results of engagement, how we are going to conduct ourselves down there, so that the troops and the American people know what the guidelines are. Because right now they do not, and I know Members of Congress do not as well.

Mr. DORNAN. I came within a whisker of going with you, taking you with me to Somalia. The only reason you did not get over there was because we drew a line in the sand and with a date certain and we were out of there. But one of the other young soldiers in Haiti, a veteran of Somalia, I could not tell from his equipment whether he was a marine or with the 10th Mountain Division, was asked by a member of the press, who was also a veteran of Somalia, if it reminded him of Somalia. Remember Somalia? It began on September 9, 1992, with press lights on the beach, while marines landed. Clinton was President-elect. Aideed ordered his gangs to welcome the Americans. I remember seeing the signs, "U.S., yes. UN, no." There was dancing in the street, kind of like the British troops coming into Northern Ireland. Dancing in the streets. And within weeks, it had turned sour, and by the time we left, there were broken hearts. Mothers, fathers, wives, little children, all over this country had lost loved ones. And here is what I heard a marine or 10th Mountain soldier, GI, say the night before last. This young, very intelligent looking and sounding young man turned around and said, same people, same buildings, and it is the same press.

Mr. BURTON of Indiana. If the gentleman would yield for just a minute, there is a parallel. When we went into Somalia, there was a request made to the Secretary of Defense to send Bradley armored fighting vehicles and M1-A1 tanks to make sure if anything came up unexpectedly we could get to our troops quickly. There was not a well-thought-out plan, and the Secretary of Defense, then former Representative Aspin, denied our commander on the ground those weapons, the M1-A1 tanks and the Bradley fighting vehicles. Then a helicopter was shot down by a surface-to-air missile or ground fire, and we had 17 marines, I believe, killed, and Americans saw one of them being dragged through the streets over there, naked, his dead body. And it took us, I think, 12 hours to go across Mogadishu simply because there was no well-thought-out plan and we did not have the Bradley fighting vehicles and the tanks requested by the ground commander.

Now, we see in Haiti a situation where there is no well-thought-out plan of engagement, and it worries me that we might involve ourselves in a similar situation, not today, but maybe in 2 or 3 or 4 weeks or a couple of months, because they are going to be there for a while.

That is why I say to my colleague, who is a fighter pilot, who understands the military better than I, I was a private in the military, that the Pentagon and this White House had better get on the ball pretty quickly and come up with a plan that is doable and have rules of engagement that every one of those men and women on the ground understand and make sure they are properly equipped. Otherwise, we are liable to have a similar situation like we had in Somalia.

Mr. DORNAN. Stay with me just one moment, because I want to pass on to you, and through the Speaker to the American people, the following facts: First of all, I came to Congress in the bicentennial election in 1976, with Jimmy Carter of Georgia. He called me three times at home to press me for votes. I gave him one; I did not give him two. I thought we had enough cabinet offices.

He was a decent man. I always thought when he said he was a Christian, that he meant it. He taught Sunday school. But decent as he was he did not have a successful Presidency on foreign policy. In fact, it was a disaster and his undoing. The Communists were winning everywhere around the world under the Brezhnev doctrine. Yemen, Ethiopia, Nicaragua, El Salvador in doubt, Angola, Mozambique, Somalia. We were losing everywhere.

Then Carter's friend Brezhnev broke his promise. The Soviets thought they could take Afghanistan and that we would not respond. And then came Jimmy Carter's gutsiest, but maybe worst, decision, to put Delta Force commandos, a brand new force, with marine air transport into the desert to rescue American hostages in Iran. The operation was called Desert I, it was Operation Talon, as in an eagle's talon.

We were going to blow our way into the biggest city in one of the nastiest countries now in the world, Iran, and attack where our old embassy grounds were. As many as 52 Americans were held hostage, including some marine guards. And the experts felt, when Carter gave the go ahead, that we would probably lose half the hostages, 26 dead. We also might lose, they told President Carter, half of the rescue force. But rather than see 52 Americans slaughtered, which was still an issue then, he was willing to take those risks.

And because our military was hollowed out, and for the want of one, single, big H-53 Sea Stallion, the mission had to be scrubbed. And then in the disillusionment and the anger of the men leaving, one big Sea Stallion turns too sharply. Its big rotor blades whip into the back of a Marine C-130, and we had 8 dead bodies left to be desecrated by the Iranians, taking the rings off the burned bodies and everything else. It was a mess for President Carter, and I did not attack him too severely on the House floor.

But I want to say something right now, that I believe with all my heart, there are mothers and fathers in this country, and young brides, and little children that would be half orphan today, if Jimmy Carter had not done what he did with Colin Powell and our distinguished colleague from the other body, SAM NUNN.

If they had not worked out this agreement, and the Clinton invasion had taken place, there would be an unknown number of parents grieving their sons today, an unknown number of widows. There would have been letters like one I am going to read in a few moments from one of the wives of a Medal of Honor winner.

We owe Carter that debt. But here is something to think about. President Carter, Colin Powell, and our colleague SAM NUNN, could just as easily be in caskets in Dover at the morgue today if Cedras, who I will not defend, was as diabolical, cruel, and evil as Clinton painted him out to be 6 nights ago, and started a firefight in that room. We did not have the security, the guns, to prevail. One of our guys might have taken Cedras down. But it would have been the end for Powell, NUNN, and Carter. By Clinton starting the invasion when he did he risked the lives of a former U.S. President, the former Chairman of the Joint Chiefs, and a sitting Senate chairman. And there has only been two Congressmen killed in the line of duty since the Civil War, and no Senators. Larry McDonald in KAL 007, and Leo Ryan in Guyana. Larry McDonald flying into Korea for the 30th anniversary of the end of the war.

I had described to me today the firefight that would have resulted if the Haitians tried to take the three hostages, which Cedras could easily have done. When Gen. Philippe Biamby walked in and said, "We are being invaded," Cedras stood up and said, "This is a trick. You are tying up my whole military staff here." He could have said, "And further than that, you are hostages now," and turned to our secret service people and the limited protection we had there from the embassy and said, "Turn over your guns, you are our hostages. We are stopping this invasion." Kennedy would never have done this if he had a team in Havana. This is absurd, what happened Sunday. It is more like an Evelyn Wough novel than reality.

□ 1820

Mr. BURTON of Indiana. I believe, let me just say, if I might, that is exactly the point that I was trying to make a couple minutes ago. The President and the administration and the person they put into Secretary of Defense, Mr. Aspin in Somalia, simply did not have the expertise or the understanding to deal with the problem.

As a matter of fact, they did not, in Somalia, put the proper equipment on the ground to protect our troops. As a result, we lost a lot of young people unnecessarily.

In Haiti, they launched an air movement. There were planes in the air while the former President, the former chairman of the Joint Chiefs of Staff and Senator NUNN, chairman of the Senate Committee on Armed Services were negotiating. You are absolutely right. That is what is so troubling. Because there is no real strong understanding of how to deal with foreign policy. Now we have got our troops on the ground and we do not have rules of engagement. I would like to see our troops out of there and all Americans out of there as quickly as possible. It looks like we will be there for a while, and it will cost $2 billion or $3 billion at least before we get them out of there. But if they are going to be kept there, then we must support them and we must make sure that the rules of engagement are very clear and that there is proper equipment on the ground and a proper plan to protect those troops in any eventuality.

The President showed, by his actions when he launched that air attack, which was called back, when he launched that air attack with those three people negotiating, it shows his lack of understanding and, I think, lack of concern.

Mr. DORNAN. There is the question of whether it was a real attack.

Mr. BURTON of Indiana. We may never know that. The point is, I think Jimmy Carter, and I understand he told the President he was very upset that that took place when he got back here.

Mr. DORNAN. He is flaming mad.

Mr. BURTON of Indiana. So we as a Congress need to urge, demand that the White House and the Pentagon make sure that all of this is very, very clear, that they know what they are doing before we lose some lives in Haiti. I thank the gentleman very much.

Mr. DORNAN. I want to again draw on this analogy of mission creep. But before I do I want to tell our excellent recorders, Mr. Speaker, that if they want a title, because they usually title our remarks in the record unless we give them a title, I would title this Clinton Quo Vadis, 4 years of high school Latin enabled me to translate whither goest thou. Translate that.

Here is a Newsweek magazine article, a long article on values. They took key words that we feel embrace concepts missing in many young Americans today.

Tom Selleck, excellent actor and a friend, was here on the Hill a few weeks ago telling all of us, he is an activist Republican, that he could do no Republican campaigns between now and the end of the year because he had taken on a responsibility with a bipartisan conservation/liberal group, to sell six words to American youth that liberals and conservatives could agree on.

I will refer to one of them that Newsweek titled a section of this article on values a few weeks back. The word was "responsibility." That is one of the six words. Here are the only things that liberal and conservative ethicists and psychiatrists and psychologists and school teachers apparently can agree on: caring, of course; citizenship, that is why we teach civics to young kids in grade school; respect, I guess that is the flip side of what some young people will initiate gunfights over, disrespect, do not diss me, do not disrespect me, respect; responsibility; trustworthiness, we agreed that we must teach young boys and girls to be trustworthy, and justice, we want to teach young people what justice is.

Here is the greatest example of responsibility, and I will send it to Tom Selleck, tell him to use this.

Newsweek asked the widow of one of our 19 superbly trained delta commandos, special forces men, and our rangers that were killed in that fire fight from hell on the night of October 3 and 4, in Somalia.

Five days after Matthew Rearson was killed by a mortar in front of their hangar headquarters, while the rangers were being withdrawn, angry, because they were not allowed to justifiably avenge and punish the killers of their 19 comrades, the U.S.S. *Harlan County* arrived in that huge harbor at Port-au-Prince, on October 11, 5 days later.

On the 501st anniversary of Columbus day, October 12, the *Harlan County* was ordered to turn tail and evacuate the Port-au-Prince area. I believe that was the opportunity for us to go in, almost a year ago, 11 months ago, and train the police in some sort of civil decency not to beat women and teenagers with, as one of the GI's down there said, crowbars. But on that horrible first week of October, during that first week of October 1993, two Americans in the prime of life, young but in their maturity of their midthirties, a first sergeant and a master sergeant who had come to love one another as close as brothers, both of them married, both of them expert riflemen snipers, both of them giving cover to our men on the ground that Sunday afternoon, October 3, both of them begged on the radio three times back to the ranger headquarters at Mogadishu airport, let us land and rescue or give cover and support to Michael Durant's helicopter crew, to his copilot Ray Frank, two door gunners, Tommy Fields and David Cleveland, let us give them fire support on the ground until the rescue column can get there. We see movement in that crashed helicopter.

Twice they were turned down. Their third plea, a long pause, two-star general was tracking all of this. They were his men. He said, all right, you can go down.

The helicopter went down, was hit so badly with rocket fire, although it limped smoking with one of the men with his leg cut off by the rocket blast back to Newport and crashed, totaling the airplane but saving the crew.

That same helicopter that came down to a few feet off the ground, Randy Shugart, Gary Gordon jumped off and began to run. The first landing they could not make. They had to back off 150 yards away. They began to run a gauntlet of intense rifle and automatic weapons fire and RPG fire, rocket-propelled grenades. They are running toward Durant's helicopter.

When they got to the helicopter all four men were alive but so badly injured from the hard impact that not one of them could undo his own seatbelt and get out of the plane.

In the helicopter, the aircraft commander sits on the right side because of the collective in some helicopters that only have one collective. So Durant was luckily on the right side, which is the side of the helicopter up against a building, the tail forming a slight wedge, a V.

One of the men, I think Shugart, took Ray Frank, 35 combat months in Vietnam and within a month of retirement, lay him in the open side on the street, take out one of the gunners, Tommy Fields. On the right side, they take out Michael Durant. Thank God, he is still with his family today. And they take out David Cleveland, the other door gunner.

□ 1830

He is alive, smiling at Durant. Durant told me this personally. He laid them on the right side, the side against the wall.

We do not know what the fate of David Cleveland was, except that his burned remains came back to Dover. We do not know the final moments of Tommy Fields or Ray Frank.

Michael Durant, Chief Warrant Officer, did hear Shugart hit. Gordon gave him the last few rounds for an M-16 rifle he had given him. All that Gary Gordon had was his Beretta pistol. He went back around the front of the helicopter to hold off literally hundreds of people, on the slim chance that a caravan of HummVess might arrive with enough firepower to rescue these four badly injured crewmen.

Then Michael Durant heard Gary Gordon moan as he was struck, as he had heard Shugart moan when he was

struck. Then the crowd came around the front, overwhelmed David Cleveland, alive, and Michael Durant, alive, and only Durant is here to tell the story.

Gary Gordon and Randy Shugart got the Medal of Honor. I asked that they be awarded that before I knew their names and knew the full story, because I had heard that they had begged to go down and try and rescue this second helicopter shot down October 3. There was a ceremony at the White House May 23, where the men were posthumously awarded the Medal of Honor given to their beautiful, young, widows.

One of the fathers, Herb Shugart, with his wife, Lois, at his side, Randy's mom and dad, refused to shake Clinton's hand. He said, "You had flown Aideed down to Kenya. You have treated him like a victor. You do not know enough about military operations. You should not be the Commander-in-Chief. You let my son down and you let Aideed live. Now these men are dead." Words to that effect. At the end he told him, "I have nothing more to say to you".

This is a scene I do not want to see reenacted in the White House as another mother, father, or widow refuses to shake Clinton's hand because the mission was not clear, because there was mission creep, because, after a while the side we were there to support turned against us.

Here is what, under the title of responsibility, Carmen Gordon, the wife of Sergeant Gary Gordon, wrote to her children, Ian and Brittany, to be read many times in their youth and their adulthood as they grow up. The italicized prologue says:

In 1993, Master Sergeant Gary Gordon was killed trying to rescue a fellow soldier in Mogadishu, Somalia. His widow, Carmen, and their two children, Ian, 6, and Brittany, 3, live in Southern Pines, North Carolina, close to the military community that they love, the Special Forces community, in what they call the world's greatest fort, Fort Bragg.

Carmen writes:

My dearest Ian and Brittany: I hope that in the final moments of your father's life, his last thoughts were not of us. As he lay dying, I wanted him to think only of the mission to which he pledged himself. As you grow older, if I can show you the love and responsibility he felt for his family, you will understand my feelings. I did not want him to think of me, or of you, because I did not want his heart to break.

Children were meant to have someone responsible for them. No father ever took that more seriously than your dad. Responsibility was a natural part of him, as easy path to follow. Each day after work his truck pulled into our driveway. I watched the two of you run to him, feet pounding across the painted boards of our porch, yelling, "Daddy!" Every day, I saw his face when he saw you. You were the center of his life.

Ian, when you turned 1 year old, your father was beside himself with excitement, baking you a cake in the shape of a train. On your last birthday Brittany, he sent you a hand-made birthday card from Somalia. But your father had two families. One was us, and the other was his comrades. He was true to both.

He loved his job. Quiet and serious adventure filled some part of him I could never fully know. After his death, one of his comrades told me that on a foreign mission, your dad led his men across a snow-covered ridge that began to collapse. Racing across a yawning crevasse to safety, he grinned widely and yelled, "Wasn't that great?"

You will hear many times about how your father died. You will read what the president of the United States said when he awarded the Medal of Honor: "Gary Gordon * * * died in the most courageous and selfless way any human being can act." But you may still ask why. You may ask how he could have been devoted to two families so equally, dying for one but leaving the other.

For your father there were no hard choices in life. Once he committed to something, the way was clear. He chose to be a husband and father, and never wavered in those roles. He chose the military, and "I shall not fail those with whom I serve" became his simple religion. When his other family needed him, he did not hesitate, as he would not have hesitated for us. It may not have been the best thing for us, but it was the right thing for your dad.

There are times now when that image of him coming home comes back to me. I see him scoop you up, Ian, and see you, Brittany, bury your head in his chest. I dread the day when you stop talking and asking about him, when he seems so long ago. So now I must take responsibility for keeping his life entwined with yours. It is a responsibility I never wanted.

But I know what your father would say. "Nothing you can do about it, Carmen. Just keep going." Those times when the crying came, as I stood at the kitchen counter, were never long enough. You came in the front door, Brittany, saying, "Mommy, you sad? You miss Daddy?" You reminded me I had to keep going.

The ceremonies honoring your dad were hard. When they put his photo in the Hall of Heroes at the Pentagon, I thought, can this be all that is left, a picture? Then General Sullivan read from the letter General Sherman wrote to General Grant after the Civil War, words so tender that we all broke down. "Throughout the war, you were always in my mind. I always knew if I were in trouble and you were still alive you would come to my assistance."

One night before either of you were born, your dad and I had a funny little talk about dying. I teased that I would not know where to bury him. Very quietly, he said, "Up home. In my uniform." Your dad never liked to wear a uniform. And "up home," Maine, was so far away from us.

Only after he was laid to rest in a tiny flag-filled graveyard in Lincoln, Maine, did I understand. His parents, burying their only son, could come tomorrow and the day after that. You and I would have to travel so far.

Then there is a bit more. Mr. Speaker, our colleague, OLYMPIA SNOWE of Maine, who I think will be the next Senator up there, she was there the night that the remains, the burned remains, of Gary Gordon came home.

Every single person in Lincoln, ME, she told me, except the babies, were on the street. It was close to midnight. It was very cold. It was the beginning of winter. She said, "You could hear a pin drop as Lincoln, ME, buried its Medal of Honor hero, Gary Gordon."

An irony of fate is that Randy Shugart, his best friend, fellow recipient of the Medal of Honor, was also from Lincoln, another Lincoln, Lincoln, NE. His mom and dad, Lois and Herbert, are retired near Carlisle, the Army barracks and the Army War College there. Farmers, simple people. I have not met the Gordons, but I have met Mrs. Shugart and the parents, as I said, Herb and Lois.

□ 1840

These are the finest people we have in our country, the salt of the earth. These young men and women of all ranks up to the highest ranking officers leading them. These are the backbone of our country. A poll came out last week and it shows the presidency is considered way down, but still considered about twice as high as Congress. We are right down at the bottom with the respect of only 7 percent of this Nation. Religion is up near the top but not at the very top. The very top of all the institutions in this country, held in most respect by our fellow Americans, are the Armed Forces of our United States. That is fitting and as it should be. But where are we going? Quo vadis, Mr. Clinton, on Haiti?

Listen to this excellent article by Ray Kerrison, syndicated columnist. The title says "Clinton to Install a Haitian Marxist who Hates U.S."

One of our colleagues, DAVID OBEY, took the well the other day and said only two words at this point should be coming from Mr. Aristide, "Thank you." We have not heard those words yet.

Here is the Ray Kerrison column:

A week before the U.S. Marines hit the ground in Haiti, President Jean-Bertrand Aristide sent a message to his followers back home through Radio Democracy, a U.S.-financed radio station set up for his use and benefit.

In Creole, Aristide cried, "With the machine guns of the enemy, we shall return and they will be dumbstruck."

The "enemy," in case you missed the subtlety, is the United States. The message on Radio Democracy was broadcast from a U.S. Air Force plane flying above Port-au-Prince a week, mind you, before thousands of young American troops were ordered to risk their lives to restore Aristide to power.

By the way, Mr. Speaker, and as an aside here, this is so offensive and shocking to me that I am resisting it in a way. I have to find out where Mr. Kerrison got this and I am going to check this out through my committee assignments and find out if these are the exact words of Mr. Aristide.

Are there words sufficient to portray the treachery nesting in Aristide's heart, to describe the folly of President Clinton ordering a new American occupation of Haiti or to measure the ineptitude of Jimmy Carter as a pariah diplomat?

If it were not so embarrassing and potentially tragic, it would be the stuff of comic opera.

This is what Clinton and Carter have wrought: Three years after the collapse of the Soviet Union and communism, at an incalculable cost in blood and resources to the United States, an American president has used the might of the nation to install a Marxist president in Haiti.

He is not there yet.

It defies comprehension. Stalin and Khrushchev, Kennedy and Nixon, even in their graves, must wonder if the world has been turned inside out and stood on its head.

Jean-Bertrand Aristide's history shows him to be psychologically unstable, violently anti-American, contemptuous of democratic principles and a devotee of "necklacing," the torture art in which a tire is strung around an opponent's neck, filled with gasoline and set afire.

That President Clinton should stake the whole weight of American prestige and power on anyone so flaky, deceitful and tyrannical is cause for alarm.

Clinton and Carter have not resolved the staggeringly complex problems of Haiti. They have merely postponed them and, ultimately, made them more flammable.

"If Aristide is returned to power, there will be civil war in Haiti," said Raymond Joseph, editor of the Haiti Observateur, the Brooklyn newspaper. Joseph has in his possession a tape of Aristide's broadcast last week, when he gloated of returning to power under the guns of "the enemy" and leaving the Americans and his rivals "dumbstruck."

How can a nutty professed Marxist with dictatorial convictions build a democracy in Haiti? He cannot. So the whole Haiti exercise is a political fraud with consequences yet to be determined.

The Aristide record is shocking. Joseph recalled, "In a speech on July 28, 1988, for the 73rd anniversary of the first American intervention in Haiti, Aristide said that Cuba showed us the way to go in 1959 and Nicaragua showed us the way to go in 1979.

Those two countries still suffer, Mr. Speaker.

"Aristide told the crowds that Cuba had drawn a line in the sand and dared the American eagle to cross it. He said to them, 'Would you not like to be like Cuba and tell the eagle that here is the line in the sand and cross it if you can?'"

That was six years ago, but nothing has changed, despite Aristide's three-year exile in the United States. "The speech last week shows that he is still the same man," said Joseph. "He has not changed. It is his character."

Like so many, Joseph said he will hold the United States responsible for what happens if and when Aristide is restored to power. "He is now America's client and there is going to be big trouble," said Joseph. "There will be a civil war, and the U.S. will have to defend Aristide."

The unpredictable Haitian is, himself, an overthrow specialist. Before he was ousted by the military junta, Aristide orchestrated some mini *coup d'etats* of his own.

"Many mayors, who were elected at the same time as Aristide, were deposed and replaced by committees from Aristide's organization," said Joseph.

So much for the man charged with installing democracy in Haiti. "Six months before Aristide was overthrown, I wrote an editorial in my paper asking Aristide the question: If elected mayors can be replaced, what guarantee do you have against a *coup d'etat?*"

In evaluating the prospects of Jean-Bertrand Aristide, it is critical to understand that he still regards the United States as the enemy. He calls it "the great Satan."

Stealing from Iran.

Yet he is about to be installed back in power by the president of the United States in an arrangement that Carter called a "win-win agreement."

The United States is about to plant a second Fidel Castro in the Caribbean, proving there is no limit to Clinton's folly and Carter's naivete. The unanswered question is, who will pay the price?

Mr. Speaker, we live in an audio-visual period of history and it probably will stay that way for the rest of our lives, maybe forever. There is no way to change that. People resist reading and, unfortunately, although there is a great percentage of Americans from all economic classes that read our newspapers, support our public and private libraries, read our news magazines, most people get their news electronically. On the other hand, I think it has been healthy for Government that since April 3, 1979, we have put out, by six cameras paid for by the taxpayers, in this Chamber the proceedings of this House.

Because people are not reading enough about Haiti and our involvement there, let me take advantage of the research I have been able to do. Let me explain just briefly, Mr. Speaker, a little about our prior invasion, our occupation of Haiti, and why Yogi Berra might be pressed to say, "It's deja vu all over again."

The President of the United States in 1915 was a good man, former president of Princeton, an intellectual, a man of peace, a lover of democracy, so much so that he wanted to insert it into every country around the world even if they were resistant. Woodrow Wilson.

His Secretary of State was a man that had run for the Presidency three times and lost each time, but lost with his head held high, a great orator of this Congress, William Jennings Bryan. William Jennings Bryan, like Mr. Wilson, was an intellectual and a lover of democracy. In 1915, the President of Haiti, Vilbrun Guillaume Sam, was involved in torture, it appears. And the poor, the rebels in those days, were called Caicos, like the islands in the Caribbean, the Turks in Caicos. They had 167 peasant Caicos prisoners in Port-au-Prince and they tortured them all and killed them all. The crowd, somewhat similar to the crowds we saw yesterday, threw caution to the winds and like any deep passionate revolution, they did not care about dying on the barricades. They overwhelmed the government in Port-au-Prince. President Sam fled to the French Legation, to their embassy, where the French tried to hide him. The crowds had no fear of France because they had whipped France's greatest general, Napoleon. Cost him more dead soldiers with combat and disease than Napoleon had lost at Waterloo, 50,272.

□ 1850

So the crowds overwhelmed the French Embassy, and there is deep passion and hatred on all sides in Haiti. They grabbed President Sam and tore his head and his limbs from his body and carried his body parts out into the street.

That was too much for President Woodrow Wilson and Secretary of State William Jennings Bryan, and in went the U.S. Marines. We set up a naval admiral as Governor General. After about 3 years there was what is called the second Caicos rebellion. The crowds rose up again. This time America was the Satan and they began killing across the countryside. Fifteen U.S. marines were killed, a very close figure to the 30 killed in Somalia or the 18 killed in the firefight the night of October 3 and 4, 1993. Fifteen marines were killed.

The peasants paid dearly, as did Aideed's men and women in the streets of Mogadishu, but the ratio was far worse, 1,500 dead. That was 1918.

Today with television and Dan Rather doing a darn good job in the streets down there, if it was like today the Marines would have been pulled out. But in 1918, at the same period when World War I, with my dad in the trenches of Europe, was ending, we were in no mood to see 15 marines killed. So 3 years turned into 19 years.

Only when Woodrow Wilson was gone, two other Presidents had come and gone, Herbert Hoover formed a commission. Another firefight. By the way, six marines won the Medal of Honor in Haiti, mostly fought in 1917–18. He started the commission that came to fruition in Franklin Delano Roosevelt's second year, 1934, before we pulled out. This will not happen this time if 15 marines, or the Tenth Division soldiers are killed. We spent 19 years in Haiti and we left no democracy behind.

The Marines avenged their 15 dead men and caught the guerrilla leader with a rather romantic name, Charlemagne Peralte. When they captured Peralte they killed him, hopefully. I do not know the history. Hopefully it was in a firefight and not an execution. And since they had the leader of the revolution, the second Caicos revolution, they photographed him and spread that photograph all over Haiti hoping that it would dissuade any more rebellions.

But as with Che Guevarra, captured and executed, not killed in a gunfight, wounded and then executed in Bolivia it had an opposite effect. In the case of Che Guevarra he became a hero to people like Tom Hayden, Jerry Rubin, the Chicago Seven, and all of the American haters, and the Oliver Stones of the 1960's. This man, Charlemagne Peralte, became a martyr hero to all Haitians because the photograph made him look like Jesus Christ on the cross, and the Christian heritage mixed with the West

African religious heritage, they had a martyr. And even though we stayed 16 years, we never had the respect of the people again.

Flash forward from 1934 to Aristide's next to last month in his short presidency. His chief of police was a man with a deceiving name. There are nine categories of angels, and those who study theology know the second highest category is cherubin which we get from the word cherub, and this man's name is Cherubim. Chief of police Cherubim, and this is in the intelligence community given as fact, oversaw the slaughter of five young students who were against Aristide in the main prison there in Port-au-Prince where they have tortured people on all sides, no matter who is in power. And they let the windows open so that the screams would go out over the city area so they could intimidate whomever they wanted to intimidate. These five young people were killed.

The lieutenant who oversaw the murders is named Solomon, another little play on names, Solomon. It appears that he was protected by Aristide the next month, September, the month he was overthrown and, of course, in that month he was overthrown, there is not much debate in the intelligence community. But there is debate on this House floor as to whether Aristide gave the order to kill Roger Toussaint, one of his adversaries. And with that final killing Aristide was overthrown.

Now we can get into the situation that we seem to be in a lot of the times in the Balkans, in Bosnia and Herzegovina on who is doing the most killing, who is committing the most human rights abuses, Bosnian-Serbians, Bosnian-Croations or Bosnian-Moslems. And it appears overwhelmingly most of the killings are the Serbians in Bosnia. But it does not excuse the human rights violations on the other two sides. At this point I believe that there are human rights violations manifest on both sides, but I am willing to concede that there is a total lack of professionalism in the Haitian police and army. The ugly, brutal, indiscriminate, unprovoked beating of women and teenagers who had not yet begun to throw stones is evidence that there is a sergeant class on down or an officer lieutenant class on down in the police and in the military that thinks they can do whatever they want.

Now I see my distinguished colleague on the floor from New York over here who is going to contradict probably a lot of what I am saying. But here is a piece of intelligence we would probably both agree with. One of the reasons these out-of-control police authorities in Port-au-Prince felt they had the right to continue their pattern of beating people without provocation in the streets is that we had helicopters flying over the city for 2 days prior to today,"We are here to work with your police and military."

That is what our helicopters were telling the military and police of General Cedras and the police of Michel Francoise.

Talk about giving mixed signals to the people, talk about frustration of the young men we saw on the news last night saying, "Why are we here? I thought we were to stop the killing? They killed that man right in front of us. Why?" And tensions are building.

President Carter courageously put his life on the line, and Colin Powell in more danger than he was in Vietnam, and not armed as he was in Vietnam where he always had a sidearm, and SAM NUNN, the first Senator in that much danger in the history of our country in a long, long time were under the guns of Cedras where they could have been easily taken hostage. They tried to prevent great loss of American life trying to solve this problem.

Where does that leave us right now? It leaves us in an absolute tar pit, a superpower stuck in a tinderbox situation.

There are stores of gasoline hoarding because of our blockade. President Carter is right on that, and I believe Senator NUNN. I saw him on the Senate floor yesterday back up former President Carter, that removing the sanctions was part of the Sunday agreement last Sunday. And I think that these gasoline supplies inside Cite Soleil, Sun City, are as dangerous as the ones inside Panama City in the Commandante area when our attack began there and Noriega's forces burned up that whole poor area of the city.

□ 1900

And this gasoline can be used for Molotov cocktails or, depending on which side, to burn down the poorest city area in the entire Western Hemisphere, Cite Soleil. All it takes is one incident where an American soldier, a 19-year-old or an 18-year-old sees a friend hit in the face with a rock and fires his weapon. Or are we not allowing them to have bullets in their weapons as we made that mistake with the Marine Barracks guards in Beirut on October 23, 1983? I do not think we will relive that mistake.

What happens if these out-of-control police decide to defy Americans as they did not in the film clips we saw last night when one American sergeant, who had had enough, or a corporal or, for all I know, a private, stepped forward and waved his hands and said, "Get out of here," and they left in their vehicle, 10 of them, 8 of them; what happens if they decide to stay and fight? What about those crowds jumping up and down who are then interviewed? Remember, their native language is French, not English. But in pretty good English they are telling us, "Why are you letting us be beaten? I thought you were here to help us, to liberate us."

This thing can go bad in an instant.

We have 14,000 Haitians in Guantanamo. Yesterday I was going to take the floor and say while we have this open window of opportunity, take them back to Port-au-Prince while we have the chance. I am glad I did not say that. Because I would not say that today. I would not take anybody back into that tinderbox today. We have 14,000 people costing us $2 million a day in Guantanamo. We have 23,000 Cubans there because Castro is far worse than Cedras on his worst day. We have 30,000 Cubans in Panama. Panama reneged and would not take the Haitians. I do not know why they would not take Haitians. They have got 30,000 Cubans in Panama. We pay the bill. So we have a total of 53,000 Cubans.

I have not seen a boat person report. I wish God would send us a message on our computers how many Cubans have died at sea because of Castro over the last 30 years. I wish we had an absolute hard figure how many Haitians have died at sea, from drowning, dehydration, shock, hurricanes, shark attacks; I wish we had a computer figure from God to tell us exactly how many Vietnamese died because we cut and ran from Vietnam.

So now we are put in position, those of us who have thought that there was either no policy or at most, an ill-conceived policy in recent history on Haiti, of wanting to support our men and women in the field in harm's way, of wanting to support these children and women being beaten in the street, of wanting to feed and help the Cuban and Haitian refugees in Panama and on the southeast tip of Cuba, just across the strait from Haiti, in Guantanamo Bay. But we are boxed into a corner. The joke is going around that Mr. Warren Christopher has had his State Department authority co-opted by this quickly-put-together team of a senior Senator, a most respected retired general out there, and a former President who has beautifully rebuilt his image as a person who cares about human rights and people, and the joke is that all this would not be happening if Mr. Christopher were alive. Well, maybe that is unfair to him. But where has he been? What has he been doing? Where is Strobe Talbott? The State Department is a disgrace.

I also know for a fact that Secretary of Defense Perry is uncomfortable. I do not know who ordered General Shalikashvili to go on Ted Koppel's "Nightline." I could see in his eyes he wanted the holy blazes out of there, because Ted asked some very tough questions. He could not give the proper answers, this policy is so without definition, so filled and riddled with the beginning of mission creep.

Listen to this article, Mr. Speaker; I will submit this for the RECORD, and I

will read the first and the last paragraph, an article by Mark Helprin, not to be confused with one of the architects of this misguided Haitian policy, Morton Halperin. This is Mark Helprin, who is a novelist and contributing editor of the Wall Street Journal. He writes to the President, Mr. Speaker. He says,

Mr. President, Haiti is on an island, and its navy, which was built mainly in Arkansas, is well characterized by the Institute for Strategic Studies as "Boats only." The Haitian gross national product is little more than half of what Americans spend each year on greeting cards, its defense forces outnumbered five to one by the corps of lawyers in the District of Columbia.

With other than a leading role in world military affairs, the Haitian army has retreated into a kind of relaxed confusion in which it is also the fire department, captains outrank colonels, and virtually no one has ever seen combat.

Except beating people in the street.

Which raises the question, Why has the leading superpower placed Haiti at the center of its political universe?

Mr. President, in trumpeting this gnatfest at a hundred times the volume of the Normandy invasion you have invited challenges from all who would take comfort at the spectacle of the U.S. in full fluster over an object so diminutive as to be a source of wonder.

It gets better for about 10 more paragraphs, and here is the way it ends.

Like your false-ringing speech, the dry bones of your authority had none of the moral flesh and blood that might otherwise have invigorated even a senseless policy. The animation that you have failed to lend to this enterprise was left to the soldiers in the field, who with the greatest discipline and selflessness would have taken on the task that, generations, ago, you refused.

Oxford sounds.

I wonder if your view of them has really changed. In your philosophy they must have been pawns then, and they must be pawns now: The only thing that has been altered is your position.

Though it is fair to say that I differ with your policy, if our soldiers had gone into combat I would have been behind them 100 percent, and I hope that, despite the orders in Somalia, you would have been too. This is a lesson that you might have learned earlier but did not, the truth of which you now embrace only because you have become president of the United States. You are that man will march only if he is commander in chief. Yours, Mr. President, has been a very expensive education. And, unfortunately, every man, woman, and child in this country is destined to pay the bill for your training not because it is so costly but because it is so achingly incomplete.

Mr. Speaker, I submit that for the RECORD and yield back that final moment for my colleague from New York, the gentleman from New York [Mr. OWENS], who will give you the other side of the story.

[From the Wall Street Journal, Sept. 20, 1994]

A SOLDIER OF THE NOT GREAT WAR

(By Mark Helprin)

Mr. President, Haiti is on an island, and its navy, which was built mainly in Arkansas, is well characterized by the International Institute for Strategic Studies as "Boats only." The Haitian gross national product is little more than half of what Americans spend each year on Greeting cards, its defense forces outnumbered five to one by the corps of lawyers in the District of Columbia.

With other than a leading role in world military affairs, the Haitian army has retreated into a kind of relaxed confusion in which it is also the fire department, captains can outrank colonels, and virtually no one has ever seen combat. Which raises the question, why has the leading superpower placed Haiti at the center of its political universe?

Mr. President, in trumpeting this gnatfest at a hundred times the volume of the Normandy Invasion you have invited challenges from all who would take comfort at the spectacle of the U.S. in full fluster over an object so diminutive as to be a source of wonder.

Anyone considering a serious challenge to the U.S. has been reassured that we have no perspective in international affairs, that we act not in regard to our basic interests but in reaction to sentiment and ideology, that we can be distracted by the smallest matter and paralyzed by the contemplation of force, that we have become timid, weak, and slow. This is what happens when the leaders of the world's most powerful nation take a year to agonize over Haiti. This is what happens when the elephant ignores the jackals and gravely battles a fly.

WHY NOT CUBA?

Given that Haiti is a nation doomed to perpetual harmlessness, that it is not allied to any great power, that it does not export an ideology, that it does not have an ideology, and that it is of no economic consequence to any nation except perhaps the Dominican Republic, you strained to justify intervention the way a prisoner with his hand stretched through the bars strains for a key just out of his reach.

In your recent address you mentioned rape three times, the killing of children three times, an the words "dictator" or "tyrant" 18 times. If we must act "when brutality occurs close to our shores," why not now invade Cuba, or Colombia, or the South Bronx, or Anacostia? Every year in the U.S. we are subject to more than 100,000 reported rapes and 20,000 homicides. How do rape and murder in Haiti, no numbers supplied, justify U.S. intervention? And if they do, where were we in Rwanda?

It is possible that having no idea whatsoever about the balance of power among nations, the workings of the international system, and the causes and conduct of war, you are directing the foreign relations of the United States of America in accord with the priorities of feminism, environmentalism, and political correctitude? Why not invade Saudi Arabia because of the status of women there, Canada because they kill baby seals, Papua New Guinea because it doesn't have enough wheelchair ramps?

Haitian illegal immigrants (did you not mention AIDS because it would offend the Haitians, or some other group?) have been to some extent motivated by the embargo and are a minute proportion of the total that seek our shores. If it is so that the best way to deal with a country that spills over with souls is to invade it, que viva Mexico? Should the U.K. invade Pakistan; France, Algeria; and Hong Kong, Vietnam? For that matter, why have you not hastened forward to Havana? In fact, the history of great-power interventions shows that conquest does not prevent but, rather, facilitates population transfers.

Your desire to wipe out the expenditure of $14 million a month to maintain the leaky embargo that you put in place was not consonant with your robust urge to spend elsewhere, and was a rather dainty pretext. Fourteen million dollars is what we in this country spend on "sausages and other prepared meals" every seven hours. If you truly believe, Mr. President, that "restoring Haiti's democratic government will help lead to more stability and prosperity in our region," then you, sir, have more Voo doo than they do. The entire Haitian gross national product is worth but three hours of our own. Were it to grow after intervention by 10% and were the U.S. to reap fully one half the benefit, we would surge ahead another nine minutes' worth of GNP. This is not exactly high-stakes geopolitics.

Why, then, Haiti? Why are your subordinates suddenly so Churchillian? Clearly, in a real crisis they would be so worked up that all their bulbs would burst. The nations towed along for the ride (Poles? Jordanians?) seemed not to know whether to be embarrassed by the stupidity of the task or amused by the peculiarity of their bedfellows. This the secretary of state described as "a glowing coalition." Never in the history of the English language has such an inept phrase been launched with such forced enthusiasm to miss so little a target. Granted, the vice president's "modalities of departure" did much to inspire the nation to a frenzy of war.

Why Haiti? Because, like the father in Joyce's story, "Counterparts," who bullies his son because he cannot fight his bullying boss, what you do in Haiti says less about Haiti than about North Korea, Europe, and the Middle East, where the real challenges lie, and where you cannot act because you do not have a lamp to go by and you have forced your own military to its knees.

Why Haiti? Because you have been unable to say no to the Black Caucus as it stands like the candlestick on the seesaw of your grandiose legislation, and because you are a liberal and in race you see wisdom, or lack of wisdom; qualification, or lack of qualification; virtue, or lack of virtue. And because the Black Caucus is way too tight with Father Aristide.

Why Haiti? Because you have no more sense of what to do or where to turn in a foreign policy crisis than a moth in Las Vegas at 2 a.m. You should not have singled out Haiti in the first place, but once you did you should not have spent so much time and so much capital on it, blowing it out of all proportion, so that this, this Gulf Light, this No-Fat Desert Storm, is your Stalingrad. Six weeks and it should have been over, even including an invasion, about which the world would have learned only after it had begun. All communications with the Haitian regime should have been in private, leaving them the flexibility to capitulate without your having to distract Jimmy Carter from his other good works.

Though you and your supporters made a marriage of convenience with the principles of presidential war powers, your new position is miraculously correct, while that of the Republicans who also switched sides in the question is not. You did have the legal authority to invade Haiti. What you did not have was the moral authority. Despite what you have maintained during the first 46/48ths of your life, the decision was yours, but your power was merely mechanical.

DRY BONES

Like your false-ringing speech, the dry bones of your authority had none of the

moral flesh and blood that might otherwise have invigorated even a senseless policy. The animation that you have failed to lend to this enterprise was left to the soldiers in the field, who with the greatest discipline and selflessness would have taken on the task that, generations ago, you refused. I wonder if your view of them has really changed. In your philosophy they must have been pawns then, and they must be pawns now: The only thing that has been altered is your position.

Though it is fair to say that I differ with your policy, if our soldiers had gone into combat I would have been behind them 100 percent, and I hope that, despite the orders in Somalia, you would have been too. This is a lesson that you might have learned earlier but did not, the truth of which you now embrace only because you have become president of the United States. You are the man who will march only if he is commander in chief. Yours, Mr. President, has been a very expensive education. And, unfortunately, every man, woman, and child in this country is destined to pay the bill for your training not because it is so costly but because it is so achingly incomplete.

VACATION OF SPECIAL ORDER

Mr. OWENS. Mr. Speaker, I ask unanimous consent to vacate my 5-minute special order.

The SPEAKER pro tempore (Mr. STUPAK). Is there objection to the request of the gentleman from New York?

There was no objection.

A MAGNIFICENT LANDMARK EVENT

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from New York [Mr. OWENS] is recognized for 30 minutes as the designee of the majority leader.

Mr. OWENS. Mr. Speaker, what has happened in Haiti is a magnificent landmark event which sets a higher moral precedent for the new world order. We should rejoice and not take the cynical tone of the previous speaker.

In the new world order, the greatness of the industrialized nations will be measured not so much by the way they pursue their own obvious self-interest but by their assistance to the least of the nations among us. In the new world order, the moral nations who uphold democratic principles will also gain the greatest amount of influence over the people and the markets of the world.

So in the final analysis, as we compete for the markets of the world, our high moral road in our relationship with other nations will establish a more permanent path to peace and prosperity for Americans.

It is important to note also that the island of Haiti, the island nation of Haiti, has always been of great concern to the United States. We have made it our concern not so much because the Haitians fought in the Revolutionary War against the British at the Battle of Savannah, and we never really have thanked them for that; there are no monuments out there, and the Haitians were involved in the Revolutionary War fighting on the side of the people who established this country, not so much because the Haitians in their defeat of Napoleon created a situation where Napoleon had to leave the New World.

Haitians are the descendants of a group of people who were the only slaves in the history of the world to rise up to overthrow their slavemasters. The Haitians overthrew the French slavemasters. They defeated the army of Napoleon. They drove the army of Napoleon out of the Western Hemisphere.

□ 1910

Napoleon was so wracked with debts and problems that he sold the Louisiana Territory to the United States for almost nothing. And the Louisiana Territory is not just Louisiana, it is several other States which made up the Louisiana Territory in addition to Louisiana. A large part of the United States is now part of the United States because of the valor, the bravery, and the courage and effectiveness of the Haitian slaves who drove Napoleon out of the Western Hemisphere.

The United States became very preoccupied with Haiti later on because after all they were a nation of slaves and had overthrown their slavemasters. And we had a nation filled with slaves at that time.

So we began to dominate Haiti from the time they had won their freedom from France, on. We have always exercised a great deal of influence and sometimes deliberately dominated and militarily occupied Haiti. We have always considered it important. In the Monroe Doctrine days, the Monroe Doctrine said everything that happened in this hemisphere is important to us. So whatever happens in Haiti is considered important.

It is important to note also that when I attended the debriefing at the White House, when President Carter, General Powell, and Senator NUNN came back to brief us, that President Carter stressed the fact that these were people in the military, Mr. Cedras and the other generals, who felt that they had a great tie to the United States. Most of them had been trained in the United States at Fort Benning, GA. General Powell noted the fact that on the wall of the staff headquarters of the Haitian Army there are photos of all the past commanders of the Haitian Army. Three of the past commanders of the Haitian Army were Americans. The Haitian Army was established when we occupied Haiti. The present modern-day Haitian Army was created by the United States. The present Haitian Army was armed by the United States. Their equipment, their supplies. They are a creature of the United States.

So we cannot say that Haiti is of no interest to us. We have always shown a great deal of interest. Most of the foreign businesses in Haiti are American businesses. Most of the foreign businesses are American businesses. Large numbers of people who are citizens of this country are people of Haitian descent. They are Haitian-Americans. They are as American as anyone else, but they are of Haitian descent. Haiti is a nation of 7 million people, 7 million people. It is no small matter, as the previous speaker tried to make us think.

Haiti is a land mass, still unexplored. It is not as poor as it seems. Wherever there is land and wherever there are people, there is a possibility of wealth.

The great problem is it has never had a government, it has never had leadership that has held the government together long enough for the nation to fully exploit its resources. And its greatest resource, of course, is people.

I am overjoyed at the almost political miracle, it is almost a political miracle that the right thing was done. It was the right thing to do to insist that the legally elected government of Haiti be restored, that President Aristide be returned. After all, President Aristide was elected by 70 percent of the population of Haiti; 70 percent of the voters who came out voted for President Aristide. There were two or three other candidates, and altogether they shared 30 percent of the vote. For anyone to say that Aristide is not the choice of the people and Aristide will not be able to hold Haiti together as a leader is an insult to democracy and the whole process of democracy.

I sent a message to my own constituents and to the other people of Haitian descent in New York City on the morning after. I want to read this message briefly. It was a special message to the more than 20,000 New Yorkers of Haitian descent and all the other people who are not of Haitian descent who cherish democracy:

The military criminals who overthrew the democratically elected government of President Aristide and have held the seven million people of Haiti as hostages for the past three years have agreed to leave office. Today, Monday, September 19, 1993, the United Nations Forces led by the United States have begun the protective military intervention which the Congressional Black Caucus first advocated a year ago. The troops are going in today and President Jean-Bertrand Aristide will be returning within a few weeks. At this point the clock cannot be turned back.

Last night I spoke with President Clinton and he assured me that the plan of the multinational force would be fully implemented. I thanked President Clinton for his courage and his perseverance. I congratulated him on his victory. I told him that history would applaud this action as one of the greatest moments of his Presidency. I assured him that public opinion will soon catch up with his vision.

I told President Clinton that I considered what he had done to be comparable to the stance of Abraham Lincoln when he stood alone and signed the Emancipation Proclamation to free the slaves. His support of the highest level of international morality as we go into the New World Order will have the same impact on the course of world history as Abraham Lincoln's action had on the positive course of our American history.

Our President has taken a great political risk and acted despite an overwhelming barrage of criticism generated by well meaning pacifists, right wing hypocrites and camouflaged racists. To counteract these negative forces we must all now unite behind President Clinton as he completes the implementation of his Haitian policy.

Haiti is free and the Haitians, under the leadership of President Aristide, will rebuild their country. We now all have a duty to find a way to give our Haitian brothers and sisters as much help as we possibly can. With our united work and our fervent prayers we shall overcome.

I have an upbeat attitude because I think it is very much in order. I think it is very much in order to understand that the clock cannot be turned back. There are 14,000 United States military forces that will be on the ground in Haiti, and no tricks by the military of Haiti will be able to undo what has started.

Let me take a moment to deal with the image that is being painted of General Cedras and his comrades. General Cedras is being portrayed as a professional soldier, as a man of great courage, as a man of dignity, as a man you can negotiate with. We have been trying to negotiate with General Cedras since he took the illegal action of overthrowing the President, Aristide, 3 years ago.

If negotiations were possible, if he was a man of great integrity, then we would have concluded this a long time ago without the necessity of a single American soldier on Haitian soil.

General Cedras also led a delegation that went to Governor's Island and actually met with President Aristide—he met with the people there. They did not actually meet face to face with President Aristide. But President Aristide was on one side of Governors Island and they were on the other, and they were negotiating through intermediaries. And they concluded an agreement which General Cedras signed. President Aristide was very reluctant to sign it because he did not believe General Cedras would live up to the terms of the agreement. General Cedras signed the agreement.

The United States was a party to the agreement, the United Nations was a party to the agreement. If General Cedras is a man of integrity, if he is such a great professional, why did he not live up to the agreement?

It was almost a year ago that General Cedras began to violate that agreement. The agreement was signed in July 1993. The agreement called for General Cedras to leave power in Haiti on October 15, 1993. We are back in a situation now where the present agreement calls for General Cedras to leave power, to resign as of October 15, 1994.

So this great man of integrity that we are supposed to believe is worthy of being negotiated with, and that he was not the problem but we were the problem, this man has taken a whole year to get back to where he was a year ago.

General Cedras was being applauded at the White House when I heard the kudos coming from the delegation that went to Haiti and how he stands upright and is a man of great dignity, on and on it goes. Ladies and gentlemen, let us come to our senses and understand. Adolf Hitler was a man who portrayed great physical dignity. He stood up straight. Adolf Hitler was considered by many as a genius, an evil genius but a genius. Adolf Hitler loved art and culture. Adolf Hitler would not wear short pants in public because he thought it was indecent. Yet Adolf Hitler was responsible for the murder of millions. Adolf Hitler never pulled the switch of the gas chambers where millions of Jews died, but Adolf Hitler was the architect for the whole scheme. Adolf Hitler never marched in a trench out there in all those nations that the German soldiers roamed across and brutalized, but Adolf Hitler was the genius that held it all together.

□ 1920

He was at the top. Cedras probably has never pulled the trigger at night in the dark and murdered a single Haitian. He probably has never done that. But he held it all together. He is responsible for all of it.

Yesterday we saw on television, in broad daylight, before the eyes of the whole world, in front of the American soldiers, we saw an exhibition of what these killers are like. They have so incorporated and taken the habit unto themselves that they cannot control themselves even in a situation where they are being exposed, television cameras trained on them in broad daylight. They unmercifully beat and killed Haitians.

We saw it all. These are the people whose commander in chief is Raoul Cedras. General Cedras, Colonel Francois, they may all stand up straight, they may all have good bearing as professional soldiers, but they are killers, they are murderers, they are war criminals.

If Hitler had been alive, and we had negotiated with him, I am sure we would have found Adolf Hitler charming, but let us not be deceived, let us not be ridiculous, and let us not be naive. We are dealing with killers, and we must understand that.

I am not saying that we should violate the agreement Jimmy Carter, President Jimmy Carter, and Senator NUNN and Gen. Colin Powell made. That agreement must be applauded. That agreement must be applauded because that agreement allowed us to enter Haiti with a protective military force that can now guarantee that the Government of Haiti that was elected will be allowed to function, and for that that piece of paper becomes like gold, that agreement that has been discussed a great deal, the technicalities of it—you know it is signed by a man that is really not the president of Haiti. He is a provisional president of Haiti. He has no standing. On the other hand, the other side is signed by Jimmy Carter. He is not a government official. You know all of that is of little importance when you consider the substance of the agreement allowed for the peaceful transition of a very diabolical, murderous situation overnight. Overnight, we have hope, overnight the clock cannot be turned back, and we know it. That agreement calls for amnesty for General Cedras and the other generals, amnesty of a very general kind.

Let the record show that the Governors Island agreement also called for amnesty, but it was amnesty limited to the coup. Everybody participated in the coup would receive amnesty. Any crimes committed after the coup or after the Governors Island agreement were not going to be covered by the amnesty. What General Cedras is seeking is a general amnesty for everything. President Aristide did what he was told to do, or what he agreed to do in the Governors Island agreement. He proclaimed amnesty to the point where the—up to the point where the constitution allowed it. The amnesty called for in that agreement cannot be granted unless the Haitians change their constitution, unless the parliament meets. All of that is possible, but, you know, and if the Haitian people, their parliament, their elected leaders, want to do it, then it should go ahead and do it. But by October 15, whether or not the amnesty has been granted or not, General Cedras and his murderous generals, General Cedras and his war criminal companions, must step down, and we should look at that in this light:

We must look at it in terms of going forward. I spent almost 2 hours with President Aristide and some other Members of Congress discussing the future, the immediate future, and I think President Aristide has made it quite clear in a statement he made today. He wants to go forward. He wants to go forward. He wants to see his government reactivated.

Let us remember. Most do not know, but let me remind you. The Governors Island agreement a year ago called for the appointment of a prime minister by Aristide and for the appointment of cabinet members by Aristide. A year ago, about this same time, those cabinet members were in place in Haiti, appointed by Aristide. Robert Malval, the Prime Minister, was in place in Haiti a year ago.

Early in October of last year, along with the Members, some other congressional Members, we went to Haiti. We met the cabinet that was in place at the time. Mr. Malval, the Finance Minister, they were all in place according to the Governors Island agreement. Shortly after, Mr. Speaker, we left Haiti. In early October General Cedras announced that he would not abide by the Governors Island agreement. The thugs and the killers surrounded the offices of the cabinet members, and they drove them into hiding.

So, you had a situation for a whole year now where the government that was activated and put in place as a result of a Governors Island agreement, has not been allowed to function—at least beyond not being allowed to function, they have been threatened with their lives and they have had to go into hiding. Forty members of Aristide, of the parliament who are Aristide supporters, have been living in Miami because they feared going home to Haiti at all. They have not been able to go home, and their families in many cases are the families, among the families, who have been tortured and beaten. What we saw yesterday on television, the torture and the beating before our very eyes, ought to be enough to tell us that, if they do this in broad daylight with the cameras focused on them, what has been happening at night in Haiti for the last 3 years?

The conservative estimates are that 5,000 people have been murdered. That is a very conservative estimate. When you watch the killers at work in broad daylight, you know that many more than 5,000 people have been murdered over the last 3 years. This is what we are faced with.

In order to deal with that, Mr. Speaker, there is some simple steps that need to be taken, simple, positive steps. Let us activate, reactivate, the government of President Aristide on Monday. This Monday let us call for all the ministers appointed by President Aristide to show up for work at their offices on Monday, and let us guarantee that there will be American soldiers there at those offices to protect these public officials and guarantee that they may come, they may go, and do whatever they wish, without any threat from the killers of yesterday who dominated Haiti yesterday. That is the simplest way to move things forward.

Among the people appointed by Aristide was a minister of defense, a minister of defense, which means that the minister of defense gives orders to whoever is in command of the military. Cedras should be taking his orders from the minister of defense, or at least General Shelton who is now the commander in chief of the forces in Haiti, should be conferring, beginning on Monday to confer, with the minister of defense appointed by Aristide as well as General Cedras.

There is an agreement to cooperate with the Haitian military. The definition of cooperation is left for us to interpret. Cooperation does not mean that you allow the Haitian police and the Haitian soldiers to continue to beat people to death. That is not part of the definition of cooperation automatically. You set the terms for how they are going to behave because, after all, we are only in the country because those people have violated the rights of people, they have thrown out the government, they have created a situation which is intolerable in this hemisphere.

So, let the prime minister go to his office on Monday, let the finance minister go to her office, let the education minister go to her office. Those who doubt the sincerity of this agreement would have all the evidence in the world. If they note on Monday that the government of President Aristide has gone to work, the functioning of Haitian society goes forward, and I say that also because there are people who are saying, "We'll be in Haiti forever."

We will not be in Haiti forever. Haiti is not like Somalia. Somalia was in anarchy. Somalia consisted of a group of warlords warring with each other who had no sense of nationhood. In fact, the saddest sight I have ever seen with respect to Somalia was the photograph, the television video, which showed the seat of government in Somalia, the assembly house, with its murals still on the wall, totally demolished except for a few walls still standing. In the fighting process they had physically destroyed their government with arms, explosives, et cetera, and the only thing standing was a few walls with paintings still on them. It was a very tragic sight.

□ 1930

Government, civility, order, had all vanished from Somalia. We could not restore that if we stayed there 100 years. They will have to do it their own way. It may take them 10 or 20 years, but nobody from the outside can restore that.

Haiti is not Somalia. Haiti is not Somalia. Haiti has gone through a process. I was looking at the times on the floor I have spoken about Haiti that go back to the 101st Congress. On January 4, 1989, I was talking about the problems in Haiti. The Haitians wrote a Constitution. They said they would never be able to write a Constitution. They wrote a Constitution. The Haitians went out in large numbers and voted for that Constitution. The Haitians had an election. They went out in large numbers for what they thought would be a free and fair election, and the army, this same army of criminals, shot people down at the polls. They moved them down at the polls, and yet they came back less then a year later for another election.

The Haitians are determined to build a nation, and they have the structure with which to do it. The Haitians have large numbers of very sophisticated, well-educated people to work with. In Haiti they have a large number of people who are very well trained, and outside of Haiti, in the United States, in Canada, in France, they have large numbers of Haitians who live in the diaspora, who are ready to go home and participate in the rebuilding of Haiti.

Haiti is not Somalia. The United States will not have to stay there very long. The military forces certainly can be out by Christmas, in my opinion. The United Nations forces, which are going to help with the institutional building and help set the stage for the proper use, the best use, of economic aid, all those people may be around much longer. But there is no need for a military occupation of Haiti for a very long time. The Haitians can take care of themselves.

I want to close by saying the statements made previously about President Jean-Bertrand Aristide must be challenged. They are inaccurate. They are outright lies. Many of the lies were formulated by, and I am not accusing my colleague of lying, I am saying that the lies that he repeated were lies that were formulated by members of the CIA. That came from the CIA, so we assumed it was true.

But the CIA has a special problem with President Aristide. The CIA was responsible for guaranteeing the election of President Aristide's opponent. The CIA spent a large amount of money on a man named Mark Bezan, who was supposed to be chosen as president of Haiti. Mark Bezan only got 20 percent of the vote. Aristide got 70 percent of the vote. The CIA was greatly embarrassed. They have hated Aristide since then. The false statements and outright lies have gained momentum, and people keep repeating them as if they have some basis in fact.

They called Aristide mentally imbalanced. They gave the name of a doctor and gave the name of a hospital that treated him. Because we had the details and were able to check them out, we were able to determine that no such doctor or hospital existed in Canada. The one aspect of the CIA's analysis of the character and history of Aristide that was known and could be checked out proved to be false, false information distributed by the CIA.

Jean-Bertrand Aristide is to Haiti what George Washington was to this Nation. They are quite fortunate to have him. Jean-Bertrand Aristide can oversee the rebuilding of the Nation of Haiti. He is a man who is a priest, he is a poet, he is a writer, he is a Biblical scholar. He spent 2 years studying Biblical archaeology in Israel. So Hebrew is one of the six languages that he speaks.

It is very fortunate that Haiti has Jean-Bertrand Aristide. Aristide has not a single dishonest bone in his body.

Nobody can accuse him ever of corruption, of wasting the resources of his people. They are quite fortunate Aristide is a great man. I place him on the same level as I do Nelson Mandela.

I want to conclude by congratulating President Aristide on the remarks he made today at the Pentagon, and I would like to read his statement into the RECORD.

President Aristide said today at the Pentagon:

In these past three days, something has happened in Haiti, Operation: Uphold Democracy was peacefully deployed. President Clinton, this is the result of the decision that you made, this is the result of your leadership. Thank you, and the people of the United States, for your commitment to lead a multinational effort in carrying out the will of the United Nations to help restore democracy to Haiti. It is certain that every action that stops the flow of even a single drop of blood, is a step towards lasting peace which we envision. I extend my thanks to President Carter, General Powell and Senator Nunn.

General Shalikashvili, when U.S. men and women arrived in Haiti on Monday, they encountered a nation of people ready to embrace peace. To you, your commander in the field, General Shelton, and the thousands of American soldiers both in Haiti and on their way to Haiti, on behalf of my nation, my many thanks for joining in this endeavor for peace. Your wives, husbands, parents, family and friends may take comfort in knowing that your presence is a contribution to the justice and democracy that we seek, principles that run deep in the tradition of the United States.

We who stood side by side with you in the battle of Savannah, Georgia to fight for the independence of the United States, are happy that today you stand side by side with us to uphold democracy in Haiti.

The light of peace must shine throughout Haiti. The world must see this light shine in Haiti day and night for every single citizen. Nothing must block this light of peace—neither violence nor vengeance, guns nor provocation, impunity nor retaliation. Peace must flourish in Haiti. The success of this mission is directly tied to the process of disarmament. As I said on February 7, 1991, the day of my inauguration, not another drop of blood must flow in Haiti: no to violence, no to vengeance, yes to reconciliation, yes to justice.

People of Haiti, continue to uphold democracy. Be vigilant and guard against provocation. While we move towards dialogue, mutual respect, enjoyment of civil liberties, and political stability, we call on all senators, deputies, members of Administrative Councils, Municipal Councils, Departmental Councils, mayors, and other elected officials to resume their offices. A peaceful environment is indispensable for these duly elected officials and the political parties to function. To help foster this environment, I have created a transition team headed by our Minister of Defense General Beliotte. They will assess conditions in Haiti and recommend the next steps to be taken to insure the quick restoration of constitutional order.

Here in Washington I will continue to meet and work with the National Security Advisor Mr. Anthony Lake, Special Advisor on Haiti Reverend Bill Gray and you General Shalikashvili, chairman of the Joint Chiefs and Staff, to outline the steps that we will take to guarantee the restoration of democracy which will bring peace to all, reconciliation among all, respect and justice for every single citizen in Haiti.

In less than 24 days I will join you in Haiti. There we will continue working as peacemakers, peacekeepers and peacelovers.

Thank you.

RUSSIAN FEDERATION'S COMPLIANCE WITH TITLE IV OF TRADE ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. STUPAK) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

I hereby transmit a report concerning the emigration laws and policies of the Russian Federation as required by subsections 402(b) and 409(b) of Title IV of the Trade Act of 1974, as amended (the "Act"). I have determined that the Russian Federation is in full compliance with the criteria in subsections 402(a) and 409(a) of the Act. As required by Title IV, I will provide the Congress with periodic reports regarding the Russian Federation's compliance with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1994.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 5 minutes, today.

Mr. WELDON, for 5 minutes, today.

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. GREENWOOD.

Mr. FIELDS of Texas.

Mr. HUNTER.

Mr. HORN.

Mr. BURTON of Indiana.

Mr. KING in two instances.

Mr. MCDADE.

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. HAMILTON in six instances.

Mr. LEVIN.

Mr. TORRICELLI.

Mr. ROSE.

Mr. MILLER of California.

Mr. FRANK of Massachusetts.

Mrs. MALONEY.

Mr. COYNE.

Ms. THURMAN.

Mr. OLVER.

Mr. RICHARDSON.

Mr. POSHARD.

Mr. KANJORSKI in two instances.

Mr. APPLEGATE.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. CRAMER.

Mr. GILLMOR.

Mr. KLEIN.

Mr. ENGEL.

Mr. BONILLA.

Mr. ZELIFF.

Mr. REED.

Mr. SANTORUM.

Mr. CRANE.

Mr. BURTON of Indiana.

Mr. PALLONE.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 38 minutes p.m.), the House adjourned until Thursday, September 22, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3857. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farm and Rural Development Act to modify the program of the Farmers Home Administration to assist beginning farmers and ranchers; to the Committee on Agriculture.

3858. A communication from the President of the United States, transmitting a report regarding action to support multilateral efforts to restore democracy in Haiti and to protect democracy in our hemisphere (H. Doc. No. 103-313); to the Committee on Foreign Affairs and ordered to be printed.

3859. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 3355, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees delivered to the Clerk for

printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. Supplemental report on H.R. 3171. A bill to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes (Rept. 103–714 Pt. 2).

Mr. OBEY: Committee on Appropriations. Revised subdivision of budget totals for fiscal year 1995 (Rept. 103–735). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 537. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4539) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103–736). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FIELDS of Texas:

H.R. 5068. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Ms. DUNN):

H.R. 5069: A bill to direct the Attorney General of the United States to enforce existing anti-pornography laws; to the Committee on the Judiciary.

By Mr. PAYNE of Virginia:

H.R. 5070. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities; to the Committee on Ways and Means.

By Mr. SKEEN (for himself, Mr. RICHARDSON, and Mr. BREWSTER):

H.R. 5071. A bill to amend the Federal Aviation Administration Authorization Act of 1994 to delay the effective date of trucking deregulation for 1 year; to the Committee on Public Works and Transportation.

By Mr. MOAKLEY:

H. Con. Res. 292. Concurrent resolution providing for the printing of a collection of statements made in tribute to the late Speaker of the House of Representatives, Thomas P. "Tip" O'Neill, Jr.; to the Committee on House Administration.

By Mr. CRAMER:

H. Res. 538. Resolution expressing the sense of the House of Representatives that communities should establish multidisciplinary team approaches to treat children who suffer from sickle cell disease; to the Committee on Energy and Commerce.

By Mr. SKEEN (for himself, Mr. KILDEE, Mr. WILLIAMS, Mr. RICHARDSON, Ms. ENGLISH of Arizona, Mr. FAZIO, Mr. OBERSTAR, Mr. SCHIFF, Mr. POMEROY, Mr. JOHNSON of South Dakota, Mr. SWIFT, Mr. FLAKE, Mr. HILLIARD, Mr. DELLUMS, Mr. OWENS, Mr. STUPAK, Mr. BEREUTER, Mrs. MEYERS of Kansas, Mr. TEJEDA, Mr. PASTOR, and Mr. BARRETT of Nebraska):

H. Res. 539. Resolution to encourage the President to establish an advisory commission on tribally controlled institutions of higher learning; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. KANJORSKI (by request) introduced a bill (H.R. 5072) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 162: Mr. MCCURDY, Mr. STENHOLM, and Mr. LUCAS.

H.R. 425: Mr. BARTON of Texas and Mrs. UNSOELD.

H.R. 427: Mr. BARTON of Texas and Mrs. UNSOELD.

H.R. 559: Ms. MARGOLIES-MEZVINSKY and Mr. LIPINSKI.

H.R. 654: Mr. BONIOR, Mr. BERMAN, Mr. FARR, Mr. MENENDEZ, Mr. HAMILTON, Mr. TAYLOR of Mississippi, Mr. BROWDER, Mr. KIM, Mr. BLUTE, Mr. LEACH, and Mr. MARTINEZ.

H.R. 1172: Mr. WISE.

H.R. 1671: Mr. EDWARDS of Texas, Mr. MANN, and Mr. HEFNER.

H.R. 1997: Mr. LAROCCO.

H.R. 2270: Mr. SHAYS.

H.R. 2292: Mr. DERRICK and Mr. CLYBURN.

H.R. 2340: Mr. YATES, Mr. EVANS, and Mr. CLAY.

H.R. 2720: Mr. DEUTSCH and Ms. DELAURO.

H.R. 2898: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2959: Mr. SAM JOHNSON.

H.R. 3270: Mr. CARR.

H.R. 3320: Ms. MOLINARI and Mr. SAXTON.

H.R. 3472: Mr. SCHIFF.

H.R. 3725: Mr. SENSENBRENNER.

H.R. 3854: Mr. GENE GREEN of Texas.

H.R. 3885: Mr. ANDREWS of Texas, Mr. DELLUMS, and Mr. ACKERMAN.

H.R. 4036: Mr. SCHIFF, Mr. ENGEL, and Mr. DEUTSCH.

H.R. 4244: Mr. SHAYS.

H.R. 4327: Mr. BLUTE and Mr. TORKILDSEN.

H.R. 4507: Mr. FINGERHUT, Mr. DEUTSCH, and Mr. APPLEGATE.

H.R. 4516: Mr. MACHTLEY.

H.R. 4742: Mr. HANSEN and Mr. HUFFINGTON.

H.R. 4765: Mr. ROHRABACHER.

H.R. 4831: Mr. HUTCHINSON and Mrs. VUCANOVICH.

H.R. 5005: Mr. BURTON of Indiana.

H.R. 5016: Mr. MCINNIS.

H.J. Res. 107: Mr. SHAYS.

H.J. Res. 332: Mr. NEAL of Massachusetts, Mr. SPRATT, Mr. HILLIARD, Mr. BURTON of Indiana, Mr. COYNE, Mr. PETERSON of Florida, Mr. PETERSON of Minnesota, Mrs. JOHNSON of Connecticut, Mr. THOMAS of Wyoming, Mr. GALLO, Mr. EHLERS, Mr. BLUTE, Mr. EVERETT, Mr. WELDON, Mr. MCDADE, Mr. RAHALL, Mr. VALENTINE, Mr. LIVINGSTON, Mr. BILBRAY, and Mr. TRAFICANT.

H.J. Res. 398: Mr. COBLE, Mr. BROWDER, Mr. DELLUMS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DUNN, Mr. COOPER, Mr. HYDE, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. BAESLER, Mr. GENE GREEN of Texas, Mr. CRANE, Mr. HASTINGS, Mr. SOLOMON, Mr. STUMP, Mr. TORRICELLI, Mr. GIBBONS, Mr. TRAFICANT, Mr. GLICKMAN, Mr. PAXON, Mr. PACKARD, and Mr. MANTON.

H.J. Res. 409: Mr. VALENTINE.

H. Con. Res. 35: Mr. FAZIO, Mr. STARK, Mrs. MINK of Hawaii, Mr. POSHARD, Mr. MFUME, Mr. BONIOR, Ms. SLAUGHTER, Ms. VELAZQUEZ, Mr. LANCASTER, Mr. ROSE, Mr. ANDREWS of Texas, Mr. BRYANT, Mr. BROOKS, Mr. TEJEDA, Mr. SCOTT, Mr. DOOLEY, Mr. MILLER of California, Mr. GIBBONS, Mr. CONYERS, Mr. LEVIN, Mr. TAYLOR of Mississippi, Mr. LAFALCE, Mr. CLEMENT, Mr. COOPER, Mrs. LLOYD, Mr. WILSON, and Mr. RAHALL.

H. Con. Res. 227: Mr. LIVINGSTON.

H. Con. Res. 254: Mr. BECERRA, Mr. BRYANT, Mr. DEFAZIO, Mr. EDWARDS of California, Mr. FAZIO, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. HOCHBRUECKNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KOPETSKI, Mr. LANTOS, Mr. MACHTLEY, Mrs. MALONEY, Mr. MILLER of California, Mrs. MINK of Hawaii, Ms. MOLINARI, Mr. OBERSTAR, Mr. RANGEL, Mr. RICHARDSON, Ms. SCHENK, Mr. SCHUMER, Ms. SHEPHERD, Mr. STUDDS, and Mr. WILSON.

M. Con. Res. 269: Ms. MOLINARI.

H. Con. Res. 281: Mr. GILMAN, Ms. MOLINARI, Mr. HOLDEN, and Mr. FRANK of Massachusetts.

H. Res. 86: Mr. GREENWOOD, Ms. MARGOLIES-MEZVINSKY, and Mr. SAXTON.

H. Res. 519: Mr. WALSH, and Mr. HUTCHINSON.

EXTENSIONS OF REMARKS

THE MIDDLE CLASS AND THE 103D CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 31, 1994, into the CONGRESSIONAL RECORD:

THE MIDDLE CLASS AND THE 103D CONGRESS

One of the strengths of America has long been its middle class. This group, which includes the majority of Americans, has helped define our identity and goals: hard work, opportunity, dedication to family and community, and support for the traditional values of our country. The promise of opportunity, mobility, and freedom that the middle class represents has for most of our history inspired optimism at home and envy abroad. Those in other countries increasingly recognize that a strong middle class makes a nation wealthier, more democratic, and more peaceful.

Middle-Class Concerns: Yet I sense that lately many middle-class Americans feel largely forgotten, especially by their government. They tell me they fear the economic security they have worked so hard to build is threatened by unemployment, or by uncertain health and pension benefits, or by excessive government spending. More and more, they feel that crime threatens their personal security and that problems in the schools threaten their children's future. The question they put so often to me is: who speaks for us?

The middle class has legitimate concerns. Overall economic growth and job creation have been hampered in recent years by soaring federal budget deficits. Even with the recovery, the economic landscape has undergone fundamental changes, including the decline in high-paying manufacturing jobs. Wages have fallen for those with less education, and companies are reducing employee benefits as costs of health care and insurance go up. Violent crime has become a concern for all Americans. Even our public schools, which continue to offer quality education to many, are increasingly affected by violence, drug and alcohol abuse, and falling standards of academic achievement.

Many affected by these changes often feel that government doesn't care. They believe that the interest of government has become that of the special interests, while the concerns of the majority of voters are largely overlooked. They believe that federal dollars go mainly to the rich and to the poor, or to people overseas.

Policy Steps: Of course, the federal government alone cannot solve all of these problems. Nevertheless, middle-class Americans have a right to expect government to be responsive to their concerns and to use their resources responsibly. At the same time, it is important to keep in mind that many of the largest and most successful federal programs—Social Security, Medicare, the home mortgage interest deduction—benefit primarily middle-class Americans. Despite changing economic times, these programs remain strong.

In 1994, spending on Social Security will total $320 billion; an additional $160 billion will be paid out for Medicare. Tax benefits for the home mortgage interest deduction total $50 billion. Benefits for employer contributions to their workers' health and pension programs add another $100 billion. By contrast, $14 billion will be spent on Aid to Families with Dependent Children, the principal cash welfare program, $28 billion on food stamps, and $14 billion on foreign aid. The vast majority of federal benefits go not to the rich or the poor, but to the middle class.

In addition to safeguarding these programs, a number of other steps were taken during the 103rd Congress to address middle-class concerns. First, Congress made a big dent in the federal budget deficit, which in turn has helped boost job creation. The middle class is keenly interested in good-paying jobs. The 1993 budget package cut the projected deficit in half. Deficit reduction helps keep interest rates low and means more savings and investment, which in turn means more good-paying jobs. Second, Congress took steps to help the American worker adjust to the changing economy. These include extending emergency unemployment benefits for 1.9 million Americans and providing grants to industry to develop new technologies that stimulate high-wage jobs. Measures to increase credit availability and provide capital gains tax cuts for small businesses will help generate additional jobs. A new proposal would consolidate and improve federal job training programs. Third, bills were passed to help improve access to quality education. The Student Loan Reform Act simplifies the college loan process and increases the number of scholarships available. Another new law encourages the setting of voluntary educational standards to ensure our future competitiveness and supports programs to help the non-college bound move into high-skilled, high-wage jobs. Fourth, Congress has now passed tough new crime legislation, mandating life imprisonment for those convicted of a third felony—the so-called "three strikes and you're out" provision. It also provides grants for thousands of additional police on the streets and for state and federal prison construction. Fifth, the debate on serious health care reform is underway. The issues are complex and no one proposal yet has the backing of a majority of Members of Congress. Nevertheless, work continues on crafting a bill which would preserve the best of our current system while containing costs and increasing access of Americans to quality health care. Sixth, Congress is beginning to look at ways to ease the tax burden on the average American. Tax relief could take many forms—a per-child tax credit, further reduction in the capital gains tax, or expanded individual retirement accounts. Seventh, Congress is working on legislation to reform campaign financing, restrict gifts to Members of Congress, and tighten controls on the activities of lobbyists. These reforms would reduce the disproportionate role that money plays in American politics. The House passed a bill to bring Congress into compliance with a number of major federal laws. Additional reform legislation, which I sponsored, will increase congressional efficiency and accountability.

Conclusion: Much needs to be done in the final weeks of this session. Yet the potential is there for a solid record of accomplishment on issues of concern to the middle class. Americans know that government cannot guarantee prosperity for everyone and that there are limits to federal resources. But they have a right to expect that government will be responsive to their needs. They have a right to believe in the promise that has kept American vibrant and strong—that their dedication and hard work will be rewarded with a better future for themselves and their families.

THE TERRITORIAL CONSULTATION AND NOTIFICATION ACT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. TORRICELLI. Mr. Speaker, I rise today to introduce a very important and necessary piece of legislation that will ensure that Congress has the information it needs to properly implement its constitutional responsibilities in overseeing the U.S. territories. Furthermore this bill will ensure that the executive branch respects Congress' authority to carry out this responsibility.

The legislation reflects a bipartisan effort cosponsored by nine of my distinguished colleagues including the ranking minority member of the Foreign Affairs Subcommittee on Insular Affairs.

Given that Congress is constitutionally empowered to provide for the governance of U.S. territories, including the determination of status, I believe there are certain procedures that need to be established to ensure that Congress is adequately informed to successfully carry out this important responsibility. The Territorial Consultation and Notification Act will require that periodic plebiscites be held by all U.S. territories so that Congress can be regularly informed about how the citizens who reside in these territories view their political status. In addition, this legislation will require the executive branch to provide Congress with sufficient notification of all regulations and policies impacting the territories.

While some of the territories have already conducted plebiscites, most of these votes do not take place with any regularity. In fact, Puerto Rico held a plebiscite in November of last year. This vote was the first Puerto Rican plebiscite in over 20 years and it resulted with none of the status options receiving more than 50 percent of the vote.

Through regular plebiscites, Congress will ensure that basic American values such as self-determination and human rights apply to all U.S. territories. In mandating periodic plebiscites, this legislation does not seek to endorse any particular status option for the territories. Instead, the bill will provide Congress with adequate information to properly carry out its constitutional duties.

The United Nations has declared the 1990's as the decade to "eradicate colonialism." As a result, Congress must promote the progress of U.S. territories toward self-government consistent with the principles of self-determination.

I strongly urge my distinguished colleagues to support the Territorial Consultation and Notification Act. By implementing these necessary procedures, Congress will be able to

take a fair, informed, and accurate approach in evaluating the U.S. territories.

SALUTE TO WESTFIELD STATE COLLEGE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. OLVER. Mr. Speaker, I rise today to honor Westfield State College, the most residential campus of all Massachusetts State colleges, located in the beautiful suburban environs of Westfield, MA. On September 4, 1994, the college marked the 150th anniversary of its charter by the Great and General Court of the Commonwealth. In celebrating 150 years in the city of Westfield, the college will recognize 150 individuals "Who Have Made A Difference" in the history of the city and the college on Saturday, October 8, 1994.

The college began in 1839 as the oldest public, teachers' college in the United States. The school catered to all citizens of the Commonwealth, but took the lead in creating opportunities for African-Americans and women. In 1960, Westfield joined other Massachusetts teachers colleges in becoming State colleges. Today, Westfield State College offers 24 undergraduate majors and numerous masters programs in liberal arts and professional education.

From a teachers' college to a State college offering a full range of professional and liberal arts studies, Westfield State College has been faithful to the words of its first principal who declared that the college provides: "the opportunity to contribute to the welfare and improvement of many people rather than to confer high privilege on a few."

Westfield State College's 18,000 graduates, 80 percent of whom live and work in Massachusetts, can all attest to the college's special role in fulfilling their academic curiosity and career goals. I ask my colleagues to join me in congratulating Westfield State College on its 150th anniversary and in extending best wishes to all the faculty, staff, students, and alumni.

HONORING ST. PETER'S LUTHERAN CHURCH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I recognize the 100th anniversary of St. Peter's Lighthouse Church, which is located in my congressional district.

Under the leadership of its pastor, Rev. Walter Enquist, St. Peter's has been a beacon of hope to the local community. In addition to the spiritual guidance provided through religious ceremonies, the church also runs a daycare program, an after-school program, childcare provider training, an emergency food supply, and many more important services. All this is done in loving service to God and community.

Over the past 100 years, a great number of lives have been touched in a positive way by the good works of St. Peter's Church. I congratulate Reverend Enquist and his congregation on this great occasion and wish them all continued success as they embark on their second century.

NEW YORK CITY LOSES A WONDERFUL VOICE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mrs. MALONEY. Mr. Speaker, generally when we take the floor, it is to bring to our colleagues' attention a noteworthy event or an individual accomplishment within our districts. Unfortunately, today I bring to my colleagues' attention a great loss suffered by my district and by New York City as a whole: the untimely death of Richard Irizarry at the age of 38.

Every so often, we have the opportunity to meet someone whom we instantly know is special, who seems destined to change the lives of those who meet him. Richard was such a man.

When I first met Richard, he was already an accomplished playwright, one of the brightest new voices in New York theater. His first play, "Ariano," received sparkling reviews, and in fact won the National Drama Award of Puerto Rico. And his most recent play, "Newyorico" is under development by the prestigious Joseph Papp Public Theater.

But although I knew of his theatrical endeavors, it was through his public service that I first made his acquaintance and became his friend. Richard was a top community aide for Manhattan Borough president Ruth Messinger. He brought a sensitivity and commitment that one rarely encounters in the corridors of government. Whether it was increasing funding for the education of children with disabilities, or improving AIDS services in El Barrio, Richard was a powerful voice for change in our communities.

Richard always seemed to have time for any person or any organization that needed his help. This is nowhere reflected better than in the number of organizations on whose boards he served: Latino Gay Men of New York, the Hispanic AIDS Forum, and Gay Men of African Descent.

While Richard's life is paean of hope and optimism, his death from AIDS-related complications is a warning, as if we needed another. The scourage of AIDS claims too many Richard Irizarrys. Too many of our leaders—present and future—have succumbed to a disease that remains shrouded in mystery, ignorance, and bigotry.

There's a line from Mark Twain that keeps repeating in my head: "Let us endeavor so to live that when we come to die even the undertaker will be sorry."

Mr. Speaker, the undertaker is weeping in New York City today.

AGRICULTURE AND THE 103D CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 14, 1994, into the CONGRESSIONAL RECORD:

AGRICULTURE AND THE 103D CONGRESS

Congress is considering a number of proposals that would affect farmers in Southern Indiana.

Ethanol: With my support, the Environmental Protection Agency will require nine cities with high pollution levels to use gasoline blended with ethanol in 1995. Ethanol blends help cities comply with the Clean Air Act by reducing harmful air pollution. The EPA ruling is projected to increase ethanol demand by about 60 percent. The Indiana Corn Growers Association estimates this could increase corn prices by as much as 20 cents per bushel. I have also contacted Governor Bayh to request that Clark and Floyd counties be voluntarily included in this program. This would both increase ethanol demand in Indiana and reduce toxic emissions in two of our most polluted counties.

Crop insurance reform: With my support, the House recently passed a bill to overhaul federal crop insurance. The goal of the bill is to encourage broad participation, so that last-minute emergency legislation will be replaced by a strong, fiscally sound system to insure farmers against crop losses. The bill would require all farmers in USDA programs to acquire a basic, premium-free catastrophic insurance program. There would be only an administrative fee of $50 per crop for a plan that pays 60 percent of the market price for crop losses over 50 percent of normal yield. The bill also has "buy-up subsidies" to purchase additional coverage. The Senate has approved a similar bill, and the difference will be resolved in a conference committees this fall.

Pesticide law reform: Congress is considering revisions to federal laws that govern pesticide residue on raw and processed food. Current law applies a "zero-tolerance" standard to processed food, resulting in expensive regulations for many farmers. A House bill eases this rule to allow "negligible" levels of pesticide residue, and it requires the government to use a cost-benefit analysis when setting pesticide tolerances. I support this effort. As technology improves, we can now measure things in parts per trillion, making it almost impossible to avoid detectable levels of any chemical. We should not discourage people from eating healthy food because of infinitesimal amounts of useful chemicals. It is unlikely that Congress will take final action on pesticide law until next year.

Wetlands and the Clean Water Act: Congress is debating the Clean Water Act, the law that governs most wetlands regulation and water pollution. I support efforts to narrow the definition of wetlands. Current law does not distinguish between wetlands that are environmentally important and those that are not. The costs of preserving wetlands should not outweigh the benefits. Many Hoosier farmers also share my concern about broad restrictions on non-point source pollution, which comes primarily from field runoff. Studies show that most non-point source pollution in a given region comes from just a few troublesome fields. It would be unfair to punish all farmers for problems in isolated areas. Many hearings have been held on these issues, but final action is unlikely to happen this year.

Regulations: Over the past few months many Hoosiers have expressed their desire to end overly burdensome environmental regulations. I agree, and have voted this year for amendments that would protect property owners from unreasonable environmental regulations. We must get more restraint and responsibility into our regulatory system. Environmental laws today are often rigid, absurdly enforced, and place unreasonable costs on property owners. I support the call for a new partnership between the regulated and the regulator, and common sense approaches to regulation. We must assess risks, weigh costs and benefits, and set wiser regulatory priorities.

USDA Reorganizations: Congress is considering a reorganization of the USDA for government that works better and costs less. The House Agriculture Committee bill creates a single Farm Services Agency that would carry out price and income support, crop insurance, and farm credit programs—providing direct assistance in "one-stop shopping". USDA personnel reductions would be greater in Washington, D.C, than in the field offices. I agree with this priority. My goal is to reduce the bureaucracy and save money, while providing improved service to farmers. Congress has not yet completed debate, and no major restructuring will take place until after the current growing season.

Trade issues: With my support, the North American Free Trade Agreement passed Congress late last year. NAFTA is boosting agricultural exports for Indiana grain and meat producers. The early indications are quite favorable for Hoosier farmers. In the first few months under NAFTA, U.S. agricultural exports to Mexico boomed: exports of pork products increased 68%, corn was up 82%, and turkeys were up 28%.

The GATT agreement will lower world trade barriers to U.S. exports. Congress is likely to take up the agreement later this year. Discussion continues on how to pay for GATT. I was successful in including a provision in GATT legislation that would prohibit cuts in agricultural spending to pay for GATT. I will oppose funding proposals that unfairly burden U.S. farmers.

1995 Farm Bill: Like all areas of the federal budget, there will be a limited pool of money for agriculture in the farm bill. In my view, the farmer's share of the budget should be protected. Here are some of my goals for the farm bill:

Farm programs should continue to enhance farmers' ability to compete in a free market economy. Farmers should have flexibility in the choice of crops, the crop acreage base should be allowed to increase, and program yields should rise to reflect improved land management practices.

Crop support programs should be less complicated. The paperwork of program participation should not be a burden to farmers.

CRP (the Conservation Reserve Program) must be preserved. The CRP program must be flexible, distinguishing between more and less environmentally important lands, and voluntary: CRP should include incentives for farmers to participate in the conservation program. Farmers are the original stewards of the environment, and it has always been in their own interests to conserve their resources.

Conclusion: The risks in agriculture are greater than in most industries, and Congress should continue to provide some stability to agriculture to assure that farmers can maintain a decent living and a reasonable return on their investments. Carefully crafted farm legislation can enhance farmers' competitiveness and maintain their position as the most productive in the world.

TRIBUTE TO JOHN W. KLUGE

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. ROSE. Mr. Speaker, 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 celebrates his 80th birthday today.

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 interest 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 go 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 incredibly 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. Speaker, 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 80th birthday.

TRIBUTE TO JUDGE FRANK E. JEANNETTE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. LEVIN. Mr. Speaker, tonight, residents of Macomb County will honor Judge Frank E. Jeannette. They will do so at a ceremony to benefit the Warren Symphony Orchestra.

The event is in the form of a roast. However, I am sure that everyone involved really intends their expressions to be a toast. Judge Jeannette is a beloved figure in Macomb County. He has practiced law for 60 years, dispensed justice with wisdom, strength, and compassion, and has been exceptionally active in the community in civic, fraternal, and charitable organizations, including the Boy Scouts, March of Dimes, Catholic Services, and the American Cancer Society.

I have had the privilege of knowing Judge Frank Jeannette for over 20 years. His zest for life and community spirit remain undiminished. The respect of his friends and the entire community has grown with each year of his remarkable life. Tonight, and every day, he is the toast of the county.

INTRODUCTION OF SICKLE CELL DISEASE AWARENESS RESOLUTION

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. CRAMER. Mr. Speaker, I rise today to offer a resolution expressing the sense of the House of Representatives that communities should establish multidisciplinary team approaches to treat children who suffer from sickle cell disease.

Despite its prevalence, not enough is known about sickle cell disease. The number of Americans suffering from sickle cell disease is staggering: 1 in 12 African-Americans carry the sickle cell trait and 1 in 400 African-American babies have sickle cell anemia.

Sickle cell disease occurs when hemoglobin, which allows red blood cells to carry oxygen, lacks an essential amino acid causing the cell to be shaped like a sickle. The sickled cells are stiff and sticky and can block blood vessels causing extreme pain and all too often premature death. Even though sickle cell disease can be identified by a simple and inexpensive blood test, the symptoms of sickle cell mimic those of many other diseases and therefore often delay detection of the true illness. Unfortunately, when the disease goes

undetected in infants, the children face a life of pain and suffering.

Children suffering from sickle cell disease are subject to special problems. The spleen which protects against infection can become enlarged and trap blood. This swelling disrupts the spleen's ability to protect the body from infection. Childhood infections are the No. 1 killer of children suffering from sickle cell disease.

A recent study has found that children who are diagnosed with sickle cell disease as infants and given daily doses of penicillin are at a much lower risk of developing a life threatening infection. Other studies have found that many infant deaths attributed to sudden infant death syndrome or SIDS were actually the result of undiagnosed sickle cell disease. Also, the growth of bones in children with sickle cell disease is greatly affected. Because the bones receive a deficient supply of blood, their growth and strength are diminished.

Teachers, parents, and child care workers need to be educated about sickle cell disease and how to effectively deal with the painful episodes that occur with blood clots. Sickle cell disease affects every individual differently. People working with children need to know that not all sickle cell disease patients have the same abilities or level of activity. Low self-esteem is also very common among children who suffer from the disease. These children need the encouragement and support of those around them. Only through increased awareness of this illness and education about its effects can we begin to help those who suffer from this horrifying disease.

In my district, we are fortunate to have the North Alabama Sickle Cell Foundation. It is a nonprofit organization established to improve the quality of life for people who suffer from sickle cell conditions through patient enrichment programs. These programs include educational enrichment, opportunities for career planning, health promotion and disease prevention activities, and socialization.

The foundation's able representatives act as liaisons or advocates and seek to encourage improved services and benefits for individuals and affected families. Also, the foundation provides education, counseling, and testing services free of charge to the general public.

The purpose of the resolution is to help organizations like the North Alabama Sickle Cell Foundation present accurate educational information on sickle cell anemia—one of the most common chronic illnesses of children—sickle cell trait and other hemoglobinopathies in order to create an informed public.

I encourage my House colleagues to become cosponsors of the resolution and help raise the awareness of this disease to not only the general public but also the population at risk.

TRIBUTE TO THE DRUG AND ALCOHOL NURSING ASSOCIATION

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. GREENWOOD. Mr. Speaker. I rise today to commemorate the 15th anniversary of the Drug and Alcohol Nursing Association which is headquartered in Upper Black Eddy, PA.

The Drug and Alcohol Nursing Association is a national nonprofit organization of nurses who work in the treatment, prevention, and control of chemical dependency. For 15 years, the organization has serviced its members by providing quality education in the latest developments in chemical nursing, quality care, and professional standards.

While it is unfortunate, substance abuse occurs in every congressional district across the country. The United States can and should, however, be proud of the quality of health care its medical professionals provide to combat this epidemic. According to the Robert Wood Johnson Foundation, on any given day, more than 800,000 clients receive alcohol and/or drug treatment in a specialized substance abuse treatment program. The Drug and Alcohol Nursing Association, through its outreach and continuing education programs, is playing a key role in this fight.

In their special anniversary year, it is only appropriate to applaud the devoted members of the Drug and Alcohol Nurses Association for their commitment to the field of chemical nursing and for their dedication to providing the best quality of care to those individuals who are chemically dependent.

HEALTH CARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 7, 1994, into the CONGRESSIONAL RECORD:

HEALTH CARE REFORM

In the last few days, the health care debate has shifted away from the idea of comprehensive reform (which would involve widespread changes to the health care system) towards incremental reform (which would make fewer changes). The question now is whether there will be incremental reform or no change at all this year. For some months now I have advocated incremental over comprehensive reform, and I prefer the incremental approach over nothing at all.

HEALTH CARE SYSTEM

Some people advocate making no changes to the health care system this year. I believe, however, some problems could worsen if not addressed soon. Incremental reforms could address some of these issues. First, about 39 million Americans, or 15 percent of the population, lack insurance coverage, and the number is rising. Second, health care costs continue to rise faster than inflation. Factors such as the aging population and technological improvements will continue to force cost increases. Third, insurance companies often refuse to cover families with high risk, preventing many Americans from purchasing health care insurance. Fourth, the health care marketplace provides incentives for waste and inefficiency—often rewarding doctors and hospitals for providing additional services whether needed or not.

INCREMENTAL APPROACH

Congress should consider incremental rather than comprehensive health care reform for several reasons. First, comprehensive reform is so complicated, and so wide ranging, no one can really be sure how it would work in practice. Incremental reform is a simpler approach. Second, while universal coverage is a desirable goal, it would be a mistake to implement it in a way that involves too much government. Hoosiers do not want government at the center of the health care delivery system. Universal coverage could set in motion a series of government actions—like major tax increases and regulations—that interfere with the marketplace and make me uneasy. Third, while some people will be left out under incremental reform, it makes sense to address their problems later when we know more about what works and what does not, who is uninsured, and why they do not have coverage. Fourth, no comprehensive health care reform proposal now before Congress has majority support. I do not think the way to enact health care reform is with the votes of only one political party. There must be a shared responsibility of what reform is and how to achieve it. In a late rush to get something enacted, Congress should not toss together a comprehensive reform bill with a major impact on every American and all aspects of the health care system.

POSSIBLE REFORMS

Incremental reforms under consideration include a variety of proposals which have been supported by many Democrats and Republicans.

Managed competition

Managed competition is the general term for measures that promote individual responsibility and market competition to contain spending. I favor using market forces in an effort to restrain health care costs over the other option: heavy government regulation and control.

Such incremental reforms would make it easier for small businesses and individuals to join together voluntarily to purchase insurance. This would increase their purchasing power, allowing them to negotiate better prices and service and helping businesses protect themselves from cost shifting. Reforms also would encourage the use of managed care where the health care provider charges a flat fee in return for providing coverage. This system encourages the use of preventive health care in an attempt to hold down costs.

Insurance reform

Insurance reform could require insurers to take all comers and would limit exclusions based on pre-existing conditions. These reforms would reduce the ability of insurers to exclude—or lock out through prohibitive premiums—those who are at greatest risk in the system. Reforms also would give workers the right to take insurance with them when they change jobs.

These reforms would guarantee no one could be denied access to coverage, but they do not guarantee everyone will be able to afford it. Insurance reforms could have unintended consequences. If insurers are required to accept customers who are bad health risks and charge them roughly the same rates as everyone else, premiums for all customers could be driven up—encouraging some people with health coverage to drop their insurance.

Subsidies

Incremental reforms could include subsidies to lower-income working families to help them buy insurance. All the major health care reform bills before Congress include some type of subsidy. Subsidies need to be generous enough to help, and solidly financed lest they drive up the deficit. Congress should be careful subsidies do not encourage businesses that employ lower-income workers to drop health insurance coverage because the government will pay for it.

Malpractice reform

Malpractice reform could reduce insurance costs and limit defensive medicine. Indiana is a leader in this area.

Standardized benefits

Insurers could be required to offer at least one standardized benefit package, so consumers can more easily compare policies' cost and service. Insurers could also offer other benefit packages if they wished.

Federal employee health insurance

Small businesses and individuals could be allowed to buy into the federal employee

health benefits plan which covers government workers as well as members of Congress. Self-employed individuals would receive 100% deductibility for their health care premiums.

CONCLUSION

Congress should aim to produce a fully financed bill that puts the country on a course toward health care cost containment and reduces the number of uninsured. Incremental steps would help some people who need it without dismantling a system that works well for most Americans. I do not want to replace the current system with one that is unproven and untested.

Congress will be returning to the issue of health reform for years to come. An incremental bill might not be all we want but it would be a major accomplishment. Such a bill would not achieve the President's goal of universal coverage and it almost certainly would not be a permanent solution. But incremental reform now would help some people and improve the current system.

RICHARD T. LEARY DAY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, on the night of September 29, the people of the town of Brookline, MA, and many others will gather to honor an extraordinarily dedicated public servant—Richard Leary. Richard Leary has been the town administrator of Brookline since 1985, the year the post was first created. For 16 years before that, he served as the executive secretary of the town, prior to which he spent 9 years as assistant to the executive secretary in Brookline and 6 years as an assistant to the city manager of Medford.

This means that Dick Leary is finishing 40 years of public service this year, 34 of which have been on behalf of the town of Brookline. People got to know something about Brookline when Michael Dukakis, the town's most prominent citizen, ran for President in 1988. They learned that this is an unusually interesting community—with a highly informed citizenry, which takes politics and government very seriously. Serving as the chief executive officer of a community like Brookline for 25 years is not an easy thing. When people are passive, governing them is often undemanding. When a community is as active, informed, and eager to guide its own destiny as is the town of Brookline, it takes a very special set of talents to remain at its executive helm for so long.

The fact that Dick Leary had such a long and successful tenure in Brookline is a tribute to him, and an indication of the extraordinary quality of the man.

In an era when legislators and executives do not always get along, it is noteworthy that the two elected bodies that serve the town, the town wide board of selectmen, and the neighborhood-based representative town meeting, each passed resolutions in support of Dick Leary. I ask that they be printed here.

And Mr. Speaker, I also seek to have included here, my own extremely high regard for Dick Leary and my gratitude to him. We live in a time when people are skeptical at best of public service, and when denigration is the tone most often taken when people speak of government. Obviously this is an unfortunate situation, and I fear greatly that we face an unacceptable case of a self-fulfilling prophecy, as people think poorly of government and those with talent and dedication are discouraged from going to work for it.

That is why celebrating the career of Dick Leary is so important. Here is an example of a dedicated, selfless man of fundamental decency, integrity, and great skill who did an extraordinarily hard job for many years and made it look relatively easy. As people contemplate whether or not a career in public service can be a rewarding one, I hope some of them will look at the extraordinarily rich and rewarding work that Richard Leary carried on and find in him an example worth emulating.

PROCLAMATION RICHARD T. LEARY DAY

Whereas, Town Administrator Richard T. Leary will be retiring from town service on September 1, 1994 after having served the town for 34 years, 25 of which as the Town's Chief Administrative Officer, and

Whereas, during his tenure in office, he has served this and all previous Boards of Selectmen with distinction and unquestioned loyalty, and

Whereas, he has demonstrated the highest ideals of honor and integrity in public service, never wavering in his mission to serve the best interests of all the people, and

Whereas, through his professional management and leadership skills, he has made the Town of Brookline a model community benefitting all the citizens of Brookline, and

Whereas, his many accomplishments for the Town and the profession of city management have been acknowledged on local, state and national levels, including recognition by his peers with his appointment as President of the Massachusetts League of Cities and Towns and the Massachusetts Municipal Managers' Association, and

Whereas, he has set new standards in professionalism, character, integrity and excellence in government, and

Whereas, it is well that we let Richard know that his extraordinary service is appreciated, that we tell him in so many words that he has the gratitude of the entire citizenry of Brookline; now therefore be it

Resolved, That We, the Board of Selectmen of the Town of Brookline, do hereby proclaim September 1, 1994 as "Richard T. Leary Day" and urge all our citizens to observe it in the spirit and deed.

A RESOLVE TO RICHARD T. LEARY

Whereas, Town Administrator Richard T. Leary will be retiring from town service on September, 1, 1994 after having served the town for 34 years, 25 of which as the town's Chief Administrative Officer, and

Whereas, during his tenure in office, he demonstrated professional management skills and leadership qualities of the highest order which have contributed to the high standard of service for which our community is noted, and

Whereas, his many accomplishments for the Town and the profession of city management have been acknowledged on local, state and national levels, including recognition by his peers with his appointment as President of the Massachusetts League of Cities and Towns and the Massachusetts Municipal Manager's Association, and

Whereas, he has served this body and all town officials and citizens in a professional and fair manner, and

Whereas, he has been unwavering in his dedication and integrity, representing all that is good in public service, and

Whereas, it is well that we let Richard know that his extraordinary service is appreciated, that we tell him in so many words that he has the gratitude of the entire citizenry of Brookline: be it therefore

Resolved, that the Town Meeting, as the Town of Brookline's legislative body, extends to Richard a sincere thank you for the important public service that he has performed with distinction, together with best wishes for many years of happiness in retirement.

TRIBUTE HONORING THE DAY IN THE PARK FRIENDSHIP FESTIVAL IN GREEN SPRINGS, OH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. GILLMOR. Mr. Speaker, I rise today to acknowledge a significant event taking place on September 24 and 25, 1994, in Green Springs, OH. On those 2 days, the village of Green Springs will hold their annual Day in the Park Friendship Festival. In keeping with the spirit of friendship, the community will host its sister village in Canada, Point Edward, ON.

As one of the States that makes up the largest unguarded national border in the world, Ohio is proud of its bonds of trade, commerce, and friendship with Canada. As is stated on the Perry Monument located on the shores of Lake Erie, "* * * to the triumph of peace with our trusted Canadian neighbor, this, the shortest of treaties between great nations is written here in full enduring bronze to be read by all the people."

Green Springs is a picturesque village south of Sandusky Bay in northern Ohio. Known for their spirit of voluntarism and community pride, the citizens are especially proud of their Day in the Park Festival. During the weekend of September 24 and 25, the village will be host to a car show, crafts demonstrations, and softball games as well as bingo and all types of barbecue.

Point Edward is located along the St. Clair River in Ontario. Incorporated in 1874, it is surrounded by harbors, marinas, beaches, and the city of Sarnia, ON. On May 5 of this year, the Point Edward village council signed a proclamation naming Green Springs its sister city and on June 29, Green Springs reciprocated.

Mr. Speaker, it is important for local officials and citizens on both sides of the border to get together in an informal atmosphere to promote good will between our two countries. The sister city program promotes the interests and customs of similar cities and villages all over the world. I ask my colleagues to join me in honoring the Day in the Park Friendship Festival and encourage the attendees to continue to take an interest in and to promote their respective communities.

THE NEED FOR REFORM OF GRAZING POLICIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. MILLER of California. Mr. Speaker, when the Clinton administration took office, Secretary of the Interior Bruce Babbitt declared that it was time to reform our many outdated policies toward public lands.

One of the first major attempts was grazing. You all recall last year's fight over our attempts to raise grazing fees. Those efforts are supported by a large majority of people in the West and they were supported by a majority of the Members of this House and of the other

body—but opponents of reform used the rules of the other body to defeat the will of the majority.

I am inserting into the RECORD an editorial from the St. Louis Post-Dispatch from September 1, 1994 which lays out, once again, the need for reform of our grazing policies.

The forces fighting change are strong and smart and they certainly have incentives to fight—they don't want to give up the lucrative subsidies they have long enjoyed.

But these reforms must proceed. We must ensure that taxpayers receive a fair return and that these lands are protected for future generations.

HOME ON THE RANGE

While the 1872 mining law can be seen as legalized thievery, the federal law governing cattle grazing on public land is relatively progressive. The Federal Land Policy and Management Act of 1976, the foundation of federal policy, explicitly recognizes the public interest in public land. Unlike the 1872 mining law, which enables mining companies to buy public land for a pittance, the 1976 grazing reform law foreclosed the sale of public land to ranchers, denied that ranchers had any natural or intrinsic right to graze on public land and advocated good stewardship and multiple use of public lands.

So why, if the law protects the public interest so well, is there still a problem? Why is public land continuing to be overgrazed—and the environment degraded? Why do federal grazing permits continue to be treated like ranchers' personal property? Why do ranchers and environmentalists continue to be at loggerheads? Why have Secretary of Interior Bruce Babbitt's plans for grazing reform met with such stiff opposition from all sides?

Those questions have a variety of answers: history and the role of cattle-ranching in opening the West; politics and the so-called Sagebrush Rebellion of Western politicians in the late 1970s and early 1980s that prompted the Reagan administration to adopt a hands-off approach to grazing, and the simple economics of modern ranching.

The separation of public land and private property that exists so distinctly in the law blurs in real life. In real life, federal grazing leases are often treated as private property. They are bought and sold along with ranches; indeed, ranches with federal grazing permits are generally worth more than comparable ranches without them. In addition, permits to graze on public land can be sublet, with the private lessor, not the federal government, making the profit.

Why are federal grazing permits so valuable? Because they are so cheap. The charge per "animal unit month" (AUM) is roughly $1.98, far below the market value and insufficient, to the tune of about $52 million a year, to cover the government's cost to operate the program, according to a report to the House Committee on Natural Resources.

The price of permits must be raised—as an incentive to avoid overgrazing, to cover the costs of the program's administration and to provide funds to enforce environmental standards and to do ecological environmental standards and to do ecological restoration. The question is, of course, by how much. Mr. Babbitt has backed away from his original plan of $4.28 per AUM and now supports a three-year phase-in to $3.96 per AUM. Ranchers backed a $2.43 AUM proposal.

Because the holders of federal permits must provide infrastructure for grazing—fencing and water sources, for example—the federal rate should be somewhat below market rate. Discounts, or subsidies, could be offered to ranchers who abide by or exceed environmental standards or small ranchers who might be forced out of business by a dramatic increase in rates. (Right now, big companies are the major beneficiaries of low fees.)

Grazing reform is more than a matter of law or money, however. It is also about strict land management and breaking the stranglehold that the cattle interests have had on policy. Mr. Babbitt suggests more local and state involvement—of ranchers and environmentalists—in developing environmental standards and guidelines consonant with national goals of ecological restoration.

People on both sides may balk, but the future of the West might just depend on roping all sides into the debate.

CONGRESSIONAL AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 21, 1994 into the CONGRESSIONAL RECORD.

CONGRESSIONAL AGENDA

The 103rd Congress faces a crowded legislative agenda before its scheduled adjournment in mid-October. This Congress has had several accomplishments to date, including passage of a $430 billion deficit reduction measure; the North American Free Trade Agreement; and the most comprehensive crime bill in six years. Health care reform has preoccupied this Congress, pushing aside many other bills, especially welfare reform.

The overall legislative record for the 103rd Congress still hangs in the balance. The unfinished business is staggering. I do not agree with those who argue that this Congress should close down and get out of town. There is still important work to do. What follows is my "wish list" for the remainder of the session. If Congress can enact these measures, or even most of them, the 103rd Congress would post a solid record of achievement.

HEALTH CARE REFORM

The health care debate has shifted in the last month away from the idea of comprehensive reform (which would involve widespread changes to the health care system) towards incremental reform (which would make fewer changes). I have consistently supported such an incremental approach. An incremental bill might include some of the following elements: requiring insurers to take all comers; limiting insurance exclusions based on pre-existing conditions; allowing workers to take insurance with them when they change jobs; providing some subsidies to lower-income working families to help them buy insurance; and instituting malpractice reforms.

CAMPAIGN FINANCE REFORM

Political campaigns cost too much, and allow special interest groups to exert too much influence. The House and Senate have each passed bills to overhaul the campaign finance laws. The House bill provides for voluntary spending caps and a reduction in how much Political Action Committees (PACs) and individual contributors can give to a candidate. The Senate bill contains different expenditure controls, and would ban PAC contributions outright. A House-Senate conference committee is working to reconcile the differences in the two measures.

LOBBYING REFORM

People have a right to know who lobbies, and for what. We should sharply curb, if not eliminate, all gifts from lobbyists to members of Congress, including free golf, tennis and skiing weekends. The House and Senate have passed bills that would tighten the laws on registration and disclosure by lobbyists and restrict the gifts and meals members of Congress can accept from lobbyists. The Senate bill would ban gifts from almost everyone but family members and close friends. The House bill would abolish all gifts costing more than $20 from lobbyists, but meals and entertainment would be allowed if unsolicited and provided by a non-lobbyist. This measure is in a House-Senate conference committee.

CONGRESSIONAL REFORM

The House has begun consideration of reform recommendations of the Joint Committee on the Organization of Congress, which I co-chaired. Earlier this summer, the House approved a bill to apply to itself the health, safety and labor requirements imposed on other employers. The Senate is expected to take up a similar measure shortly. The House will also consider a reform bill that would include private citizens in the House ethics process, make floor procedures fairer, cut congressional staff, streamline the committee system and budget process, and open Congress up to more public scrutiny.

PROCUREMENT REFORM

Congress will soon complete action on a bill to streamline federal procurement. A bill, recently approved by the Senate and soon to be considered by the House, would encourage federal agencies, including the Defense Department, to buy more items off the shelf in routine, commercial transactions. The reforms, which I support, would make government acquisition simpler, less costly, and more efficient.

TELECOMMUNICATIONS REFORM

The House, with my support, approved a bill in June that would spur more competition in the communications field. The measure would allow cable television and telephone companies to enter each other's markets and make it easier for the regional Bell companies to compete in the long-distance telephone business. The Senate is expected to consider a similar bill later this month.

TRADE

A House-Senate conference committee will soon complete action on a measure to implement last year's GATT agreement. The trade agreement, negotiated by more than 100 countries, would cut tariffs around the world by a third and expand the free-trade rules of the GATT to cover new industries ranging from farming to accounting. Congress may take up the bill before adjournment. I see no reason to delay action on trade. We should approve the implementing legislation as quickly as possible so that U.S. companies can take advantage of new market opportunities overseas.

SUPERFUND

The Superfund law, which requires polluters to pay to clean up toxic waste, expires at the end of this month. The House will soon consider a measure that would extend and improve the program to avoid the protracted litigation that has limited the number of cleanups. A similar bill is under review in the Senate. I support an overhaul of the Superfund law that results in more cleanups and fewer lawsuits and administrative delays.

INTERSTATE BANKING

Congress has approved a final version of a bill that would permit banks to open branches across state lines. This measure will make the banking industry more efficient and more competitive, and better able to meet the needs of our people and our economy.

OTHER MEASURES

Congress may take up bills to impose fees for mining hardrock minerals like gold and cooper on federal land; allow state and local governments to ban or restrict interstate shipment of municipal solid waste; and give state and local governments more flexibility in meeting safe drinking water standards. In

addition, a House-Senate conference committee will meet this month on a bill to reauthorize elementary and secondary education programs.

CONCLUSION

This list leaves many important bills unaddressed, including an overhaul of the nation's welfare system. But with only a short time remaining in the session, only measures far along in the pipeline stand a chance of enactment. If the 103rd Congress is to be successful, it must move quickly and effectively on its agenda.

CELEBRATING THE 20TH ANNIVERSARY OF EIES OF NEW JERSEY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the Electronic Information and Education Service of New Jersey on the occasion of its 20th anniversary celebration.

I am proud to inform my colleagues that EIES opens the world of printed information to blind, visually impaired, and physically disabled persons through radio broadcasts. It is located in South Orange, NJ, and was founded in 1974. The listeners receive local, State, and national news, in addition to topics from special interest publications.

John Mulvihill, the general manager of EIES, began the broadcasts in 1974 with the show, "Radio Reader." Because of its success, the show now has over 100 hours of programming each week and is picked up by over 1,000 receivers. These broadcasts give access to news with the help of more than 200 volunteers. The listeners would otherwise be unable to obtain this knowledge without the help of EIES.

On October 7, 1994, EIES of New Jersey will be honoring three individuals, best-selling author Belva Plain, Peggy Bigel of Bell Atlantic, and Dr. Gerald Fonda for their outstanding contributions to this much-needed service.

Therefore, it is with great pleasure that I ask my colleagues to join me in commemorating the Electronic Information and Education Service for its wonderful assistance in New Jersey.

INTRODUCTION OF THE TAX CREDIT FOR CHILD RESTRAINT SYSTEMS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. FIELDS of Texas. Mr. Speaker, I rise today to introduce the Tax Credit for Child Restraint Systems in Motor Vehicles Act, which would establish a tax credit for individuals who purchase child restraint systems for their young sons and daughters.

There can be no doubt that our Nation's greatest asset is our children. Those of us who are parents of young children have an obligation to do our very best to protect them from the dangers they face every day—and one of the greatest dangers they face is the risk of being killed, or seriously injured, in motor vehicle accidents.

In recent years, approximately 600 young Americans under the age of 5 have died annually as occupants of motor vehicles involved in traffic accidents. In 1992, for instance, the last year for which figures exist, 571 boys and girls under the age of 5 died as passenger vehicle occupants.

Injuries sustained in motor vehicle crashes account for about one-third of all childhood deaths from injuries, and children under the age of 4 have higher passenger vehicle occupant death rates than older children, according to figures compiled by the Johns Hopkins University Injury Prevention Center.

Mr. Speaker, those of us in Congress must act to ensure that this carnage ends as soon as possible. The legislation I am introducing today—which is virtually identical to legislation introduced last year by Senator DANIEL INOUYE of Hawaii—will help ensure that the number of children killed, or seriously injured, each year in motor vehicle accidents is reduced.

It is my hope that now that this legislation has been introduced in both Chambers of Congress, we can enact this worthy idea into law. While I recognize that it is very late in the current congressional session, I want to say that I intend to reintroduce this measure, if necessary, in the 104th Congress, and work for its enactment into law, if it cannot be passed this year.

Despite the significant progress that has been made in recent years to improve auto safety and to better protect motor vehicle passengers, more needs to be done. Accidents and injuries continue to cause almost half of all the deaths of children between the ages of 1 and 15, and accidents continue to be the lending cause of death among children and young adults.

Part of the reason for these alarming figures is the fact that although the Department of Transportation has made childhood injury prevention a top priority, a significant number of parents either do not own child restraint systems, do not install them properly, or fail to use them every time their children ride in motor vehicles.

Mr. Speaker, I sincerely believe that providing this incentive to encourage America's parents to purchase child restraint seat for their children will do at least two things.

Fiest, I believe the news media attention that this bill might generate about the ability of child restraint systems to save young lives will convince some parents who have not purchased child restraint systems to do so. And second, I hope such media attention will motivate other parents who do own child restraint systems, but who do not use them regularly, to use them each and every time their children ride in motor vehicles.

If we fail to spotlight the need for this legislation, and if we fail to enact this bill into law, I fear that young children in your congressional district and in mine will continue to die on the roads and highways of our Nation—and do so unnecessarily. Think of the loss, the pain, the agony that such deaths cause for so many families across our country each year—and then consider how this legislation could eliminate much of that pain and agony.

Mr. Speaker, I urge you and all of my colleagues to join with me in supporting this worthwhile legislation and ensuring that we act responsibly to bring an end to the carnage and the pain that all too often affects our youngest citizens when they ride in motor vehicles.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR PURCHASE OF CHILD RESTRAINT SYSTEMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by adding at the end thereof the following new section:

"SEC. 25A. PURCHASE OF CHILD RESTRAINT SYSTEM.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the costs incurred by the taxpayer during such taxable year in purchasing a qualified child restraint system for any child of the taxpayer.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD RESTRAINT SYSTEM.—The term 'qualified child restraint system' means any child restraint system which meets the requirements of section 571.213 of title 49 of the Code of Federal Regulations.

"(2) CHILD.—The term 'child' has the meaning given to such term by section 151(c)(3).".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Purchase of child restraint system.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act in taxable years ending after such date.

INDIA SHOULD RECOGNIZE REALITY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. KING. Mr. Speaker, I note with sadness that on September 15, the Indian regime stopped noted human rights activist Ajit Singh Baines, a former high court justice, from boarding a plane to Great Britain. Justice Bains is remembered in this House for his moving testimony to the Human Rights Caucus regarding the repression of the Sikh nation by India. Justice Bains strongly advocates the liberation of the Sikh homeland, Khalistan, by peaceful means.

In addition, the most prominent Sikh leader in Khalistan, Mr. Simranjit Singh Mann has recently been charged by the Indian regime under the repressive Terrorist and Disruptive Activities Act, [TADA]. His crime? Mr. Mann spoke out at a Sikh temple in support of an independent, sovereign Khalistan through peaceful, nonviolent means. Without a trial, the Indian regime has seized Mr. Mann's passport and the Punjab police have threatened his life.

These anti-democratic acts by the tyrannical Indian regime are but the latest chapter in India's illegal occupation of the Sikh homeland, Khalistan, which declared its independence on October 7, 1987, severing all political connection with India. The massive Sikh election boycott of 1992 shows that this movement has the people's support.

These former officials are again subjected to a kind of brutality Americans would not tolerate if it were inflicted on ordinary citizens.

Occupied Khalistan is not the only place where India faces a demand for freedom. There are independence movements in Kashmir, Nagaland, Assam, Tamil Nadu, and

Manipur. India is relying on repression, and supporters of Mr. Mann are concerned about his fate despite his status as a former member of Parliament. What crime has this distinguished leader committed?

As we begin to send United States troops to Haiti, how can America sit idly by and allow this oppression to continue. What is happening to Mr. Mann and Justice Bains violates democratic principles. It takes more than elections to make a democracy. Democracy requires respect for human and individual rights.

It is time for India to recognize reality and begin real negotiations. If Israel and the PLO can make peace, if the IRA can negotiate with the British, then India can sit down with the Sikh representatives, such as the Council of Khalistan and demarcate the boundaries of an independent Khalistan.

TRIBUTE TO DAVID F. "BUD" WILSON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HUNTER. Mr. Speaker, I rise today to pay tribute to Mr. David F. "Bud" Wilson, who is closing out his distinguished 4-year term as chairman of the Independent Insurance Agents of America's [IIAA] Government Affairs Committee. Mr. Wilson is a citizen of Bonita, CA and a partner of the Wilson-Cox Insurance Agency, located in Chula Vista.

Mr. Wilson was named IIAA Government Affairs Committee chairman in 1990. His 4-year tenure coincided with some tumultuous times for the insurance industry, especially in California, but he has handled these challenges decisively and has steered IIAA toward a future of significant legislative and policy interaction with both the Federal and State governments.

His leadership of the Government relations panel of the Nation's largest insurance trade association will come to an end next month in Orlando. This exemplary service will be the crowning accomplishment of Mr. Wilson's many years of distinguished service to IIAA, his profession, and most importantly, to his 300,000 colleagues across the country.

Bud began his service to his profession as the president of the Independent Insurance Agents Association of San Diego. From there he extended his involvement to the Independent Insurance Agents and Brokers of California [IIABC] where over a 14-year period he held a number of offices. He was a member of IIABC's legislative committee and board of directors and served as secretary-treasurer, vice president, and president.

His service to the national association began when he was elected to a 4-year term as California's representative to IIAA's board of directors.

While he has been highly involved in insurance industry concerns over the years, Bud has also made time for numerous community activities, including the Chula Vista Rotary Club, Jaycees, Salvation Army, Republican Club, and the Chula Vista Community Hospital Board of Trustees.

I congratulate my friend, fellow Californian and concerned citizen for a job well done. I am confident his selfless service to his association, his professional peers, and his fellow citizens of southern California will continue uninterrupted into the future.

IN MEMORY OF BILLY MEEHAN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. McDADE. Mr. Speaker, I rise today to pay tribute to a man who was a community leader, a voice of the people and a friend to all who knew him, Mr. William A. "Billy" Meehan, of Philadelphia, PA. Billy unexpectedly passed away on September 13 at the age of 69.

Some of my colleagues may have heard Billy Meehan described as the heart of the Philadelphia Republican Party, or as a master political organizer, or as a key figure in Pennsylvania politics. He was those things, but he was also much, much more.

Billy Meehan was one of those rare individuals who could mobilize and communicate human feelings and human emotions to drive the body politic. Billy took the time to listen, to get to know people, to understand them and make them understood by city councils, mayors, members of Congress, and Presidents. He brought his keen insight, sharp mind, and legendary wit to every conversation. Above all, he was a man who was true to his word—a promise from Billy was a promise kept.

Billy Meehan was a mosaic of the qualities which comprise true leadership. And a leader he was. He inspired lifelong loyalty from the rank-and-file volunteers and the nationally known officials in the Philadelphia Republican organization. He made sure the city's voters had a choice of candidates in every precinct and every race, recruiting and convincing Republicans to run no matter how large the Democratic registration advantage was. For the past four decades, Billy's Republican Party earned some improbable wins on election night and held an influence far greater than its numbers in a city where Democrats hold a 4-to-1 advantage.

Mr. Speaker, I would like to share with my colleagues some observations about Billy Meehan made by columnist John M. Baer in the Philadelphia Daily News of September 19:

> Meehan was a force in politics by the strength of his word and the power of presence, ongoing and rock-solid. His influence in Philadelphia was steady and substantial, built over decades, firmly rooted in his personal reliability . . . Politics—even government—needs people like Meehan to function as well as it does. People who get things done. Hold things together.

Mr. Speaker, Billy Meehan left us a considerable political legacy. I am proud to count myself among the many thousands of friends who will always remember his charm, his honesty, and his sense of humor. I ask my colleagues to join me in expressing our condolences to the family to which he was so devoted: his wife, Elizabeth J. Meehan; daughters Patricia A. Sinnott, Marianne DiDonato, Catharine Hass, Margaret Mary Meehan, and Elizabeth J. Meehan; sons William A. Meehan Jr., Michael Meehan, Christopher J. Meehan, and Austin A. Meehan; his 2 brothers, 3 sisters, and 18 grandchildren.

CONGRATULATIONS TO THE ALBUQUERQUE DUKES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. RICHARDSON. Mr. Speaker, I am honored to recognize the Albuquerque Dukes baseball club, the 1994 champions of the AAA minor league Pacific Coast League. The Dukes had an enormously successful season and capped it off with an exciting victory over Vancouver in the championship series.

The Dukes, The AAA farm team of the Los Angeles Dodgers, have been one of the most noted teams of recent times, winning the PCL championship 6 times since 1980 and 16 times since joining the league. This year their squad includes Bill Ashley, who was named Minor League Player of the Year, hit 37 home runs, batted in 105 runs, and averaged .345.

With the demise of the 1994 major league baseball season and the cancellation of the World Series, AAA minor league baseball is the highest rank of professional baseball in action. The high quality of play and dedication of the players, owners, and fans alike serve as an inspiration and a reminder that the American spirit of cooperation and sportsmanship is still alive and well.

The Albuquerque Dukes are the pride of the State of New Mexico and they are to be commended for their success on the field and for their continuing positive contributions to the community.

THE IMPORTANCE OF EUROPEAN INTEGRATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I wish to call to the attention of my colleagues the contents of a recent article, entitled "The United States Backs the Process of European Integration," which appeared in the International Herald Tribune. Written by Ambassador Stu Eizenstat, who is the U.S. Representative to the European Union, the article emphasizes the importance of European integration and the firm commitment of the European Union to a more self-reliant and independent Europe. I hope my colleagues find this article of interest.

> BRUSSELS.—The U.S.-European Union summit meeting in Berlin last month deserves more attention than it has received. The meeting, involving President Bill Clinton, the European Commission president, Jacques Delors, and Chancellor Helmut Kohl of Germany (in his capacity as head of the EU's rotating presidency), satisfied a requirement of the 1990 Trans-Atlantic Declaration for a biennial session at the highest level. But it was far from ordinary or routine.
>
> Mr. Clinton used the meeting to send the clearest message that any American president has given of unequivocal support for the historic process of European integration. He stressed his firm commitment not only to the European-Union as a fact of life but to a stronger, more self-reliant and, at times, more independent Europe as a positive force for Americans.
>
> The president and his administration conceive that a more united Europe comes not at the expense of our bilateral ties but in their augmentation. Such a Europe is in our

national security interests for a variety of reasons.

The European Union reinforces Europe's democratic impulse. Greece, Spain and Portugal were encouraged to shed dictatorships by the prospect of membership. Germany's healthy democracy has found a home imbedded in and surrounded by other democracies. This, in turn, produces a more stable European continent.

The European Union is the major vehicle for French-German reconciliation. Twice in this century, American lives and treasure have been spent in wars between Germany and France.

The Union provides a common address for more and more of America's business with Europe, thus simplifying decision-making. As difficult as the Urugary Round negotiations were and as formidable an interlocutor as the Union presented in Sir Leon Brittan, having one person who spoke for 12 countries made it easier to reach the historic agreement than if we had been forced to conduct multiple separate negotiations.

The stronger European economy has made Europe a more attractive location for American investment. But this aspect of the European Union has broader significance. As President Clinton has stated, in the post-Cold War world, economics is a critical element of national security policy, which cannot be nearly separated from traditional security concerns. The European Union, as a source of assistance to its neighbors and to other regions of the globe, has a major role to play.

An important element in this largely unreported summit meeting was its emphasis on the new democracies of Central and Eastern Europe. President Clinton spelled out a clear vision in Berlin of the need for a divided Europe to be made whole.

EU member states pulled themselves from the ashes of World War II with U.S. assistance. The president sees the vital importance of now extending Western Europe's quality of life to those who are emerging from communism's rubble. Ways and means for more outreach to the East were discussed at the summit, for example the need for improved market access for goods from these nations, and greater Western investment.

Third, the three leaders found a formula to turn what have been largely episodic semi-annual events, with little continuity, into more substantive, interconnected sessions, which can make important decisions.

To provide follow-up to Berlin, U.S.-EU experts' groups at a senior level are being set up, charged with making policy recommendations for the next summit, in the first half of 1995 under the French presidency.

These expert groups are to focus on how the United States and the European Union can jointly strengthen the economies and democracies of Central and Eastern Europe, and on how the United States and the Union can better relate to each other in the new areas of Union competence under the Maastricht treaty, with emphasis on foreign policy and on the fight against international crime and narcotics.

The eventual form that the Union takes is up to its member states and ultimately its citizens. But neither is the United States a bystander. We have a stake in the outcome of the great debate about Europe's future. We support a more cohesive common foreign policy, an independent European defense pillar in coordination with NATO, and more efficient decision-making procedures.

Practical issues of importance to average Americans and Europeans were discussed in Berlin, from cooperation against organized crime to how to create more jobs and economic growth.

It is now up to the Union to show that it can meet these heavy responsibilities.

A TRIBUTE TO THE INDIANAPOLIS INDIANS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. BURTON of Indiana. "Play Ball!" Mr. Speaker, this sound has not been heard in any major league baseball city for almost 2 months, however in our country's minor league cities this cry has been bellowed with increasing popularity since the big league ball players went on strike. Minor league baseball has been the main course for famished baseball fans during the latter part of the summer. Games have even been televised on ESPN and TBS. The races for the International League, the Carolina League, and the American Association titles have replaced their major league counterparts, the divisional and pennant races, which we have lived and died for, for more than a century. Mr. Speaker, let me tell you, the minor league races are just as exciting.

In my home town, Indianapolis, we have the Indianapolis Indians, a AAA team in the Cincinnati Reds organization. Mr. Speaker, I have attended several games, thrown out the first pitch, and I am extremely proud of the way the Indians organization has represented the city of Indianapolis. Many may not understand the additional effort it takes to promote and operate a minor league team, but the extra effort the Indians organization has put forth, certainly has shown through over the years. The Indians are one of the premier minor league organizations.

The Indians organization has seen many future major league ball players pass through historic Bush Stadium on West 16th Street. From the flame throwing Rob Dibble to fan favorite Razor Shines, the Indians have built a great tradition. This season was no exception, as they defeated the Nashville Sound to capture the American Association Championship, their fifth in the last 9 years.

As you can see, Mr. Speaker, the Indians have a tradition of winning, and this year's championship would be worthy of praise under any circumstance, however with the strike-riddled major league season, it adds even more significance to their achievement.

The people of Indiana and Indianapolis are very proud of the Indians, and I would like the U.S. House of Representatives to lend its praise to the players, coaches, and the rest of the Indians organization. In a season when minor league baseball has gained such prominence, it is only fitting that Congress salutes the efforts put forth by the people who are carrying on the tradition of the game.

Mr. Speaker, I commend the Indianapolis Indians for their 1994 American Association Championship, and I know the people of Indianapolis are looking forward to a repeat next season.

TRIBUTE TO PATRICIA DONOVAN

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. ZELIFF. Mr. Speaker, I rise today in order to recognize the outstanding career of one of New Hampshire's finest public servants, Mrs. Patricia Donovan. On September 28, Mrs. Donovan will be retiring after a long and distinguished career in New Hampshire's law enforcement community. Her remarkable career, which spans more than two decades of service to Rockingham County, is highlighted by many noteworthy accomplishments.

During the early stages of her career, Mrs. Donovan, a mother of five, served as a police matron and clerk. In 1974, she became Rockingham County's first female deputy sheriff and served in that role for more than 7 years.

In 1982, Mrs. Donovan became the first female correctional official in Rockingham County when she was made the deputy superintendent of the Rockingham County jail. Having distinguished herself in that capacity, she was promoted to the superintendent's position in 1989 and has served in that role ever since.

Patricial Donovan will be sorely missed by the residents of New Hampshire. Her dedication to her job and to the law enforcement community has helped to make New Hampshire one of the safest States in the country.

On behalf of the people of New Hampshire's first district, I would like to thank Mrs. Donovan for her years of public service and wish her well during the years ahead.

INVERNESS, FL CELEBRATES 75 YEARS AS A GREAT COMMUNITY

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mrs. THURMAN. Mr. Speaker, today I rise to call attention and pay tribute to Inverness, one of the great communities in my State of Florida.

Inverness, the county seat of Citrus County, will celebrate its 75th anniversary on Saturday, September 24. And to mark this momentous occasion, the citizens of Inverness have organized a full day of fun-filled celebration.

Among the performers Saturday will be: The Citrus High School Band; the Tabernacle of Prayer Gospel Group; Step 'n Time Dance Studio; the Barbershop Chapter Chorus of the Highlands; the Citrus Community Band; the Suncoast Cloggers; Rivers Landers line dancing; Singing Jack and Dancing Leona Smith; the Citrus Jazz Society; Terry's Twirlers Baton Group; and the Fred Astaire Dance Studio.

In addition to these great performances and numerous competitions and exhibits, including Citrus A's antique car show, the day will go a long way toward helping to preserve the special heritage and historical flavor of Inverness for future generations.

There will be storytelling by longtime residents and a video presentation highlighting the history of Inverness. In addition, a portion of downtown will be turned into a small replica of a Florida Cracker cowman's camp, harkening back to the days when cattle was king and cattle ranching played a vital role in the region's economy and culture.

Rod and Doris Miner of Inverness, who specialize in a traveling, living history show, will be dressed in turn-of-the-century clothing, will display and demonstrate a wide variety of items used by cowmen in Florida, including antique saddles, handmade buckskin whips, branding irons, antique cookware, dishes and utensils. Rod Miner will also demonstrate whip cracking and display the variety of cattle brands used by ranchers.

Mr. Speaker, as Saturday's jam packed schedule proves, the citizens of Inverness

have invested a tremendous amount of energy and creativity toward making their 75th anniversary celebration a day to remember. Mr. Speaker, this kind of community spirit may be the exception in some parts of America, but in Inverness, it's the rule.

I commend the citizens of Inverness for both celebrating the past and looking toward the future as they celebrate 75 great years Saturday.

CUTTING THE BUREAUCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 24, 1994, into the CONGRESSIONAL RECORD.

CUTTING THE BUREAUCRACY

I find a lot of interest among constituents in a question too often ignored in Washington, and that is what to do about the sprawling government bureaucracy. This bureaucracy developed during the Great Depression, World War II, and the Cold War. Now is a good time to see if we can tame it and make the federal government work better and cost less. Private corporations have undertaken major restructuring to get ready for the competitive challenges of the 21st century. The same thing has to be done in government—making it more efficient and more compassionate. The Jeffersonian ideal of a "wise and frugal government" is still worth striving for.

All of us in government have to make a deliberate and sustained effort to slim down the size of government and to redesign it. Once launched, government programs tend to go on forever; agencies never die. Unless a President and a Congress are determined to shake up the system, the easy way to try to energize government is simply to add new layers of bureaucracy on top of the old. Our effort has to be to save money, to reduce layers of bureaucracy and, most importantly, to get citizens better results.

GOVERNMENT SERVICES

The Executive Branch consists of some 90 federal departments and agencies ranging from the Departments of Agriculture, Defense, Veterans Affairs, and Treasury, to agencies like the CIA, the Federal Reserve, the Consumer Product Safety Commission, and NASA. Some of these were developed to provide specific services to Americans while others, such as the Nuclear Regulatory Commission and the Environmental Protection Agency, oversee vital industries and resources.

Currently there are some 3 million federal civilian employees employed in these departments and agencies, including 800,000 postal workers. The federal civilian workforce grew from 2.5 million in the 1950s to a high of 3.1 million in 1989. Since then more than 100,000 jobs have been cut and additional cuts are in the works. Most of the growth in the "government bureaucracy" has actually occurred at the state and local levels, where today about 15 million people work, compared to 3.5 million in 1946.

REFORMS

In this century at least a dozen major efforts to improve and streamline federal government agencies have been undertaken. Both Presidents Truman and Eisenhower appointed commissions to reorganize the executive branch; President Carter deregulated the airline and trucking industries; and President Reagan appointed the Grace Commission to search out government waste. In 1980 Congress passed the Paperwork Reduction Act which cut paperwork by 32% (342 million man-hours) in three years. Last year President Clinton began an ambitious project to make government programs work better and cost less when he appointed Vice President Gore to lead a task force on bureaucratic reform.

After a six-month evaluation, the Gore task force made more than 380 major reform recommendations to improve the bureaucracy by shifting to an entrepreneurial management style. The report focused on ways to cut red tape, put customers first, and empower employees to get results. If all the recommendations are implemented, $108 billion could be saved over five years from eliminating redundancy, reducing the civilian work force by 252,000 employees, and upgrading computer and information systems. Within three months of receiving the report, President Clinton signed a dozen executive orders ranging from a 50 percent reduction in executive branch internal regulations to an order to improve federal debt collection efforts. Congress expanded the personnel cuts to 272,900 and recently passed a measure allowing agencies to offer buyouts to encourage federal employees to retire early.

ASSESSMENT

My view is that we need to examine every cabinet, every department, and every agency of government. We have to focus on the question of how a government should work and what can be done to make it work more efficiently. We must make a major effort to reduce the size of the civilian workforce and bring non-postal workers below 2 million for the first time in decades.

Some argue that we should not be overzealous in reducing the federal bureaucracy. They point out that fraud in the savings-and-loan industry—costing taxpayers well over $100 billion—went unnoticed in large part because many federal inspectors were eliminated. They note that, relative to the size of our economy, our federal government is small compared to those in other industrialized countries. They also point out that many federal agencies are generally well run. Social Security's administrative costs, for example, are only about 1% of benefit costs.

Clearly, downsizing the federal workforce must not leave open the door for waste or fraud or slowdowns in agency services. I am not among those who heap scorn on the federal employee. I believe the federal government is staffed by many qualified people who are committed to their jobs and want the opportunity to try to do them better. It is important that we not create an environment that discourages these people. If we do, the system will undermine itself.

We need to downsize the federal government, but we must do it in a rational way. The federal government is characterized by over-control and micro-management. The bureaucracy stifles the creativity of managers and workers. The aim must be to get higher productivity at lower cost by eliminating unnecessary layers of management and non-essential staff. I think we have to decentralize authority in the bureaucracy and empower those who work within it to make more of their own decisions and solve more of their own problems. Many of the standard complaints about government—overstaffing, redtape, excessive centralization, obsolete systems, large backlogs—can be addressed by a better management system.

CONCLUSION

The recommendations of the President's task force now underway hold out the promise of making the federal bureaucracy more responsive to the needs of Americans. Deep personnel cuts are being made, and even more could be done. Too many Americans have simply lost confidence in the government. Nothing is more important than that all of us in government make the American taxpayer feel that he or she is a valued customer. Our task is to do our job in such a way that they are getting a dollar's value for every dollar of taxes they pay.

TRIBUTE TO MARK A. TONDREAU

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Mark A. Tondreau of Troop One in Coventry, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Mark painted the hallways of St. Vincent dePaul's Rectory in Coventry, RI.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Mark A. Tondreau. In turn, we must duly recognize the Boy Scouts of American for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Mark A. Tondreau will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

SALUTING THE HEINZ TRADITION

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. SANTORUM. Mr. Speaker, this year marks the 125th anniversary of the H.J. Heinz Co., one of America's great corporations. The Heinz story is a testimony to the American free enterprise system and the long-term benefits of corporate innovation and community involvement.

Henry J. Heinz first pursued his dream of building an international food company from his modest home in Sharpsburg, PA. One of his first innovations was to begin marketing horseradish in clear glass bottles, so his customers could see the quality of his product for

themselves. When his company was on the brink of bankruptcy in the 1870's, Heinz used his own personal savings to pay off his debts and maintain the trust of his creditors. After his company became established, Heinz led the fight for the passage of the pure food law of 1906. This began a tradition of public service and advocacy that has continued in the Heinz family ever since.

The Heinz family made a vital contribution to Pittsburgh's architectural and cultural Renaissance in the 1960's and 1970's. The stability the H.J. Heinz Co. helped to revitalize the western Pennsylvania economy after the devastating collapse of the steel and coal industries. Unlike many other companies, Heinz did not abandon its local operations during these difficult years. Under the leadership of Anthony J.F. O'Reilly, the H.J. Heinz Co. has continued to expand its global market and achieve record sales. In addition to its corporate headquarters and production facilities in Pittsburgh, Heinz now maintains 41 factories in 14 nations, with a total work force of 45,000.

The original vision of Henry J. Heinz continues today. The father of late Senator John Heinz would say of his grandfather, "He was a remarkable man, an entrepreneur in the literal meaning of the word. His window shows a globe of the world. Beneath that globe, my grandfather had two words inscribed: "Our Field." I salute the employees of the H.J. Heinz Co. and the Heinz family for their contribution to the economic strength and civic pride of Pennsylvania.

SLOVAK HERITAGE FESTIVAL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. PALLONE. Mr. Speaker, on Sunday, September 25, 1994, the 19th annual Slovak Heritage Festival will be held at the Garden State Arts Center in Holmdel, NJ. In past years, this event has attracted between 10,000 and 15,000 participants, and I expect this year's event to be just as big of a success.

The theme of Sunday's festival will be "promoting Slovak Republic investments and business." A business trade show will be going on throughout the day, focusing on free trade and economic development in Slovakia. Business people from Slovakia's capital of Bratislava will be on hand, as well as representatives from the U.S. Departments of Commerce and Justice, the Port Authority of New York and New Jersey and various other American and Slovak business leaders and exhibitors. In its brief history, the Slovak Republic has made great progress in fostering a climate for investment and free enterprise. The competition in today's world economy is intense, and the Slovak Republic faces particularly strong competition from its neighbors in the former East bloc nations all of whom are hungry for the opportunity to compete in the global economy and provide their citizens with a higher standard of living after decades of living under a Soviet-style command economy. But I am confident that the reform efforts begun in Slovakia will bear fruit. Furthermore, this economic reform process and the effort to woo international investment has the advantage of strong support from the Slovak-American community.

Mr. Speaker, while the Slovak Republic is a very young nation, having been born on January 1, 1993, Slovakia is a nation with deep historical roots. The Slovak Festival has provided an opportunity for people of Slovak descent to celebrate their proud and enduring culture. It also gives people from other ethnic backgrounds a chance to learn about a nation and a people who have not received the degree of understanding and appreciation to which they are entitled. Through the years of oppression and foreign domination, most recently under the grip of the now-defunct Soviet empire, the people of Slovakia have held on to their language, their culture, their way of life—in a word, their nation. A large share of the credit should go to the Slovak community in the United States, who supported their brothers and sisters during those hard years under communism. In 1989, the Slovak people played a major role in the Velvet revolution that toppled the Soviet-imposed Communist puppet regime.

Mr. Speaker, I am proud to see that the U.S.-Slovak relations are moving forward in a positive direction. The Partnership for Peace, which would bring former Warsaw Pact nations into NATO, was proposed by President Clinton during his state visit to Europe earlier this year. Admittedly, this limited framework was somewhat disappointing to the leaders in Slovakia, as well as the other central European nations, but it is an important first step. Former Prime Minister Meciar signed the partnership agreement in February. Since then, President Clinton sent congratulatory greetings to Jozef Mavcik after he was sworn in as Prime Minister on March 16. In April, new Foreign Minister Eduard Kukan visited this country, and Secretary of State Christopher expressed U.S. support for and interest in Slovakia's reform efforts.

In an effort to move the integration of Slovakia and other central European countries into the Western fold, I have cosponsored the legislation introduced by our colleague from New York, Mr. GILMAN, known as the NATO Expansion Act, expressing the sense of the Congress that Slovakia, the Czech Republic, Hungary, and Poland be given full NATO membership by 1999 at the latest, and proposing United States transition assistance during this process, including joint military exercises.

I also wish to thank another one of our colleagues, Mr. HOLDEN of Pennsylvania, for his leadership in introducing House Joint Resolution 287, designating August 1994 and 1995 as National Slovak-American Heritage Month. The resolution recognizes the accomplishments and celebrates the contribution of Slovak culture to the American melting pot.

Mr. Speaker, Sunday's Slovak Heritage Festival will be a wonderful celebration of the excellence of Slovak culture and the warmth of the Slovak people. The festival will begin with a Byzantine Catholic Mass, and the day will be filled with music, dancing, traditional costumes, arts and crafts, and souvenirs. Those of us from New Jersey who will have the opportunity to attend this special event are very fortunate indeed. I would particularly like to extend my congratulations to the festival chairman, Joseph J. Talafous, and the many Slovak fraternal organizations from New Jersey and throughout the United States who have worked so hard to make Sunday's festival a memorable occasion.

THE 60TH ANNIVERSARY OF H.M.S. "QUEEN MARY"

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. HORN. Mr. Speaker, on September 26, 1934—a day of cold winds, heavy overcast, and intermittent rain—a new day of hope dawned for the British people. A ship, previously known as job number 534, was to be officially christened. Though the new ship's name was kept a closely guarded secret until the bottle of Australian white wine was smashed against her hull, her symbolism was understood by one and all. This new Cunard line vessel was special—the fastest ship afloat, the pride of British art and craftsmanship, and a symbol of the indomitable spirit of a nation that was then going through an economic depression.

In the prelaunch ceremonies, *King George V* foreshadowed both her symbolic and historic role, pronouncing the H.M.S. *Queen Mary*—which was named for his wife—"a ship * * * alive with beauty, energy, and strength * * * the stateliest ship now in being."

And so the *Queen Mary* stands today—still stately, still alive and energetic, and still a symbol of strength and survival in yet another time of economic difficulty.

The summer of 1939 found the *Queen Mary* at the height of her success—glamorous, safe, fast, and profitable. But the world was about to change and so was the role of the *Queen Mary*. Two days before the Nazis invaded Poland in September of that year, the *Queen Mary* set sail for New York. In midvoyage, she was put on war alert—a status in which she remained for the next 6 years.

The record of the *Queen Mary* in the Second World War was remarkable. She carried nearly 500,000 allied troops across the Atlantic, encountering only one serious accident—which occurred when she collided with the British anti-aircraft cruiser H.M.S. *Curaçoa*. The *Queen's* wartime passengers included both the famous and the ordinary. While on board, Prime Minister Winston Churchill first reviewed the D–day Invasion plans. Later, at the war's end, it was from the *Queen Mary's* railings that over 22,000 America-bound war brides and their babies got their first glimpse of the country that was to be their new home.

For the next two decades, the *Queen Mary* resumed her original job—transporting millions of travelers back and forth across the Atlantic in elegant style. But the rise of postwar air travel connecting the United States and Europe meant less passengers on large ocean liners. One day, two Long Beach leaders, read that the *Queen Mary* might be headed for the scrap heap.

In a move that was labeled visionary by many, Independent Press Telegram General Manager Sam Cameron and automobile dealer Bud Ridings—who had the idea of bringing the *Queen Mary* to Long Beach—were later joined by Long Beach Mayor Edwin Wade, and Vice Mayor Robert Crow. Their plan was to install the *Queen Mary* as the city's centerpiece. And in December 1967, she arrived at her current home—Long Beach, CA.

The *Queen Mary* received a tumultuous welcome to Long Beach—one that a reporter for the Los Angeles Times described as "bigger than any celebration in southern California since the day World War II ended." Shortly after, the *Queen* began the refitting process

and, in 1971, opened as a tourist attraction and hotel. Since then, an average of 1 million visitors have enjoyed her hospitality each year.

The bravery and graciousness with which the *Queen Mary* graced the Atlantic Ocean in her war and peacetime roles has continued as her hallmark during her residency in Long Beach. Her presence along our shore has heightened Long Beach's visibility throughout the world and has served as a reminder to all of us of the spirit that is necessary to sail through both the still and turbulent waters of life.

The *Queen Mary* has fulfilled the promise that was predicted by King George V at her launching when he remarked: "We send her to her element with the good will of all the nations, as a mark of our hope in the future. She has been built in fellowship among ourselves; may her life among great waters spread friendship among the nations."

On this her 60th anniversary, may the *Queen Mary* continue to stand proudly as an inspiration in times of trial, a figure of timeless grace, and always a symbol of goodwill for the International City.

IN HONOR OF MARTIN HUMM'S RETIREMENT AS HARDIN COUNTY DEMOCRATIC COUNTY CHAIRMAN

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Martin Humm, a dear friend and a steadfast public servant. After 32 years of dedicated service, Martin has retired from serving Hardin County, IL, as Democratic county chairman. His loyalty to the Democratic Party and the people of Hardin County will forever stand as an example to our community.

Martin began his involvement with the Democratic Party in 1960 when he was elected precinct committeeman. In 1962, Martin was named Democratic county chairman, the position he has held respectfully until his retirement this year. As county chairman, Martin unified the ideals and goals of local Democrat Party members. Martin's endeavors as Democratic county chairman have truly inspired many to become actively involved in local, State, and national politics.

On behalf of the people of Hardin County and the entire 19th Congressional District, I would like to congratulate Martin on his many years of dedicated service to the Democratic Party and the American political system. I am grateful to Martin Humm for the continuous support and friendship he has shown me over the years. I wish Martin, his wife, Pauline, and their entire family good health and happiness in the many years to follow Martin's retirement.

DR. JULE AYERS REMEMBERED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. KANJORSKI. Mr. Speaker, on August 3, 1994, northeastern Pennsylvania suffered a great loss upon the passing of an extraordinary man, an unequaled community leader and dear friend, the Reverend Dr. Jule Ayers. It is my distinct privilege to place into the permanent RECORD of the U.S. Congress my tribute to this distinguished man.

Although I had known Dr. Ayers for many years as a leader in northeastern Pennsylvania, it was not until I was elected to Congress that I came to fully appreciate the depth of his wisdom and his tireless passion for justice. He often shared with me copies of his sermons, excerpts from meaningful books he was reading, and wide-ranging letters outlining his thoughts and concerns about the issues of the day. I value those timeless words of wisdom now that he is gone, and I will greatly miss his thoughtful perspective.

No matter how unpopular an issue was with the general public, Dr. Ayers' advice was always to do what was morally right, and his determination of what was right was unerring. He never feared to take on controversial causes; he led the Wyoming Valley into a better understanding of racial and religious tolerance.

Dr. Ayers served as pastor, and then upon his retirement, pastor emeritus of the First Presbyterian Church of Wilkes-Barre for 44 years. He was respected and loved by all generations of the congregation he served at First Presbyterian, however his ministry there was only a fraction of his life's work. Dr. Ayers' life work was to bring greater understanding and tolerance to the community at large, to further social justice and to help house the elderly and poor. From serving Christmas dinner to hundreds of area homeless people, to serving as a founder of the Martin Luther King, Jr. Committee for Social Justice, Jule Ayers was a central figure in our lives and in our neighborhoods for almost half a century.

He actively supported and worked for the causes that most of us never found the time in which to take part. He was seen walking the hospital halls to bring comfort to the ill at all hours and his door was always open to anyone in personal or professional crises. His congregation was humanity and he made improving the human condition his mission in life.

Not long before he died, I had the opportunity to spend some time with Dr. Ayers. Although his health was failing, his mind was focused on the needs of others. Always conscious of the many problems facing our society, Dr. Ayers was nevertheless eternally optimistic, always seeing the essential good in humanity. I came away from our last meeting with renewed inspiration. Dr. Ayers' constant support and encouragement was a gift I will never forget and could never adequately repay.

Mr. Speaker, the passing of this great humanitarian will be felt in the Wyoming Valley for a long time. His passing created a void which may never be filled. However, Jule Ayers would want us to remember him by carrying on his mission of building bridges, mediating and reconciling our differences, fighting injustice, and helping those less fortunate. To Dr. Ayers, the people of the Wyoming Valley say simply, "Thank you for walking among us."

FRENCH WOMAN IS RAPED IN PUNJAB—HUMAN RIGHTS ABUSES CONTINUE IN KHALISTAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. CRANE. Mr. Speaker, I am extremely concerned about recent developments in Punjab, Khalistan, where it has been reported that a French woman was gang-raped by the grandson of Chief Minister Beant Singh and the young man's bodyguards. Even though the French woman identified these men as the rapists, the order to apprehend them was not issued for 4 days. It was only after pressure from the French Embassy that the authorities arrested the young group.

Unfortunately, this incident is only one in a long list of abuses. Simranjit Singh Mann, one of the foremost Sikh leaders, has been charged under India's Terrorist and Disruptive Activities Act [TADA]. He has been denied his passport and has expressed fear that he might be killed. Mr. Mann's crime was speaking at a meeting and endorsing independence for the Sikh homeland of Khalistan. As Asia Watch has pointed out, "TADA virtually criminalizes free speech," and I believe we must evaluate the strength and quality of India's democracy when it approves and implements laws such as TADA.

Ajit Singh Bains, a former justice of the Punjab and Haryana High Court and president of the Punjab Human Rights Organization, has been a persistent critic of India's human rights abuses in Khalistan. On September 15, he was stopped at the airport while attempting to travel to Britain. His luggage was seized and he was prevented from leaving the country. In a free country, citizens should be allowed to travel without these types of repressive restrictions.

Roughly half a million troops are currently stationed in Khalistan, more than the total number of British troops stationed in all of India during its colonial days. Reports indicate that more than 115,000 Sikhs have been killed in the past decade. Are these kinds of reports consistent with democracy or liberty?

The Sikh nation of Khalistan declared its independence on October 7, 1987. The Sikh leadership, including Mr. Mann, has declared the movement for an independent Khalistan to be peaceful, democratic, and nonviolent. Yet India, which likes to call itself "the world's largest democracy" has charged its leaders with "disruptive activities" for no more than speaking in support of independence and autonomy.

I wish to draw my colleagues attention to two pieces of legislation which I believe deserve consideration. H.R. 1519, the Justice in India Act, would cut off United States development aid to India until human rights are respected. House Concurrent Resolution 134 calls for an internationally supervised plebiscite in Khalistan so the Sikh nation can determine its future in a free and fair vote.

I also commend the following two items to the attention of my colleagues. The first is a press release from the Council of Khalistan which relates the story of Justice Bains' arrest. The second is an article from the September 17, 1994, Washington Times which discusses the human rights standards followed in India. I believe that after reviewing this information, many Members will share my view that action on this issue should be made a priority.

JUSTICE BAINS DENIED EXIT FROM INDIA—GOVERNMENT HUMILIATES, MAINTAINS SURVEILLANCE ON RETIRED JUDGE

WASHINGTON, DC.—On orders from the Indian Home Ministry, Indian airport security officials denied retired High Court Judge Justice Ajit Singh Bains exit from India on Thursday, September 15. The outspoken Sikh champion for human rights and political freedom attempted to board a flight in Delhi bound for the United Kingdom. Bains was detained at the final security check and humiliated by security guards who discovered his name on an official Home Ministry list forbidding him to leave India. Justice Bains is Chairman of the Punjab Human Rights Organization.

Like other leaders speaking out for Sikh freedom and human rights, Bains faces continued harassment at the hands of Indian government police. Restrained by what he terms an "undeclared detention," Bains and visitors to his house have been under constant government surveillance. His telephone has been tapped and his movement restricted.

Recently, the Indian government denied a passport to Simranjit Singh Mann, Sikh political leader and vocal advocate for Sikh freedom, after he made a speech in support of Khalistan. Mr. Mann has faced unrelenting government harassment ranging from the denial of his freedom of movement to imprisonment and torture. Justice Bains, too, has been jailed on numerous occasions.

Despite the experience of leaders such as Bains, and Mann, India denies any violations of human rights. While in the United States in May, Indian Prime Minister Narasimha Rao adamantly maintained India's innocence on human rights violations. Independent human rights organizations, however, have exposed a long list of Indian government atrocities and a history of the brutal denial of human freedom. According to Dead Silence: The Legacy of Abuses in Punjab, published by Human Rights Watch/Asia, "The deliberate use of torture and execution as counter-insurgency tactics was not merely tolerated but actively encouraged by senior government officials."

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, who spoke to Justice Bains by telephone, warns the Indian government not to harm Sikh leaders. "The eyes of the world are upon you," said Dr. Aulakh. "You no longer operate in the vacuum you once enjoyed. The longer you hold Justice Bains and S. S. Mann against their will, the more ridiculous your protestations of innocence look to the world. You have been exposed. Over 115,000 Sikhs have been killed in the struggle for a free Khalistan. No amount of oppression or lies will divert us from the road of independence. If India is the democracy it claims to be, then leaders like Bains and Mann should be allowed free access to the international community. Instead you brutally silence the voice of the Sikh nation, yet seek inclusion among the free nations of the world. India can longer maintain its big lie. The time for Sikh freedom is now. Free Khalistan today!"

[From the Washington Times, Sept. 17, 1994]

INDIA SAID TO TORTURE RETURNEES

(By Heinz-Rudolf Othmerding)

NEW DELHI—When Kuldeep Singh, 21, a Sikh from the northern Indian state of Punjab, stepped off an Aeroflot flight on May 28 in New Delhi, he was a healthy man.

Two days later, Mr. Singh was dead. Upon inspection, his body bore signs of torture.

Mr. Singh sold flowers in a township near Duesseldorf, Germany, and was not a particularly politically minded man. Seeking only the affluence of the West, he lived in Germany illegally until he was discovered, denied asylum and forced to return to India.

What in Germany was a routine legal procedure ended in his death in India. Officials blackmailed first Mr. Singh and then his family.

Despite denials by the Indian police, Western and Indian human rights activists are convinced that Indian deportees returning home after their applications for asylum are rejected abroad are often arrested, tortured and blackmailed.

And if the victim's relatives cannot scrape together the money demanded by corrupt officials, the deportee might even face death.

"If you come back after years in Germany, then the assumption is that you must have either accumulated a lot of money yourself or transferred it to your family in India," says Ravi Nair, a well-known Indian human rights activist.

Shamsher Singh, another deportee from Germany, probably has a Stuttgart-based aid organization and a German journalist in India to thank for his well-being.

The German organization gave him enough money to cover the bribe that officials were likely to demand, and the journalist managed to retrieve him from the airport.

When Shamsher Singh was finally allowed to leave the airport with the journalist on Aug. 19, he had already encountered both intelligence and immigration officials. Only the money he brought helped him escape torture, the Punjabi said later.

A Cologne-based lawyers group has been waiting since Sept. 1 for news from Joginder Singh, also deported from Germany.

Mr. Singh, who was active in the Sikh separatist movement, had been refused asylum in Germany for the first time in 1992 and deported to India. According to the lawyers, airport police let him go that time after extorting 50,000 rupees, then about $1,500, from him.

Mr. Singh subsequently resumed his political activities in Punjab but fled to Germany again after being arrested and tortured. After his second deportation, he vanished without a trace.

Several European states like Denmark or Switzerland introduced checks to ensure the safe arrival in India of deportees from those countries.

Embassy staff or Indian contacts, mostly human rights activists, are asked to monitor the arrival in India of unsuccessful applicants for political asylum in the two countries.

But there is no such system for deportees returning from Germany. Sources at the German Embassy in New Delhi say they hear of deportations only sporadically.

Deportation procedures are not centralized in Germany, they say, so every city or district can deport people through any third country.

However, problems are mounting. At the end of 1993, there were 36,000 Indians living in Germany, of whom at least 10,000 were under orders to leave the country. Of 12,266 applications for asylum in 1993, only six were successful.

Mr. Nair, the Indian human rights activist, suspects that the Indian Embassy in Bonn alerts airport authorities and the Punjab police the minute it issues the documents to deportees.

They are awaited in Bombay or New Delhi, and arrest, torture and blackmail frequently follow.

SIKH LEADERS HARASSED BY INDIAN GOVERNMENT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1994

Mr. BURTON of Indiana. Mr. Speaker, the Government of India has struck another blow against democratic principles. They have charged former Member of Parliament Simranjit Singh Mann under the oppressive Terrorist and Disruptive Activities Act [TADA]. Under TADA, anyone can be detained by Indian security forces for up to 2 years without any charges being filed. According to Asia Watch, "TADA reverses the presumption of innocence, placing the burden on the accused to prove he is not guilty. This violates every international human rights standard."

As if this wasn't bad enough, the government has forcibly prevented the President of the Punjab Human Rights Organization, Ajit Singh Bains, from leaving the country to speak at a conference in London. A retired high court justice, Justice Bains was detained at the final security checkpoint because his name appeared on an official Home Ministry list of people forbidden to leave the country. Justice Bains, like Mr. Mann, is a proponent of a peaceful movement to achieve independence for Khalistan.

Many of us remember Justice Bain's eloquent testimony before the Congressional Human Rights Caucus 3 years ago. He detailed brutal abuses of the most basic liberties by Indian security forces in Khalistan. Why would the world's largest democracy prohibit a distinguished former judge from traveling abroad to speak about human rights? Does a legitimate democracy maintain lists of people who are prohibited to leave the country because of their advocacy of peaceful change? Prohibiting people from traveling and seizing their passports solely because of their political views is a serious violation of widely recognized human rights standards.

The U.S. Congress is well aware of the struggle of the Sikh people for freedom and democracy. When Mr. Mann spoke at a Sikh temple in support of a peaceful movement to achieve freedom for Khalistan, he exercised what we here would consider his legitimate right to free speech. But no such right exists for Sikhs or Kashmiris in India. For advocating a peaceful movement for Sikh freedom, Mr. Mann has been charged with terrorism.

Mr. Mann's case is not unusual. Neither is that of Justice Bains. Indian forces have killed, by some estimates, several hundred thousand Sikhs in Punjab, Christians in Nagaland, and Muslims in Kashmir. A recent report from Human Rights Watch/Asia states that the Indian regime has set up at least 200 torture centers throughout Punjab, Khalistan. One police officer says that, "torture is used routinely. During my five years with the Punjab police, I estimate that 4,000 to 5,000 were tortured at my police station alone." Another police officer says, "Without exception, any person who is detained at the police station is tortured." Sikhs who die of torture are routinely listed as having died in a fake "encounter" with the police. According to the report, these staged "encounters" account for most of the killings there.

Mr. Speaker, the Indian Government must clean up its act and stop the atrocities. The charges against Mr. Mann should be dropped, and both Mr. Mann and Justice Bains should be allowed to travel freely.

It is time for the administration to place sanctions on India. This Congress must pass H.R. 1519, which will cut off India's development aid until human rights are respected. We must also pass House Concurrent Resolution 134, which calls for a free and fair vote to determine the future of Khalistan. In addition, Congress must approve House Resolution 144, calling for a free and fair plebiscite in Kashmir.

I ask unanimous consent to include in the RECORD a number of articles detailing recent human rights abuses in India.

COUNCIL OF KHALISTAN

For immediate release: September 19, 1994.
Washington, DC.

JUSTICE BAINS DENIED EXIT FROM INDIA

WASHINGTON, DC.—On orders from the Indian Home Ministry, Indian airport security officials denied retired High Court Judge Justice Ajit Singh Bains exit from India on Thursday, September 15. The outspoken Sikh champion for human rights and political freedom attempted to board a flight in Delhi bound for the United Kingdom. Bains was detained at the final security check and humiliated by security guards who discovered his name on an official Home Ministry list forbidding him to leave India. Justice Bains is Chairman of the Punjab Human Rights Organization.

Like other leaders speaking out for Sikh freedom and human rights, Bains faces continued harassment at the hands of Indian government police. Restrained by what he terms an "undeclared detention," Bains and visitors to his house have been under constant government surveillance. His telephone has been tapped and his movements restricted.

Recently, the Indian government denied a passport to Simranjit Singh Mann, Sikh political leader and vocal advocate for Sikh freedom, after he made a speech in support of Khalistan. Mr. Mann has faced unrelenting government harassment ranging from the denial of his freedom of movement to imprisonment and torture. Justice Bains, too, has been jailed on numerous occasions.

Despite the experience of leaders such as Bains and Mann, India denies any violations of human rights. While in the United States in May, Indian Prime Minister Narasimha Rao adamantly maintained India's innocence on human rights violations. Independent human rights organizations, however, have exposed a long list of Indian government atrocities and a history of the brutal denial of human freedom. According to Dead Silence: The Legacy of Abuses in Punjab, published by Human Rights Watch/Asia, "The deliberate use of torture and execution as counter-insurgency tactics was not merely tolerated but actively encouraged by senior government officials."

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, who spoke to Justice Bains by telephone, warns the Indian government not harm Sikh leaders. "The eyes of the world are upon you," said Dr. Aulakh. "You no longer operate in the vacuum you once enjoyed. The longer you hold Justice Bains and S.S. Mann against their will, the more ridiculous your protestations of innocence look to the world. You have been exposed. Over 115,000 Sikhs have been killed in the struggle for a free Khalistan. No amount of oppression or lies will divert us from the road of independence. If India is the democracy it claims to be, then leaders like Bains and Mann should be allowed free access to the international community. Instead you brutally silence the voice of the Sikh nation, yet seek inclusion among the free nations of the world. India can no longer maintain its big lie. The time for Sikh freedom is now. Free Khalistan today!"

[From the Tribune, Sept. 8, 1994]

KATIA CASE: 2 MORE COPS HELD

CHANDIGARH, September 4.—At least two more cops of the Punjab Police were arrested today as the incident of abduction and "attempt" to rape of a French national, Ms. Katia, has put the state police in the dock.

The arrests followed another identification parade of policemen held at Punjab Police * * * in which the victim and two of her Kenyan friends, who were also beaten up during the incident, identified the constables.

With this the number of persons who have been held on charges of abduction and attempt to rape the French girl has risen to five. Four of these are Punjab policemen while one is the friend of a VVIP related to a key political figure of the city.

The police has also impounded the brand new Contessa car with a Delhi registration number belonging to one of the friends of the VVIP ward.

The victim, Ms. Katia, was today produced before the Judicial Magistrate, Kharar, to record her statement about the incident under Section 164 Cr P.C. Her Kenyan friends also gave a statement to the magistrate.

Senior police officials of the state are reported to have held meetings in the day to deal with the situation even as there was no sign of taking any action against the VVIP ward, who is being blamed as the main culprit.

Ms. Katia was picked up by the gunmen of the VVIP ward and taken to a heavily guarded house in Chandigarh where she was allegedly molested.

The state police seems to be on its toes due to the incident following pressure from the Union Home Ministry to take action. The ministry is to be sent a detailed report on the incident by tomorrow.

This has been done following a CPI leader, Mrs. Vimla Dang, announcing that a notice for call-attention motion has been given to be brought up in the Assembly when it meets on Tuesday. She announced that the proceedings of the House would be stalled to seek action against the guilty.

Meanwhile, the city unit of the Janata Dal has demanded the resignation of the Chief Minister, Mr. Beant Singh, in view of the incident.

Khabab (FOC): Katia, the French girl who was molested by a family member of a senior Punjab Congress leader and some Punjab policemen, was produced along with her two friends before the Judicial Magistrate here on Sunday by the police.

According to Mr. Anil Kaushik, advocate for the complainant, the statements of Katia, Philips and James were recorded under Section 164 of the Cr P C in which they narrated the whole incident which happened on the night of August 31.

Amritsar (UNI): Punjab Chief Minister, Mr. Beant Singh, said here that he had directed Punjab Police chief K.P.S. Gill to book the culprits who had allegedly molested French tourist Katia at Mohali and Chandigarh two days back.

Talking to newsmen after addressing a public meeting at Jandiala, he said nobody was above the law. He refused to reveal the name of the VVIP involved in the molestation saying everything would come to light within a few days.

Phillaur (FOC): Punjab BJP chief Madan Mohan Mittal has condemned the Mohali incident involving the molestation of a French girl allegedly by a family member of a senior Congress leader and some Punjab policemen.

Stating this here today, Mr. Mittal demanded immediate resignation of the Punjab Chief Minister and a high-level inquiry by the CBI in this connection. He said the Chief Minister had no moral right to stay in his office as his government was involved in a serious allegation.

[From the Washington Times, Sept. 17, 1994]

INDIA SAID TO TORTURE RETURNEES

(By Heinz-Rudolf Othmerding)

NEW DELHI.—When Kuldeep Singh, 21, a Sikh from the northern Indian state of Punjab, stepped off an Aeroflot flight on May 28 in New Delhi, he was a healthy man.

Two days later, Mr. Singh was dead. Upon inspection, his body bore signs of torture.

Mr. Singh sold flowers in a township near Duesseldorf, Germany, and was not a particularly politically minded man. Seeking only the affluence of the West, he lived in Germany illegally until he was discovered, denied asylum and forced to return to India.

What in Germany was a routine procedure ended in his death in India. Officials blackmailed first Mr. Singh and then his family.

Despite denials by the Indian police, Western and Indian human rights activists are convinced that Indian deportees returning home after their applications for asylum are rejected abroad are often arrested, tortured and blackmailed.

And if the victim's relatives cannot scrape together the money demanded by corrupt officials, the deportee might even face death.

"If you come back after years in Germany, then the assumption is that you must have either accumulated a lot of money yourself or transferred it to your family in India," says Ravi Nair, a well-known Indian human rights activist.

Shamsher Singh, another deportee from Germany, probably has a Stuttgart-based aid organization and a German journalist in India to thank for his well-being.

The German organization gave him enough money to cover the bribe that officials were likely to demand, and the journalist managed to retrieve him from the airport.

When Shamsher Singh was finally allowed to leave the airport with the journalist on Aug. 19, he had already encountered both intelligence and immigration officials. Only the money he brought helped him escape torture, the Punjabi said later.

A Cologne-based lawyers group has been waiting since Sept. 1 for news from Joginder Singh, also deported from Germany.

Mr. Singh, who was active in the Sikh separatist movement, had been refused asylum in Germany for the first time in 1992 and deported to India. According to the lawyers, airport police let him go that time after extorting 50,000 rupees, then about $1,500, from him.

Mr. Singh subsequently resumed his political activities in Punjab but fled to Germany again after being arrested and tortured. After his second deportation, he vanished without a trace.

Several European states like Denmark or Switzerland introduced checks to ensure the safe arrival in India of deportees from those countries.

Embassy staff or Indian contacts, mostly human rights activists, are asked to monitor the arrival in India of unsuccessful applicants for political asylum in the two countries.

But there is no such system for deportees returning from Germany. Sources at the German Embassy in New Delhi say they hear of deportations only sporadically.

Deportation procedures are not centralized in Germany, they say, so every city or district can deport people through any third country.

However, problems are mounting. At the end of 1993, there were 36,000 living in Germany, of whom at least 10,000 were under orders to leave the country. Of 12,266 applications for asylum in 1993, only six were successful.

Mr. Nair, the Indian human rights activist, suspects that the Indian Embassy in Bonn alerts airport authorities and the Punjab police the minute it issues the documents to deportees.

They are awaited in Bombay or New Delhi, and arrest, torture and blackmail frequently follow.

[From the Washington Times, Sept. 17, 1994]

TEMPLE SHINES, BUT SIKH ANGER SURVIVES

(By Heinz-Rudolf Othmerding)

AMRITSAR, INDIA.—On the night of June 5, 1984, Indian troops stormed the Golden Temple in Amritsar and killed an estimated 2,500 people, including many innocent pilgrims.

Ten years later, "Operation Bluestar," which targeted the holiest shrine of the world's 22 million Sikhs, is all but forgotten.

Artillery fire destroyed the Akal Takht, the temple's congregation platform for high priests, and blasted holes in the extensive temple complex.

During more peaceful times, radical Sikhs under Jarnail Singh Bhindranwale had been promised much by the government of Prime Minister Indira Gandhi.

The Punjabis had been assured of their own state capital, more self-determination and water for their fields. But Mrs. Gandhi manipulated Mr. Bhindranwale and reneged on her promises.

Feeling cheated and betrayed, Mr. Bhindranwale launched an armed separatist struggle against the Indian government—a fight he was to lose, along with his life, on the night of June 5.

Two months after Bluestar, Mrs. Gandhi was fatally shot by her Sikh bodyguards. The assassination unleashed free-for-all terrorism in India, and Sikhs were slaughtered all over the country.

A jumbo jet belonging to Air India exploded over the Atlantic.

Sikhs in Punjab grouped together in increasingly militant sects and almost turned the war they couldn't win against India on each other.

At least 25,000 people—three-quarters of them Sikhs—were killed in the struggle.

"We have not forgotten the insult that was Bluestar and never will," says Inderman Singh of the Shiromani Gurdwara Parbandchak Committee, the advisory council of the Golden Temple.

Gaping cracks and bullet holes can no longer be seen on the walls of the Golden Temple, and renovation of the shrine is almost complete. Its gilded domes gleam in the sunlight, and pilgrims can be seen filing slowly toward the lake that surrounds the shrine to bathe in its holy waters.

The men are attired in accordance with the five edicts of the faith—with "Kangha" (comb), "kacch" (shorts), "Kirpan" (sword), "kara" (steel bracelet) and "kes" (uncut hair and beard).

The repetitive chant of the Granthi, the chief narrator, who recites from the Granth Sahib, the holy book written by Guru Nanak (1469–1539), the founder of Sikhism, reverberates through the entire complex.

It is barely imaginable that 10 years ago corpses lay strewn in the beautiful courtyard.

But the conflict simmers on behind the facade of tranquillity. Few Punjabis accept the new Congress state government, which came to power Feb. 19, 1992.

"We have to accept that India has defeated our armed struggle," says Amarjit Singh, information officer at the Golden Temple. "But why is it that we are still denied the self-administration and protection of our culture that were promised to us for long, even in these ostensibly peaceful times?"

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 22, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

11:00 a.m.

Veterans' Affairs

Business meeting, to consider the nomination of Kenneth W. Kizer, of California, to be Under Secretary of Veterans Affairs for Health, and other pending calendar business.

SR–418

SEPTEMBER 28

9:00 a.m.

Office of Technology Assessment

Board Meeting, to consider pending business.

EF–100, Capitol

10:00 a.m.

Labor and Human Resources

To hold hearings on Federal job training programs.

SD–430

10:30 a.m.

Foreign Relations

To hold hearings on the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (Treaty Doc. 103–27).

SD–419

SEPTEMBER 29

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Agreement for Cooperation on Peaceful Uses of Atomic Energy Between the United States and the European Atomic Energy Community (Euratom).

SD–366

OCTOBER 13

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on the Navy's mismanagement of the sealift tanker contract.

SD–342