SENATE—*Tuesday, May 24, 1994*

(Legislative day of Monday, May 16, 1994)

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

The PRESIDENT pro tempore. This morning, as we approach the Supreme Lawgiver of the universe, the Senate will be led in prayer by the Senate Chaplain, Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

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

Let us pray:

*The Lord is my shepherd * * * Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me.*—Psalm 23:4.

Mighty God of Abraham, Isaac, and Israel, we thank Thee for this clear word from King David, the greatest monarch in the history of Israel. Thank Thee for his reassurance that death is not to be feared when the Lord is our Shepherd. We are reminded of the word of Jesus, "And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also."—John 14:3.

We praise Thee, eternal God, for the reassurance the scriptures give us concerning death. Give us the grace to embrace this hope as we put our trust in the Shepherd.

In Jesus' name, who is the way, the truth, and the life. Amen.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDENT pro tempore. Also under the previous order, the Senate will now go into executive session to consider the nominations of Derek Shearer and Sam Brown, en bloc, with the time until 12:30 p.m. to be equally divided in the usual form.

The clerk will report the nominations.

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of Derek Shearer, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland.

The assistant legislative clerk read the nomination of Sam W. Brown, Jr., of California, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

NOMINATION OF DEREK SHEARER

Mr. PELL. Mr. President, Derek Shearer's nomination to be Ambassador to Finland was submitted to the Senate on February 27, 1994. On March 2, the Committee on Foreign Relations held a hearing on Mr. Shearer's nomination which was chaired by Senator BIDEN, our distinguished chairman of the Subcommittee on European Affairs. In addition to the hearing, Mr. Shearer responded fully and completely to 89 written questions submitted by committee members. The committee has received many strong letters of support for Mr. Shearer's nomination and I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks, together with Mr. Shearer's biographical statement and certificate of demonstrated competence.

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

(See exhibit 1.)

Mr. PELL. Mr. President, on May 4, 1994, the Committee on Foreign Relations approved Mr. Shearer's nomination by a vote of 14 to 5, with a quorum present and a majority of those members physically present voting in the affirmative.

Mr. President, I support Derek Shearer and urge the Senate to give its advice and consent to his nomination to be Ambassador to Finland at this important period in the relations between our two countries.

Over the past several years, Finland has moved to balance its historically close ties to the East with stronger ties to the West. It has replaced the elements of its 1947 Friendship Treaty with the U.S.S.R. which had put Finland in a subsidiary role. In 1992, Finland became an observer in the North Atlantic Cooperation Council, and in February 1994, Finland completed European Union accession negotiations with the hope of becoming a member in 1995. Recently, the Finnish Government signed the Partnership for Peace Framework Document in Brussels. As leaders in international peacekeeping, the Finns have much to offer NATO in this area.

As Finland moves toward closer association with Western European structures, there is a historic opportunity for the United States to strengthen its ties to Finland as well. In 1992, Finland selected United States-made F/A-18 aircraft to replace its aging fleet of Soviet MiGs and Swedish Drakens. Our departing Ambassador played a crucial role in this decision, and despite Finland's worst recession since the 1930's, United States exports overall to Finland increased last year.

In short, this is a critical moment in Finnish foreign policy. To take advantage of this opportunity to expand United States-Finnish bilateral cooperation, as well as to work together on other issues of mutual concern, it is essential that we carry on a high-level dialog with the Finnish leadership.

There is no substitute for having the President's personal representative in Helsinki to carry on that dialog and manage our bilateral relations. I urge the Senate to confirm Derek Shearer's appointment as Ambassador to Finland without further delay.

EXHIBIT 1

MARCH 14, 1994.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATOR PELL: I am writing to support the nomination of Derek Shearer to be U.S. Ambassador to Finland, and to provide what I believe is relevant information in considering his suitability for that position.

In the past year, Professor Shearer and I have served on two bi-partisan groups. The first, for a period of 5 months, dealt with the future of the U.S.-Japan relationship, and issued, I believe, a very useful report. The second, which has just been concluded after a similar period, examined the concept of a Pacific Community and U.S. interests in it; the report of the group will be issued in a few months. Participants in these two groups were former and present senior officials, former members of Congress, scholars, journalists, business men, and a variety of others in foreign policy related fields.

Professor Shearer made important contributions to both groups. He is deeply knowledgeable on the subject matter, was quick with useful proposals, and generally added enormously both to the deliberations and to the final conclusions of the groups. He made one excellent lead presentation and greatly helped in the drafting of the final report of the U.S.-Japan Study Group. We were fortunate to have such an involved and contributing member. I might add that I felt his interventions showed real knowledge of the area and American foreign policy, and a solid understanding of our economic and security interests in Asia.

Having become acquainted with Professor Shearer, and having had a chance to talk nu-

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

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merous times to him and watch his participation in the two study groups, I believe he will be a first class representative of the United States. He brings industry, skill and insight to the job of Ambassador. As a former Career Ambassador in our Foreign Service, I think I have a fair notion of what is needed for the job, including the character traits. I believe Professor Shearer has all the necessary personal and professional qualities in abundance.

Sincerely,

MORTON ABRAMOWITZ.

OCCIDENTAL COLLEGE,
Los Angeles, CA, March 31, 1994.

Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATOR PELL: I am writing to urge you, and the Senate Foreign Relations Committee, to give favorable consideration to the nomination of Dr. Derek Shearer as United States Ambassador to Finland.

I have worked professionally in the field of foreign policy for over twenty-five years—as a Foreign Service Officer on leave-without-pay during the Vietnam years, as the Director of European Studies at the National War College in 1974–75, and as a Scholar-in-Residence at CIA in 1981–83. I have a strong interest in the success of American foreign policy, and have worked with, and have a high regard for the professionals of the State Department, the Defense Department and CIA.

I believe that President Clinton's nominee for the post in Helsinki is highly qualified to represent this country in a diplomatic position that has frequently been a sensitive one, serving as it does as a pivot for the larger issues of Eastern Europe and Russia.

I have known Dr. Shearer for over 15 years, and have served with him as a colleague since my return from the CIA in 1983. In those highly charged years during the mid-1980's, when some colleagues treated my service in the Office of Soviet Analysis as something like betrayal, Derek Shearer welcomed me back to campus and was eager to engage in dialog about the critical issues of US foreign and defense policy. During the following years, while I was doing research at the Jet Propulsion Laboratory and The RAND Corporation on Soviet foreign and defense policy, Derek continued to follow these issues with interest and to demonstrate a highly professional attitude toward them.

Indeed, all of his conduct on campus during our years of joint service has been professional, intellectually engaged, morally upright and effective. During the months when he was actively engaged in the election campaign of President Clinton, I was very impressed by these same qualities as well as by his ability to avoid the self-inflation that attends high politics and by his careful loyalty and disciplined ability to remain tight-lipped, even under considerable provocation from the media.

So, I urge you to approve his nomination. He will serve this country well. He has a longstanding interest in European and Russian affairs. He is knowledgeable about foreign and economic policy. He is disciplined, professional and effective. He has demonstrated his loyalty to the President, and has served his country well in the process.

Sincerely yours,

LAWRENCE T. CALDWELL,
Chair and Gamble Professor of Politics.

HARVARD UNIVERSITY,
Cambridge, MA, March 30, 1994.

Hon. CLAIBORNE PELL,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I'm writing this letter on behalf of an old and admired friend of mine, Derek Shearer, who has been nominated Ambassador to Finland and who, I believe, has made a favorable impression on the Committee in his appearance there. I would like strongly to endorse this nomination, in the best of nonpartisan spirit.

I have known Derek Shearer for many years, as indeed I know his father. He is an extraordinarily good choice for this interesting and important post. Derek Shearer is a man of first-rate intelligence, great probity, a good knowledge of economics and a wonderful capacity for expressing ideas. He will be well, indeed enthusiastically received in Finland. It is an excellent design of the Administration to have someone in Helsinki who will be of immediate interest to the Finnish people and the many who come to this city on international concerns of one sort or another. Being a man of diverse intelligence, Derek Shearer has well-expressed views on many subjects. It is good to have somebody of this sort in Finland rather than a more silent and acquiescent official who would be without attention. It is in this spirit that I would urge the widest support from the Committee.

My warm regards.

Yours faithfully,

JOHN KENNETH GALBRAITH.

CENTER FOR INTERNATIONAL STUDIES, UNIVERSITY OF SOUTHERN CALIFORNIA,
Los Angeles, CA, April 1, 1994.

Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATOR PELL: I understand that Professor Derek Shearer, Director of Occidental College's International and Public affairs Center (IPAC) has been nominated to serve as Ambassador to Finland.

I have known Professor Shearer for several years, since I moved here from the Woodrow Wilson Center at the Smithsonian. From our first conversations, I have always been favorably impressed by the range and depth of Professor Shearer's informed interests and views on a broad range of issues of public policy, domestic and international. He has a restless curiosity about how communities work, about how business and politics are conducted, and about how to insert well-considered ideas effectively into the political and policy-making processors. He has drawn on these interests very well in founding IPAC and making it an active and respected center for research, teaching and community outreach. He has also generously contributed ideas and suggestions to me as we are building the Pacific Council on International Policy. He participated very helpfully in a brainstorming retreat with other top foreign policy experts, newspaper editors, and business leaders.

I am sure your Committee has full information on Professor Shearer's publications, awards, administrative record, and political affiliations. What I would add to your information—as someone who has lived abroad for several years and travelled extensively in Latin America, Europe, and Asia—is that I believe Derek Shearer has just the right qualities and traits to be a very effective and successful ambassador: intelligence, energy, political savvy, broad knowledge both of our own country and of international affairs, good judgment, discerning understanding of people, an exceptional ability to build good professional and personal relationships and the confidence of the President. He would be a very good Ambassador.

Please feel free to call on me for any further advice.

Yours,

ABRAHAM F. LOWENTHAL,
Director.

FOREIGN POLICY,
Washington, DC, April 4, 1994.

Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in support of the President's nomination of Derek Shearer as United States Ambassador to Finland. I think that he will be an outstanding representative of the United States and I strongly urge his confirmation by the Senate.

I have known Professor Shearer since the mid-1980s. I have appeared on his campus as a speaker a number of times and have participated in conferences with him in other parts of the country. We have met regularly when he has visited Washington or I was in Los Angeles and he has published for my journal. From this experience I know him as an outstanding scholar, a careful student of international affairs, and an individual with a deep commitment to the American experiment, its government, and its people.

His piece for Foreign Policy demonstrated a wide reading about and a sensitive understanding of the changes that are taking place in the nature of international trade and commerce. I know personally that he has plunged into the task of preparing himself for his new assignment by reading deeply into the history, culture and politics of Finland.

As someone who served for 9 years as a Foreign Service Officer and in the position of Assistant Secretary of State from 1977 to 1980, I believe I understand the character traits and skills that are essential for an Ambassador to carry out his duties. Professor Shearer has the intelligence and solid judgment needed to serve our country ably.

I believe Professor Shearer will be a fine Ambassador and I hope that the Senate will confirm him at its earliest opportunity.

Best wishes.

Sincerely,

CHARLES W. MAYNES,
Editor.

ECONOMIC STRATEGY INSTITUTE,
Washington, DC, March 14, 1994.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR PELL: I would like to express my strong support for Professor Derek N. Shearer, the ambassador-nominee to Finland, who is currently before your committee.

I have known Derek Shearer for some time—and we have worked together on several common projects, including U.S. trade policy towards Japan.

When Derek served as Deputy Under Secretary of Commerce, I invited him to speak at ESI's annual trade conference, and his presentation was one of the most stimulating and well received at the conference. After Derek left government service, he became an associate fellow at ESI. He has participated in institute activities, and provided

valuable advice on ESI's research agenda on trade and competitiveness. He is an original thinker, with a deep understanding of the challenges facing the United States in the new post-Cold War era.

In his work with ESI, Derek has always deomonstrated intellectual integrity, combined with a pragmatic approach to constructing a new government-business partnership in the U.S. As someone who has served in high office in past administrations, I can say that Derek Shearer has my wholehearted support. I know that he will ably represent the interests of the U.S. in this post. I recommend him to you and to the entire Senate.

Sincerely,

CLYDE V. PRESTOWITZ, Jr.,
President.

THE GRADUATE SCHOOL AND UNIVERSITY CENTER,
New York, NY, March 31, 1994.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

TO THE SENATE FOREIGN RELATIONS COMMITTEE: I write to express my cordial support for the nomination of Derek Shearer as Ambassador to Finland.

I have known Professor Shearer and his work for a number of years, and I have spent time with him when I have lectured at Occidental College, where he has taught since 1981 and enjoys the high esteem of his colleagues. He is an able and productive economist with a special interest in international economic affairs. He has done a first-class job in organizing the International and Public Affairs Center at Occidental.

I need not remind the members of this eminent committee that some of our most distinguished and effective ambassadors have been economics professors—Arthur Burns, John Kenneth Galbraith, Gardner Ackley, for example—not to mention such other successful professor-diplomats as Edwin Reischauer, Robert Goheen, John Badeau, Robert Neumann. In view of the way geopolitics is giving way to geoeconomics in the post-Cold War world, it is all the more important to have a high degree of economic literacy in our diplomats.

I know Finland too and have no doubt that an envoy of Professor Shearer's academic standing and reputation would be a welcome appointment. And, as a White House special assistant in 1961-63, I am familiar with the qualifications required for ambassadorships. Professor Shearer has the intelligence, the integrity, the tact and the sense of responsibility to do an outstanding job. I take much pleasure in commending him to you.

Sincerely yours,

ARTHUR SCHLESINGER, Jr.

TRIDENT CAPITAL, L.P.,
Los Angeles, CA, May 13, 1994.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATOR PELL: As the former Ambassador to Finland during the Reagan Administration and the former Deputy Secretary of Commerce during the Bush Administration, I am writing to support the nomination of fellow Californian, Professor Derek Shearer, as the Administration's nominee to the post of Ambassador to the Republic of Finland. He has a broad background in European and economic affairs. I know Professor Shearer as a man of integrity and believe he is eminently qualified for this important position.

With best regards,

ROCKWELL A. SCHNABEL.

OCCIDENTAL COLLEGE,
Los Angeles, CA, March 15, 1994.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR SENATOR PELL: I am writing to support strongly the nomination of Professor Derek N. Shearer of Occidental College to be Ambassador to Finland.

As the President of Occidental College, I know Professor Shearer well, and I have the greatest confidence in his abilities and his character.

Professor Shearer is held in very high esteem on the Occidental campus. As a member of the faculty since 1981, he has been a first-class professor, teaching courses in public policy, economics, urban planning, and business. He established the College's highly regarded interdisciplinary major in Public Policy—and his public policy students have gone on to study business and law at Harvard, Columbia, Georgetown and other top schools.

Professor Shearer also founded Occidental's International and Public Affairs Center (IPAC) and has served as its director. He has brought a number of nationally known speakers onto campus, enriching the intellectual life of the College. Each year his Public Policy students organize the Occidental Public Affairs Conference which addresses major issues of our time. Students in Professor Shearer's business course created the outdoor campus cafe and wrote feasibility studies for improving other campus facilities such as the bookstore.

Professor Shearer has served on numerous trustee committees and has frequently addressed the Occidental Board of Trustees annual retreat. I've personally observed him at these meetings, and I can attest to his intelligence, common sense and diplomatic skills.

As a former government official—I served as Director of the National Science Foundation and recall a number of occasions in which I interacted with you—I know what it takes to succeed in government service. I am confident that Professor Shearer will be an outstanding Ambassador and a credit to the country.

Sincerely,

JOHN BROOKS SLAUGHTER,
President.

OFFICE OF THE MAYOR,
Los Angeles, CA, May 17, 1994.

Re: Letter of recommendation for Professor Derek Shearer.

Senator CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR PELL: I am writing to support the nomination of Professor Derek Shearer as United States Ambassador to Finland.

As a Board Member of Occidental College I have worked closely with Professor Shearer on many outreach programs for young people. He encourages our youth to get involved in community affairs, and has given unselfishly of his time and energy. His enthusiasm in the service of youth is most commendable, and he is an inspirational role model to them.

Professor Shearer also founded and directed the International and Public Affairs Center at Occidental, which has become a vital center for faculty research, public conferences, and policy seminars.

I am confident of Professor Shearer's leadership and his abilities, and I know he is eminently qualified for this important position.

Sincerely,

RICHARD J. RIORDAN,
Mayor.

BIOGRAPHIC SUMMARY—HIGHLIGHTS

Name: Derek Shearer.

Position for which considered: Ambassador to the Republic of Finland.

Present position: Director, International and Public Affairs Center and Associate Professor of Public Policy, Occidental College, Los Angeles, California.

Legal residence: California.

Office address: International and Public Affairs Center, Occidental College, Los Angeles, California 90041.

Date/place of birth: December 5, 1946, Los Angeles, California.

Home address: Santa Monica, California.

Marital status: Married.

Name of spouse: Ruth Y. Goldway.

Names of children: Casey Shearer, Anthony Yannatta (step-son), Julie Yannatta (step-daughter).

Education: Ph.D., the Union Graduate School, Yellow Springs, Ohio, 1977; B.A., Yale University, New Haven, Connecticut, 1968; University of Michigan summer Russian language program, Ann Arbor, Michigan, 1965.

Language ability: Russian (passive comprehension; fair reading knowledge, rusty spoken); French (fair comprehension, fair reading, minimal spoken); Spanish (some reading and comprehension, traveler's spoken only).

Military experience: None.

Work experience—1981-present: Director, International and Public Affairs Center, and Associate Professor of Public Policy, Occidental College, Los Angeles, California.

February-May 1993—Deputy Under Secretary of Commerce for Economic Affairs, Washington, D.C. (unpaid leave from Occidental College).

May-November 1993—Associate Fellow, Economic Strategy Institute, Washington, D.C.

1993—Member, Carnegie Endowment Study Groups on U.S.-Japan Relations and the Pacific Community, Washington, D.C.

1991—United States Information Service sponsored lecture tour of Japan.

1979-1981—Member, Board of Directors, National Consumer Cooperative Bank, Washington, D.C.

1981-1986—Member, Planning Commission, City of Santa Monica, California.

1985-1988—Member, Academic Advisory Board of the United States Advisory Commission on Intergovernmental Relations, Washington, D.C.

1979-1981—Lecturer, School of Architecture and Urban Planning, University of California, Los Angeles.

1968-1980—Journalist/Consultant/Lecturer in Washington, D.C., Boston, Massachusetts, and Los Angeles, California.

Organizational affiliations: Member, Yale Club of New York, 1990-present and member, International House of Japan, 1991-present.

Honors/fellowships: U.S.-Japan Leadership Fellow of Japan Society, 1991, for study in Japan, 1991; Swedish Bicentennial grant for travel to study urban planning in Sweden, 1985; Guggenheim Fellowship to study urban planning in American cities, 1984-85; German Marshall Fund of the United States travel grant to attend international economics conference in London, United Kingdom.

PUBLICATIONS: (PARTIAL LIST)

Monographs

"A New Social Contract," co-author with Martin Carnoy Russell Rumberger, Harper and Row, 1983.

"Economic Democracy," co-author with Martin Carnoy, M.E. Sharpe/Pantheon, 1980.

Journal articles and book chapters

"Why No American MITI," in Japanese Foresight magazine, Shinchosha, Tokyo, December, 1993.

"Transpacific Vision," Foreign Policy, Number 92, Fall 1993.

"U.S. Japan Relations After the Cold War," in Japanese, in A Perspective Insight into the Future of the Japan-U.S. Relationship, The Asian Affairs Research council, Tokyo, 1991.

"The National Trade Data Bank—The U.S. Exporters Indispensable Tool," Business America, Vol. 114, No. 9, Spring 1993, U.S. Department of Commerce.

"In Search of Equal Partnerships: The Prospects for Progressive Urban Policy in the 1990s," in Unequal Partnerships, edited by Gregory Squires, Temple University Press, 1989.

"A Community-Based Housing Strategy," Peter Dreier and John Atlas, in Transition '89, a publication of the Democracy Project, Dec. 1988.

"La Nueva Politica Municipal," in Estados Unidos: Luces Y Sombras, Editorial Pablo Iglesias, Madrid, 1987.

"Towards a Democratic Alternative," with Martin Carnoy, in American Economic Policy, editors: Alperovitz and Skurski Univ. of Notre Dame Press, 1985.

Op-ed/Journalism

"The 'German Model' Loses Its Punch," Los Angeles Times, June 28, 1993.

"Build a Decent, Prosperous Society," Los Angeles Times, September 23, 1992.

"At Summit, Japan Grassroots Are Shallow," The Asian Wall Street Journal, December 30, 1991.

Numerous Op-ed articles and journalism on domestic and foreign policy issues, 1968–1990.

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS—U.S. SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Republic of Finland.

Candidate: Derek Shearer.

Derek Shearer is the founding Director of IPAC, the International and Public Affairs Center, at Occidental College in Los Angeles. IPAC supports faculty research and organizes seminars and institutes on international and domestic issues. He is also Professor of Public Policy at Occidental, where he teaches courses on domestic and international economics and policy.

Mr. shearer has worked in government at the local, state, and national levels. He served as economic advisor to Governor Jerry Brown of California in the 1970's. He was a founding member of the Cooperative Bank, an appointment made by President Jimmy Carter in 1978. In the 1980's, Mr. Shearer was a city planning commissioner in Santa Monica, California.

Mr. Shearer is the author of numerous books and articles on economic policy and politics. His opinion pieces have appeared in the Los Angeles Times, the New York Times, and the Wall Street Journal. He has delivered lectures at leading universities and institutes in the United States, Canada, Europe, Scandinavia, Russia, and Japan.

Mr. Shearer has been awarded many grants and awards, including a Guggenheim Fellowship, a Swedish Bicentennial grant, and a German Marshall fund grant. In 1991, he was named a U.S.-Japan Leadership Fellow of the Japan Society, and spent three months in Japan studying the future of U.S.-Japan economic and political relations.

Mr. Shearer received his B.A. from Yale University, where he studied the language, history, and politics of Russian, China, and the Far East. He received his Ph.D. in Public Policy from Union Graduate School. He has travelled and studied in Russia, and has worked in Southeast Asia and Washington, D.C.

Mr. Shearer was born in Los Angeles, California, on December 5, 1946; he is married and has three children.

Mr. Shearer's knowledge of national and international policy and economics and his experience in government and politics make him an excellent candidate for the position of Ambassador to the Republic of Finland.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I rise this morning to talk about the nomination of Sam Brown.

The PRESIDENT pro tempore. How much time does the Senator yield to himself?

Mr. BROWN. I yield to myself such time as I may consume.

The PRESIDENT pro tempore. The Senator is recognized.

STATEMENT ON THE NOMINATION OF SAM BROWN

Mr. BROWN. Mr. President, I rise this morning to discuss the nomination of Sam Brown to be our ambassador to the CSCE. It is an important post, with an importance far beyond the measures that were incorporated just in the Helsinki accords. The Helsinki accords, as I know the President knows and Members of this Chamber are aware, came about in the seventies, focused on human rights, and played an important role in developing our relations in Europe and, hopefully, with regard to new innovations in the old Soviet Union.

That role was expanded dramatically, though, in both 1990 and 1992. It was expanded to include a significant role in military affairs. Focusing on national security, the CSCE will monitor and focus on the Open Skies Treaty as well as focusing on the Conventional Arms Limitation Treaty. Those are vital treaties and ones that bear enormous impact on our national security. They are also hot spots because they have a significant say-so on the European Continent, with regard to military affairs.

Right now there are a number of requests waiting. One is a Russian request to waive provisions of the treaty that would allow them to deploy more troops into the westerly area of the CSCE. It is an important military post as well as a human rights post. One of the questions, I think, that is raised is the nominee's qualifications to handle military matters, as well as to handle management matters.

This body—our Congress—has experienced Sam Brown as a manager. He had important responsibilities under the Carter administration. As head of ACTION, he supervised a number of agencies. In addition to that, the Peace Corps was under his direction. We have experience with Sam Brown as a manager, and it would be remiss for this body to not look at his period of management of that agency as we offer much more significant responsibilities, at least in terms of military and national security terms.

That management practice was outlined in a significant report done by the House Appropriations subcommittee staff. Former Congressman Natcher had directed that subcommittee and his staff put together and put out a report on Sam Brown's management practices.

Last week, I had that report submitted and included in the RECORD, so it is available to Members, but I will simply summarize.

It outlined serious management practices as identified by the House Appropriations Committee staff. Let me mention at this point, this is not a partisan document. This was put together by the staff of a Democratic subcommittee. I believe it has validity, not from a partisan point of view, but from a simple, objective, appropriations subcommittee review process.

The staff identified the following areas of mismanagement: Improper procurement practices, page 88 of the report; financial mismanagement practices on page 105; grants awarded without competition, page 35 of the report; attacking Government agencies, politicians, utilities as enemies, at page 40; involvement in restricted activities; that is, restricted by Federal law or regulations, that is page 43; improper use of experts and consultants, page 22; ignore legal requirements in setting pay for personnel, page 16; abolition of independent inspector general, page 112.

Mr. President, it was an attempt to do away with the independent inspector general and perhaps this the most disconcerting of all. Everyone recognizes in a significant agency there can be problems, but one would hope a manager would end up disclosing those problems and dealing with them rather than trying to do away with the position of the Inspector General who is involved in trying to bring those problems to light and correct them. The efforts to do away with that independent inspector general at the time the independent inspector general was doing his job, I think raises serious questions about the candidate.

Mr. President, these management practices were commented on in the Washington Post. We have a copy of that article for the Members to see, who are watching. Let me simply share it with the Members. It is by Jack Anderson. The headline is: "ACTION Chief Labeled Inept Martinet."

Sam Brown, the tousle-haired antiwar activist-turned-bureaucrat, comes across as an easygoing, charismatic, refreshing new face on the Washington political scene. But his leadership of ACTION, which oversees such do-good programs as the Peace Corps and VISTA, has drawn increasing criticism from both inside and outside the organization.

The recent forced resignation of the Peace Corps Director, Carolyn Payton, was a monumentally mishandled affair. Regardless of the means of her firing, the circumstances surrounding it were so messy as to give credence to charges that Brown is simply not up to the job President Carter gave him.

Insiders told our associate Jack Mitchell that the Payton firing was only the tip of the iceberg. They say Brown's direction of ACTION's domestic and international programs has been all thumbs from the very start. Mismanagement, favoritism, and plain incompetence characterized Brown's regime.

Brown's professional goal of an egalitarian "workplace democracy," which would have been unique in Washington bureaucracy, could account for the slapdash, uncoordinated administration of ACTION and the crumbling image of a once-respected Government agency.

But Brown is accused of more than just inept bungling in a job that's too big for him. ACTION aides say he has become an authoritarian martinet who brooks no interference from his subordinates. He is, they say, a bureaucratic dictator.

Morale at ACTION is rock-bottom low. Bad publicity has negated positive achievements of the agency's programs. Brown's response has been not to clean up his own act but to look for a press aide that can give him a brighter image.

The dismissal of Payton, one of the Carter administration's few influential black officials, brought some of the agency's dirty laundry out in the open.

The conflict between the gregarious Brown and the more reserved Payton appears to have been basically a personality clash. At any rate, Brown was so eager to pressure Payton to quit that her resignation was leaked to the press before she had agreed to it.

Caught by surprise and embarrassed by the report of her firing, Payton denied it. She had to go to the Presidential counsel, Robert Lipshutz, to confirm that her resignation had actually been requested by the President.

Brown's growing band of detractors claim that he and his cronies have been trying to apply the anti-Establishment idealism of their New Left days to the complicated task of administering multimillion dollar social programs. The result has been chaos, critics say.

And starry-eyed idealism has not prevented ACTION brass from squandering the taxpayers' money with an abandon that would be envied by any entrenched bureaucracy in Washington.

A case in point was ACTION's hare-brained scheme to select unemployed inner-city black youths to Jamaica to work. ACTION officials jetted off to the Caribbean resort to set up the project.

But Jamaican officials, faced with massive unemployment and an inflation rate of up to 50 percent a year, put the kibosh on the dizzy plan. They were appalled at the idea of America ghetto youths being thrown in with resentful, out-of-work Jamaicans on their politically troubled island.

Cost-conscious watchdogs at the budget office have warned ACTION spendthrift poohbahs that the agency's travel expenditures had to be reduced. ACTION staffers, for example, have been spending hundreds of thousands of dollars in the past few months attending meetings all over the world. At the same time, workers in the field have been told there's not enough money to fly them back to Washington for briefings.

Taxpayers recently footed the bill for conferences in Casablanca and Nairobi, attended by no less than 31 ACTION paper-shufflers. Each junket cost about $80,000. The highlight of both meetings, sources told us, was the obvious friction between Brown and Payton.

Footnote: Brown was not available to talk to us at press time, but his supporters at ACTION insist that reports of his incompetence and tyranny are either untrue or exaggerated. "Sam's not that way at all," they say.

An ACTION spokeswoman told us that Payton's resignation was announced "in response to media calls" after she had indicated she was quitting.

The Jamaican project, she said, was an "experimental idea" designed to improve minority participation but was dropped early this year after a negative response from Jamaican officials.

Mr. President, I appreciate a press report is not a conclusive indication of someone's management ability. That is why I think the independent staff report of the House Appropriations subcommittee under Congressman Natcher is so significant. It is why I think it bears reading by all Members.

Frankly, in our committee deliberations and in the committee report, there were suggestions that this report dealt with matters that had affected the ACTION Agency prior to Sam Brown's leadership of the agency. I commend the reading of this report to every Member. That is simply not the case. While it is true some problems the agency had to deal with had been in existence quite awhile, many of them—a significant number of them—and many of perhaps the most significant occurred while Sam Brown was the leader of that agency.

I suggest it is not because someone cannot improve or learn or improve their activities, I suggest a review of this because I think it is a very significant document that the Members have to consider in deciding whether or not Sam Brown is an appropriate leader for the CSCE.

One of the considerations I hope Members will take into account when they look at the CSC is to ask themselves what kind of qualifications previous members of the CSC have had, and what kind of qualifications other Ambassadors that other countries send have. I believe it is fair to say—and we will submit for the RECORD the background of the members, but I believe it is fair to point out that the members from other countries and the past ones from America have had significant diplomatic experience.

The committee report reports that Sam Brown has had some diplomatic experience as leader of ACTION and, indeed, in that position he supervised the Peace Corps. But I would submit that is a different kind of experience perhaps than straight diplomatic experience, and it is quite dramatically different than national security experience. That is the part that concerns me most.

I think by the records it is quite clear that Sam Brown does not have national security experience, neither service in the military nor service in diplomatic posts where he would deal with military matters or disarmament matters. As a matter of fact, this area, perhaps the most significant area of CSC now, one that is so important I think for the future, is one where the nominee is the shortest.

I have suggested to the administration that they might want to have him spend 6 months on the job. They have the ability to appoint him and send him there and put him on the team. Let him learn his job first. But to put someone with no national security experience in that position I think raises serious doubts about our ability, one, to properly monitor the armament agreements that they supervise and monitor, but, two, it raises serious questions about our ability to negotiate a new Arms Limitation Treaty.

One of the most important discussions that will take place with Russia and the countries on the European continent in the coming years will be a followup of the Conventional Arms Limitation Treaty. Indeed, that is one of the functions of the CSCE, not only to monitor the existing treaty but to help lead the negotiations on the new treaty.

It is this Senator's belief that whoever leads that team needs to know something about armaments, needs to know something about national security. To suggest that we are going to be able to negotiate a top flight security treaty with someone who has no experience in that area, I think is a grave mistake.

Mr. President, I would like to read now an editorial from the Pueblo Chieftan. This is an editorial written by one of the papers in the State that Sam Brown had served as State treasurer, and it addresses the question of qualifications. The headline of the Pueblo Chieftan editorial is "Nyet, Mr. Brown." It reads as follows.

The U.S. Senate is expected this week to take up the confirmation of former Colorado state treasurer Sam Brown as ambassador to the Conference on Security and Cooperation in Europe. It would be a dark day for American foreign policy interests if he wins that confirmation.

The Commission's job is to implement the Treaty on the Conventional Armed Forces in

Europe completed with the Soviet Union in 1990. Now, however, the Russian Government has requested that certain treaty limits be relaxed.

The treaty restricts Russia from massing troops in the so-called flank regions of Europe, thereby preventing it from injecting forces into border conflicts in places like the Caucasus and elsewhere. The United States and its Western allies should be responding that that's precisely the point of the treaty.

The Russian defense minister and others have signaled their intention to remain engaged in what they emphatically call "the near abroad." The Russian bear stills wants hegemony.

Until recently, the U.S. delegation was headed by the able Ambassador John Kornblum. He had a wide-ranging diplomatic career which gave him the experience that made it unlikely he would yield anything meaningful to the Russians.

What of Mr. Brown's qualifications?

He was a prominent anti-Vietnam war activist in the 1960's. In 1976, he led the effort to have the Democratic Party endorse unconditional amnesty to Vietnam war draft resisters, a piece of legislation that was killed by a Democratically controlled congressional committee.

So much for Mr. Brown's military record.

He has been touted by the Clinton administration as a good administrator. The record suggests otherwise.

During the Carter administration, Mr. Brown was the head of ACTION. In 1978, the agency was the subject of an investigation by the House Appropriations Committee. Its findings, in part:

"ACTION procurement practices often conflicted with regulatory and statutory requirements. * * * (The) staff found an accounting system in need of further refinement * * * travel irregularities * * * improper expense vouchers for official travel."

The Appropriations Committee staff offered some 18 recommendations to correct what it called "the apparent weaknesses in ACTION's overall management of its personnel, procurement and budget and finance programs" during Mr. Brown's "administration" of the Agency.

But this might be most telling.

Committee investigators learned that Volunteers in Service to America, the domestic Peace Corps arm of ACTION, was using volunteers in its Community Research Action Project for political purposes "in the Arkansas primary election" which vaulted then Arkansas Attorney General Bill Clinton to his first term as Governor.

Is this the person who should be empowered to look after U.S. military interests in negotiations with the Russians? The Cold War may be over, but the Russian desire for empire still lurks.

The Senate should vote nyet on Mr. Brown's appointment.

Mr. President, this sentiment is echoed in a similar editorial by the Rocky Mountain News, the largest newspaper in circulation in Colorado. The headline reads as follows: "Sam Brown's credentials." They capsulized by saying:

The issue: Nomination of Sam Brown to overseas security post.

Our view: A grave mismatch of man and job.

Mr. President, I ask unanimous consent to include this editorial in the RECORD.

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

[From the Rocky Mountain News, May 20, 1994]

SAM BROWN'S CREDENTIALS

President Clinton has saved one of the U.S.'s most sensitive diplomatic plums for Sam Brown, Colorado's former treasurer and prominent Vietnam war protester. Meanwhile, congressional opposition has been portrayed as just old-guard anxiety that a '60s enemy of "American imperialism" could romp at will through the corridors of Western military diplomacy.

The real stakes are much higher, and have little directly to do with Brown's radical past. If the Senate confirms Brown next week as ambassador to the Conference on Security and Cooperation in Europe (CSCE), it will place a man with no experience in arms control, military and strategic studies, conciliar posts or international diplomacy in charge of vital negotiations involving U.S. security in Europe.

One might as well have turned over D-Day operations to the head of the Work Projects Administration. The crown of Brown's career was a dubious run as Jimmy Carter's director of ACTION/Peace Corps, which was censured during his tenure by the House Appropriations Committee for wide-ranging financial mismanagement, waste and improprieties.

That's hardly preparation for a post to which the other nations of the free world send leading foreign-policy lights. For that matter, the last three U.S. ambassadors include an experienced NATO official, a Soviet policy analyst and a senior U.N. attache. As Colorado Sen. Hank Brown, leading opponent of the nomination, pointed out in the Foreign Relations Committee (which sent the nomination to the Senate floor on a 10-9 vote), the appointment of Sam Brown means no less than "someone with no military training or experience supervis(ing) future discussions of the conventional forces treaties in Europe."

Working under a gray title and far from headlines, CSCE has nevertheless been a powerful instrument of order in a reordered Europe. Among other things, it oversees the 1990 treaty that trussed the ambitions of the old Soviet empire by denying it the ability to mass troops on Europe's flanks.

But Russia, now complaining of cramps, is back at the table for a better deal. Clinton's representative will comfort Russia's insistence that it be allowed to widen that military sphere to bring it well within meddling range of the volatile Balkans. He or she will also have to monitor military maneuvers and arms buildups. Any sign of indecision or confusion on the U.S.'s part not only would erode a hard-won stability in Europe but encourage the region's weirder players, such as Vladimir Zhirinovsky, who on any given day may threaten to bomb NATO bases and/or knock off Western detractors with "atomic pistols."

What in his experience prepares Sam Brown for such a mission? Surely not as antiwar activist, a Democratic party wheeler-dealer, head of a domestic service agency, or state government official.

At the end of World War II a cynic noted that while diplomats should have iron ore in the veins, they too often operate on enough oil to float a whale . . . "regular Moby Dicks," he jeered.

Well, there are diplomats, and there are diplomats. The Senate, which could take up Brown's nomination as early as today, must distinguish between the critical experience needed at the CSCE and other posts less crucial to U.S. interests. Among the 17 still-vacant ambassadorships, surely there's something else that fits the energetic and well-defined credentials of Sam Brown.

Mr. BROWN. Mr. President, I see the very able and distinguished chairman of our committee, as well as the very highly respected senior Senator from Illinois, and I know both of them have concerns on this matter which they wish to share.

I yield the floor.

Mr. PELL. I yield as much time as he desires to the Senator from Illinois.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. SIMON] is recognized for such time as he may consume.

Mr. SIMON. I thank the Chair. I thank the Senator.

While I differ with my colleague from Colorado on this issue, I have great respect for him. He has been a constructive, positive Member of this body, and it has been my pleasure to work with him on a number of issues.

First of all, let us just keep in mind what we are doing. What we are doing is not determining whether Sam Brown is going to be our representative at the Conference on Security and Cooperation in Europe. The question is, believe it or not, are we going to give him the title of Ambassador.

That is the only question we have. We are straining at gnats.

The two points that my friend and colleague from Colorado makes I do not think are valid. The No. 1 question is can a person without military background be in charge as our delegate. The reality is I served 2 years overseas in the army, proud to have done so, but that would not make me any more qualified than Sam Brown to take charge of this. When you get to having security agreements, you work with the military. You bring in the Pentagon. I served on the advisory committee for several years that we have on the CSCE. I remember Senator PELL serving as cochair along with Dante Fascell of that committee. I think he will advise you, rarely did we get into any kind of technical military matters.

The American people made a decision that we would have a Commander in Chief with no military background.

Whether that decision was right or wrong, I happen to think it was the right decision. Obviously, my friend from Colorado voted differently than I did, for Bill Clinton. He voted for George Bush, I assume. But we made that decision. I do not think if Bill Clinton had my 2 years in the Army that would make him a better Commander in Chief. I think this is really not an issue.

Then the second issue is what kind of a job he did at ACTION. There was an investigation by the House Appropriations Committee staff. As a result,

there was a hearing. In fact, we had lengthy hearings. I happened to chair the subcommittee of jurisdiction and Congressman John Ashbrook, the late Congressman from Ohio, asked that we hold hearings. I said, "We will hold hearings as long as you want, and you bring in as many witnesses as you want."

We held 34 hours of hearings, 6 days of hearings, and one hearing lasted 14 hours. It was very interesting. I wish John Ashbrook were alive here today to tell you how much John Ashbrook would be a Sam Brown fan, or he would vote with us. But the evidence of abuse just dissipated. We brought in all kinds of people. Everyone was put under oath, somewhat unusual at our hearings. I remember bringing in the auditors and the inspector general, and asked if they found any abuse in terms of the operation of ACTION. They said yes; they had found two instances of abuse. I asked when they had taken place. They had taken place before Jimmy Carter was President and before Sam Brown was responsible.

A very interesting thing happened after our hearings. The House Appropriations Committee increased the appropriations for ACTION by 20 percent. I see the Presiding Officer, who chairs the Appropriations Committee in the Senate. You do not increase appropriations 20 percent for any agency like that. That was clearly confidence on the part of the House Appropriations Committee in what Sam Brown was doing.

Did Sam Brown make some mistakes? No question about it. Does PAUL SIMON make mistakes? Yes. Does CLAIBORNE PELL make mistakes? He is nodding his head yes. Does ROBERT BYRD make mistakes? Yes. We all make mistakes. But in terms of running that operation, I do not think there is any question that Sam Brown did an effective job. Again, there is no reason to not give him the title of Ambassador.

That is all we are talking about. The President has the authority to designate this person. The President has designated him. There is no confirmation of the Senate on that. The question is, do we give him the title of Ambassador? And I suppose we could weaken his ability to perform a little maybe by not give giving him that title. I do not see any purpose in doing that. I think we ought to go ahead and give him the title. That is what the debate is about; nothing more, nothing less.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I thank the able Senator from Illinois for his position and his refinement of what the question is all about, and that is not the designation of the function of the job but the title of the job. That is it.

The nomination of Sam W. Brown, Jr., for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe [CSCE] was submitted to the Senate by President Clinton and referred to the Committee on Foreign Relations on November 18, 1993. Pending before the Senate for advice and consent is solely Mr. Brown's nomination for the rank of Ambassador just as the Senator from Illinois pointed out.

Mr. Brown's appointment as Head of Delegation to the CSCE is an appointment which is not subject to the advice and consent of the Senate.

The committee held a hearing the same day the nomination was received with the hope that it could be acted on by the Senate before the end of the first session. Unfortunately, the committee was unable to act on the nomination prior to adjournment on November 24, 6 days later.

The committee scheduled Mr. Brown's nomination at its first business session this year, February 9, 1994. At that meeting, it was announced for the first time since the November hearing that members of the committee had additional questions they wished to submit to Mr. Brown prior to the committee action on the nomination. Subsequently, the nominee provided the Committee responses to approximately 81 questions submitted by members of the committee. These questions and answers are included in the committee's report (Exec. Rept. 103–27, p. 22).

The committee held its second business meeting of this year on March 22, at which time Sam Brown's nomination was approved by a vote of 11 to 9, and reported to the Senate. Although all members of the committee voted on Mr. Brown's nomination, due to objections in the Senate that a majority of those Members present at the time the vote was taken did not vote in favor of the nomination, as required by committee rule 4(c), the nomination was returned to the committee on April 13, 1994. Although the objections raised were proper under the rules, no such objections were raised at the committee meeting on March 22 when all members of the committee, with a quorum present, voted in person or by proxy on the nomination.

After Mr. Brown's nomination was returned to the committee, 27 additional questions were submitted to the nominee. Mr. Brown has responded fully and completely to all 108 questions submitted to him after his nomination.

At its business meeting of May 4, 1994, the committee voted by a vote of 11 to 9, with a quorum present and a majority of those members physically present voting in the affirmative, to report the nomination and recommend that the nomination be confirmed.

The committee has carefully considered the nomination of Mr. Brown and has recognized his expertise and experience, as well as his professional responses to questions posed both during his hearing and in response to written inquiries from committee members. Although objections to Mr. Brown's qualifications were raised by some committee members, a majority of the members of the Committee on Foreign Relations determined that Mr. Brown is well qualified to discharge the responsibilities of this important position. Mr. Brown's own statement to the committee, his biographic summary and a statement of the position's functions and responsibilities are all included in the committee's report (Exec. Rept. 103–27, pp. 12–15).

I would emphasize that all the Senate has before it for advice and consent is Mr. Brown's nomination to hold the rank of Ambassador during his tenure as Head of Delegation to the CSCE. The appointment of Mr. Brown as Head of Delegation to the CSCE. The appointment of Mr. Brown as Head of Delegation is not subject to the advice and consent of the Senate. Nevertheless, the Committee on Foreign Relations clearly concluded that Mr. Brown is well qualified to serve as Head of Delegation to the CSCE, as well as hold the rank of Ambassador during his tenure in that position. Failure of the Senate to give its advice and consent to this nomination would deny the United States of America the status of ambassadorial representation at the CSCE. It would not be a denial of Mr. Brown's ability to serve as Head of Delegation. Consequently, the U.S. Government would be relegated to the status of a second class citizen in the international community represented at CSCE.

The committee received strong letters of support for Mr. Brown's nomination from Ambassadors Warren Zimmerman and Max Kampelman, both of whom served with high distinction in this important position. In addition, Mr. Brown also received strong support from Robert S. McNamara, former Secretary of Defense, the Commission on Security and Cooperation in Europe, and others, all of whom attested to Mr. Brown's qualifications for this position. These letters of support are included in the Committee's report (Exec. Rept. 103–27, pp. 6–11).

The requirements of the position put a strong emphasis on human rights and democracy building, an area of experience where Mr. Brown's credentials are very strong. Mr. Brown has a clear commitment to human rights standards, the energy and intelligence to understand and react quickly to changing circumstances and a proven ability to be an effective advocate for the U.S. position. Mr. Brown's commitment to human rights and skills as an advocate have never been questioned.

Endorsements from past CSCE heads of delegation, both career and noncareer, from the Carter, Reagan, and Bush administrations all testify to these qualities.

Ambassador Max Kampelman says, in part,

> Mr. Brown has persuaded me that he understands the CSCE and its potential for serving our national interest. He understands the challenge and is prepared to help our country provide the necessary leadership. He has the skills and abilities to do that.

Ambassador Warren Zimmermann says,

> He has impressed me with his quick mastery of the complexity of the issues; his commitment to human rights, to military security and the other basic elements of the CSCE process; and his creativity in seeking new ways for CSCE to be effective in the post-Cold War world. I might add that CSCE experts on the NSC staff and in the State Department have told me that they share my high opinion of Mr. Brown.

Mr. Brown's experience with high level foreign officials, his ability to motivate and lead the delegation, and a good ability to work with the many non-Government organizations which have an interest in CSCE issues are skills he will bring to this position.

CSCE also has the stated goal of encouraging the development of free markets and of protecting the environment. Mr. Brown's experience in business the last 12 years, coupled with his long-standing commitment to the environment, will serve him and the country well in this position.

Although concerns has been expressed with respect to Mr. Brown's lack of military experience, I would note that the distinguished departing career Ambassador John Kornblum, his predecessor Ambassador Warrren Zimmermann, a distinguished career officer, and their predecessor the distinguished Ambassador Max Kampelman, who was appointed by both Presidents Carter and Reagan, all had no prior military service. Lack of military experience was clearly not a disqualification for the position in the past three administrations.

Concerns have been raised that Mr. Brown was responsible, in some manner, for mismanagement of ACTION when he served as the head of that agency during the Carter administration. The committee believed that there was no basis for these concerns. Although there were serious deficiencies found in some ACTION administrative systems, most of these were long-standing problems which were corrected during Mr. Brown's tenure. A House appropriations subcommittee chaired by Senator PAUL SIMON, currently a member of the Committee on Foreign Relations, held 7 days of hearings during which there was no finding of mismanagement by Mr. Brown.

The CSCE, located in Vienna, is the principal forum for promoting respect for human rights and democracy-building efforts throughout Europe. It also has a continuing arms control function. It is time to fill this important position as CSCE moves to take on a greater role in the post-cold-war era. The U.S. delegation to the CSCE is playing a leading role in resolving a number of critical European conflicts, and in the process, helping to define a new European order. Through mediation efforts in Moldova, Latvia, Nagorno-Karabakh, and Georgia the CSCE, heavily influenced by the United States delegation, is working to ensure that newly independent states are not torn apart by ethnic conflict or threatened by larger neighbors. Poised on the cutting edge of preventive diplomacy, the CSCE has a role of tremendous importance to play. The United States has been the leading voice in the CSCE since its inception in 1975. Strong leadership of the U.S. delegation to CSCE is vital to U.S. interests, to the optimal functioning of the CSCE, and ultimately to European security. Sam Brown will provide that strong leadership.

Ambassador John Kornblum, the last head of the U.S. delegation, recently finished his assignment with distinction in Vienna. The U.S. delegation is consequently without an Ambassador at a crucial moment. Important progress is being made in Nagorno-Karabakh negotiations under CSCE auspices, the Russian troop withdrawals from the Baltics, developments in Georgia, Moldova, and Macedonia portend increased CSCE involvement, the CSCE is making progress on overseeing Russian peackeeing forces in the former Soviet Union, and this month the CSCE is defining its human rights oversight role in Bosnia, as provided for in the Bosnian-Croat agreements. To leave the U.S. delegation to handle such an imposing basket of issues without a head of delegation is unwise and unfair, to ourselves, to the CSCE, and to all of Europe.

The Committee found Sam Brown to be well qualified to discharge the responsibilities of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe and I urge the Senate to give its advice and consent to Mr. Brown's nomination so as to remove the handcuffs from our delegation there so we can be represented by an Ambassador and encourage his status of representing the Chief of State in permitting our delegation to function as it should.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I rise out of concern of the nomination of Sam Brown. I yield myself such time as I may consume.

The PRESIDENT pro tempore. The Senator from Colorado is recognized for such time as he may consume.

Mr. BROWN. First of all, let me express my thanks to the distinguished chairman of the Foreign Relations Committee. The distinguished chairman has done, I think, an outstanding job in ensuring a fair, full, and complete hearing. I think it has been very helpful to Members on both sides. I, as a member of that committee, deeply appreciate his leadership and efforts in that regard.

The chairman has also commented that Sam Brown has answered a number of questions, and I want to agree with the chairman. He did indeed respond to the questions, and I thought the responses were by and large helpful, that they provided a good record, and in contrast to some other responses of other nominees, I thought they were most responsive to the questions. Obviously, one may disagree or agree with the focus Sam Brown has, but I thought his willingness to respond to questions was most helpful to the committee in moving forward.

Several points have been made here this morning that I want to comment on. The first dealt with experience. I have not suggested that someone who would lead the negotiations on an armaments treaty would have to be a veteran. I think there is an advantage for military experience, but I do not think it is by any means the only qualification, nor have I suggested that. Would Sam Brown have benefited by that? Well, that perhaps is perhaps more a question for him.

I do know one thing: Whether or not that person is a veteran, serving in the Army as Senator SIMON has, or other services, some knowledge of national security is essential. It is helpful to be a veteran, but it is essential to have some background or understanding of national security issues. And it is quite true that some of the other Ambassadors we have sent to Europe and to the CSCE have not had military experience, but all of them have had diplomatic experience, and all of them have had national security experience.

That is the difference. No one is suggesting that the military experience is a prerequisite. But this nominee not only does not have military experience, this nominee does not have national security experience. That I think should weigh heavily in a decision as to who we send to monitor these important treaties and to negotiate a new one.

An additional point was made that many of the mismanagement practices

identified by the Democratic House Appropriations Subcommittee staff occurred before Sam Brown was head of ACTION.

(Mr. DORGAN assumed the chair.)

Mr. BROWN. Mr. President, that is simply not true. Let me share with the Members the cites from that Democratic staff report that proved the point. I hope all Members will take the time to read that report and review it, at least, if they have a chance. But the following abuses in management practices as identified by that staff took place after Sam Brown became head of ACTION.

Advance procurement practices: The Office of Grants and Contract Management is not insistent on using program adherence to order 2620.1. That occurs on page 90, and that occurred after Sam Brown took over. Violation, 41 U.S.C. 252(c) use of negotiated method in contract procurement. That is on page 90, and those cites took place after Sam Brown took over as the head of ACTION.

Sole source procurement problems: That action took place after Sam Brown took over as head of ACTION. The requirements cited there specifically took place a year and a half after Mr. Brown's tenure started.

Violation of truth in negotiation law, and that is page 91 and 92. That took place after Sam Brown took over as head of ACTION. Violation of Federal procurement regulations. That is on page 92. That occurred after Sam Brown took over as head of ACTION.

Under the category of financial mismanagement, we have the following actions that took place after Sam Brown took over as head of ACTION. Violation of requirements for congressional approval for obligation of authority. That is found on page 105 of the report. That took place after Sam Brown took over ACTION.

Unreported overall obligation unreported to OMB. That is again on page 105. That took place after Sam Brown took over ACTION.

Three contracts executed with improper cite violating antideficiency statute. That is found on page 108. That took place after Sam Brown took over as head of ACTION. Violation of the antideficiency statute, unreported through OMB to the President, page 108. That took place after Sam Brown became director of ACTION.

ACTION officials claimed full per diem when not authorized. That is documented on page 109. That occurred after Sam Brown took over as head of ACTION.

ACTION officials traveled to Cuba and PRC when actually listed in their duty station in the United States. That is on page 110. That took place after Sam Brown took over as head of ACTION.

Then under the category of grants awarded without competition: National grants awarded without competition, page 35. That happened after Sam Brown took over as head of ACTION. National grants awarded to organizations attending roundtable with ACTION director, again on page 35. That took place after Sam Brown took over as head of ACTION. Training materials describing Government agencies, politicians, utilities and real enemies. What does this involve? Objection with training materials developed as part of $500,000 grant to train volunteers. That is found on page 40. That happened after Sam Brown took over as head of ACTION.

Involvement in restricted activities. First, volunteers engaged in staff-related activities, a violation of ACTION policy, not documented under other administrations. That is on page 43. That occurred after Sam Brown took over as head of ACTION.

Violation of Domestic Volunteer Service Act, grantees under the National Grants Program engaged in labor organizing and political activity. That is found on page 43. That took place after Sam Brown took over as head of ACTION.

Improper use of experts and consultants, specifically violation of President Carter's policy citing excessive volume of experts and consultants. That is found on page 22. That took place after Sam Brown took over as head of ACTION.

Ignored legal requirements to use past earnings in determining pay, specifically violation of regulation of requiring use of past earnings. That took place after Sam Brown took over as head of ACTION.

Abolition of independent inspector general or attempt to, and it is defined as a creation of conflict of interest, and thwarting the will of Congress, cited on page 112. That took place after Sam Brown took over as head of ACTION.

So, Mr. President, the two points that have been made, one that these events of mismanagement occurred before Sam took over simply is not accurate. That is not HANK BROWN saying that. That is the Democratic staff committee report of the House of Representatives Appropriations Committee.

It is clear. It is documented. It is specific. It is available in the CONGRESSIONAL RECORD. And it is quite clear that the multitude of violations cited did occur under his directorship.

The second item that has been cited is with regard to military service. I simply would repeat what we talked about before. It is quite clear that military service, while attractive for negotiating a defense treaty is not essential nor have we insisted on it. But what has been a key ingredient in everyone that has represented our country at these negotiations is that they have a significant background in national security matters. To send someone who has no background in national security to represent a vital and important treaty negotiation process that represents us in a treaty negotiation process is ludicrous. It is something like saying we are going to train you as a horse trader even when you do not know anything about horses.

Now, Sam Brown is bright. But I prefer to have someone who knows something about horses before you go trade. That is what we are talking about.

Mr. President, I want to put in the RECORD an article from the New York Times. This one covers Dr. Payton's firing as head of the Peace Corps. I will quote briefly from that article under the headline "Conflicts Began to Emerge" in the article of the New York Times.

Conflicts began to emerge between Mr. Brown and Dr. Payton shortly after she was confirmed by the Senate and took office a year ago.

Dr. Payton was primarily interested in reorganizing the Peace Corps, improving training procedures and opening its ranks to more blacks and Hispanic volunteers. In an interview at the time of her appointment, she said the Peace Corps had been "a white, middle-class adventure" for most of the volunteers who joined it in its first 16 years. She was determined, she said, to recruit more members of minority groups and to "tap the great reservoir of interest in Africa among black Americans."

Mr. Brown had other ideas for the agency. He was eager to use the Peace Corps to reopen contacts with such nations as Vietnam, Mozambique, and Angola in an effort to improve American relations with the more radical nations of the third world. He also spoke of a "reverse Peace Corps" in which third-world nations would send volunteers to the United States to work in the cities. Dr. Payton reportedly was not enthusiastic about either idea.

Mr. Brown's aides report that he found Dr. Payton to be a poor administrator who was frequently behind in budget preparation and other bureaucratic requirements of her office.

The differences between Mr. Brown and Dr. Payton broke into the open at a recent regional meeting of Peace Corps directors in Casablanca, Morocco, and a subsequent session in Nairobi, Kenya. Dr. Payton reportedly threatened to resign after a shouting match with Mr. Brown in front of Peace Corps officials.

I ask unanimous consent that this article be printed in the RECORD.

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

[From the New York Times, Nov. 25, 1978]

DR. PAYTON, UNDER PRESSURE, RESIGNS AS DIRECTOR OF PEACE CORPS

(By Terence Smith)

WASHINGTON, Nov. 24.—Citing "unresolvable differences of policy" between Carolyn R. Payton, the director of the Peace Corps, and her immediate supervisor, President Carter tonight accepted Dr. Payton's resignation.

In a statement issued by the White House this evening, Mr. Carter, who is spending the weekend at Camp David, said he was taking the step to "resolve the serious impasse" that had developed between Dr. Payton and

Sam Brown, the head of Action, the umbrella agency that includes the Peace Corps and other volunteer programs.

Dr. Payton, a 53-year-old psychologist who was the first woman and the first black to head the Peace Corps, was appointed a year ago. In recent months, she has been in a bitter dispute with Mr. Brown concerning the direction and management of the agency, which currently has some 6,000 volunteers in 65 countries.

After agreeing to resign on Wednesday, Mrs. Payton changed her mind and issued a statement yesterday that strongly implied she would not step down unless asked to by President Carter. The post of Peace Corps director is a Presidential appointment.

She relented late today, however, after a meeting at the White House with Robert J. Lipshutz, the counsel to the President.

In her letter to the President, released here this evening, Dr. Payton said she had been unable to carry out her duties "in part because of conditions which had arisen before you or I took office and in part because there have been deep differences between the Action administrator and the Peace Corps over the interpretation" of the Peace Corps' mission.

"I COULD NOT CONTINUE"

"Unfortunately, these differences could not be reconciled and I could not continue as director," the letter continued. "The issue between the director of Action and me is an issue of substance, about the Peace Corps, not one of my sex, color or age."

Neither Dr. Payton nor Mr. Brown elaborated on their differences tonight, but Peace Corps sources said the two officials had sharply conflicting views on how the 17-year-old agency should focus its efforts.

Earlier in the day, Representative Don L. Bonker, Democrat of Washington, strongly objected to the dismissal of Dr. Payton.

"This was a personality conflict, plain and simple," he said in a telephone interview. "I think it is a hasty and irresponsible way to treat a capable and committed public servant."

There was no official word about a successor, but Representative Bonker and others said they had heard reports the job would be offered to Senator Dick Clark, Democrat of Iowa, who was defeated in a bid for re-election on Nov. 7.

"I've heard Clark's name mentioned," Mr. Bonker said. "But I can't believe he would take it with the Peace Corps in the condition it is today."

Dr. Payton was appointed a year ago after an exhaustive, eight-month search in which Mr. Brown conceded he was looking for a "star—someone with a name whose high visibility can pull the Peace Corps out of the doldrums."

With that goal in mind, he offered the job of director to a succession of well-known, politically prominent blacks and women, including Rafer Johnson, the former Olympic champion; Representative Ronald V. Dellums, Democrat of California; Jane Hart, the widow of Senator Philip A. Hart, Democrat of Michigan, and LaDonna Harris, the wife of former Senator Fred R. Harris, Democrat of Oklahoma.

They all turned it down, however, which was a comment on the low state to which the Peace Corps had fallen as a governmental appointment.

Finally, Mr. Brown decided that the job called for someone with Peace Corps experience. On this ground and, he said at the time, "to help fulfill the affirmative action goals of the Carter Administration," he selected Dr. Payton. The Howard University psychologist had been a Peace Corps country director in the eastern Caribbean from 1966 to 1969.

CONFLICTS BEGAN TO EMERGE

But conflicts began to emerge between Mr. Brown and Dr. Payton shortly after she was confirmed by the Senate and took office a year ago.

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Mr. Brown's aides report that he found Dr. Payton to be a poor administrator who was frequently behind in budget preparation and the other bureaucratic requirements of her office.

The differences between Mr. Brown and Dr. Payton broke into the open at a recent regional meeting of Peace Corps directors in Casablanca, Morocco, and a subsequent session in Nairobi, Kenya.

Mr. BROWN. Mr. President, in thinking about management style and policy I simply would suggest that the description of a shouting match between Mr. Brown and his subordinates is not the kind of management style that I think this country wants in a diplomat who is head of a negotiating team.

Mr. President, I think at this point it would be appropriate that I read it for those Members who are listening.

The letter is addressed to the Honorable CLAIBORNE PELL, chairman of the Senate Foreign Relations Committee. It reads as follows:

DEAR CHAIRMAN PELL: Article II, Section 2 of the Constitution of The American Legion states that The American legion shall be absolutely nonpolitical and shall not be used for the promotion of the candidacy of any person seeking public office or preferment. We, of course, have closely adhered to this key principle throughout the history of our organization. However, we believe it is appropriate and consistent with this provision to delineate—in a general manner—what we believe are the essential criteria for selecting the Ambassador to the Conference on Security and Cooperation in Europe (CSCE) and, by extension, to similar ambassadorial positions dealing with the national security of Europe and the United States.

Although CSCE never captured the news headlines during the Cold War, it played a key role in helping bring about the liberation of Eastern Europe and the downfall of the Soviet Union and Warsaw Pact. Through its periodic review meetings, CSCE provided an invaluable forum for focusing attention on the human rights situation in member states, particularly those in the Soviet Bloc. It also provided a rallying point for those seeking democracy and freedom.

With that background in mind, in 1992 the CSCE assumed greater operational duties, including establishment of a Security Forum and provisions were made for crisis management, conflict prevention and peacekeeping functions using units of nations belonging to the North Atlantic Treaty Organization (NATO) and the Western European Union (WEU). With the broadened responsibilities and increased prestige of the CSCE, it behooves the U.S. Government to select an ambassador who possesses a wide variety of skills along the following lines:

Diplomatic experience at a senior level and specific experience in working with European foreign ministries and diplomats.

Understanding of national security requirements of Europe and the United States and experience in working with European ministries of defense. Total commitment to the placing the national security of the United States above all other considerations is absolutely essential.

An international diplomatic reputation on a par with that possessed by CSCE ambassadors from European states as their representatives are almost uniformly of the highest caliber and experience.

Experience in international crisis management and peacekeeping operations and intimate knowledge of, and experience with, NATO and the WEU.

A broad educational background in history, politics, economics, military affairs, and philosophy as a basis for effectively dealing with the complex and interrelated problems certain to confront the CSCE.

Practical knowledge of functional issues such as human rights and arms control.

We believe the position of Ambassador to the Conference on Security and Cooperation in Europe must be filled by an individual with broad political and military skills and experience who can work effectively for the emergence of a Europe that is peaceful, democratic and mindful of the human rights of all citizens. At this key turning point in the history of Europe—as past totalitarianism in the East gives way to the possibility of a new and better life for all Europeans and Americans—the U.S. Government must put the right person in this critical job.

Sincerely,

BRUCE THIESEN,
National Commander.

I simply add this comment. If you look at those requirements, several things become apparent.

First, it is, I think, a very excellent list, an outline of the kind of qualities you would want for the Ambassador who fills this important post.

Second, I think you would observe that most of the Americans who have occupied this position have had those qualities.

Third, I think you would find that most of the European countries have this kind of background—excellent, skilled, and experienced.

And, lastly, I believe you will find, by an objective review of these factors, that these are experiences that Sam Brown simply does not have.

Mr. President, I see the distinguished Senator from Texas here, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Who yields to the Senator?

Mr. BROWN. Mr. President, I yield to the Senator such time as he may consume.

The PRESIDING OFFICER. The Senator from Texas is recognized.

STATEMENT ON THE NOMINATION OF DEREK SHEARER

Mr. GRAMM. Mr. President, today I want to talk about the nomination of Prof. Derek Shearer to be the American Ambassador to Finland, but before I start talking about that nomination, and why I question it and why I am going to oppose it, I want to talk a bit about elections and the consequences they have and the parameters that I believe the Founding Fathers set when they gave the Senate the power of advising and consenting, and I want to relate this nomination to those powers.

I then want to talk about Professor Shearer's writings and his views as they relate to the American tradition of free enterprise and private property and individual economic and political liberty. And then I simply want to state for Members of the Senate and for the record why I oppose this nomination and why I urge my colleagues to reject it.

First of all, Mr. President, I am committed to the principle that elections have consequences. When the American people elected Bill Clinton President, they knew, or they should have known, that, when he was elected, he was going to nominate political liberals for appointive positions. They knew, or they should have known, that, when he was elected, he was going to appoint people to the Federal bench who believed in expanded Government, who believed in a Constitution that could constantly be reinterpreted, who believed in an expansive role for the judiciary, and who believed that the courts should, in areas where the Constitution was silent, seek meaning.

Those are not beliefs that I agree with. They are concepts that I reject. They are concepts that I think are alien to the American Constitution. But elections do have consequences.

Since Bill Clinton has become President, I have, either directly by votes cast on the floor of the Senate or by my willingness to allow nominees to be confirmed by unanimous consent, some 4,000 times consented to Clinton nominees.

Virtually none of those nominees were people that I would have picked. Virtually none of those nominees reflected values that I held. But I felt that, by and large, those nominees fit the parameters that the American people who voted for Bill Clinton either expected or should have expected.

Where I draw the line, Mr. President, is where people are nominated who have views that are far outside the parameters of the views that the President expressed during the election campaign.

During the campaign, and in the tradition of the Democratic Party, the President and his party set the parameters that people might expect from his government. And I believe that, while I would not cast a vote against a nominee simply because they were liberal and I am conservative, I have a right and an obligation to cast votes against nominees whose views are far outside the parameters of views expressed by the President and his party during the campaign and, in fact, are far outside the mainstream of American thinking, and in this case seeming to reject fundamental constitutional rights to private property.

In short, Mr. President, I believe that elections have consequences and that, when people cast votes for President, fundamental decisions are made.

I said on many occasions during the Bush administration and the Reagan administration that I felt some of our colleagues were trying to win on the floor of the Senate what they could not win at the ballot box when they opposed people like Judge Bork and others because they disagreed with them philosophically, not because the views of the nominees were alien to the fundamental principles of America.

Today, I am opposing the nomination for Ambassador to Finland, the nomination of Prof. Derek Shearer. Let me make it clear that I do not know Professor Shearer. I assume that he is a fine, honest, straightforward person. I assume that he is in every way qualified in terms of his academic qualifications. I assume that he is a good, straightforward individual, though I would have to say I am going to raise at least a doubt about that as it relates to statements he made before the Foreign Relations Committee, at least raise a question of where else that the new views that he espoused to the committee may have appeared.

But my point is this is not a personal matter. I have not met Professor Shearer. It simply has to do with what I think the Founding Fathers had in mind when they gave the Senate advise and consent powers.

I am going to be referring today to lots of material, and I am going to try not to overburden the Senate, but I am principally going to be referring to a series of books written by Professor Shearer between 1980 and 1989 as an expression of ideas. And the basic thrust of this writing is that Professor Shearer is a Socialist, that Professor Shearer does not believe in private property, that Professor Shearer believes that economic rights are not part of the fabric of the Constitution, and that in fact he believes that dramatic changes should be made in American society to take away people's right to control their own property and to exercise the full benefits of the fruits of their labor.

I do not attack socialism simply as an unacceptable philosophy. This is a great, free country, and I think it is enriched by the fact that our fellow citizens have greatly different views. Nor do I demean socialism as an intellectual exercise. In fact, I am sure that Professor Shearer has taught it with great diligence at Occidental College, and, quite frankly, I think it is good for young people in America to be exposed to diverse ideas. Having been an old college professor once myself, I realize that most teachers are not any more effective at indoctrinating than they are at teaching, and exposure to different ideas and alien ideas is part of the education process.

I have two sons who are now in college, and I cautioned both of them, on going off to college, to challenge their old man's ideas, to listen to alternatives, to not believe that we had somehow achieved perfection in our ideas within our own household. I am hopeful that at the end of the whole process, maybe with some age and experience and paying of taxes and making of decisions in the real world my children will come to the conclusion that their old man was right. But in any case, challenging and debating is fundamentally important to America, and I have high regard for many people who disagree with me philosophically.

But the question here is not whether socialism is a philosophy that should be taught in America, or that should be debated in America. The point is when someone puts his or her hand on the Bible in taking a high public office and swears to uphold the Constitution, when someone represents America abroad and his or her views represent this Nation and what it stands for, should not that person's views in general reflect what the Nation stands for? And, if their views are far outside what would be normally expected of a Democrat, a political liberal, does that constitute a reason for rejecting their appointment? Those are the issues I want to deal with today.

The first book I want to talk about is "Economic Democracy." This is a book written in 1980. It is a book that was coauthored by Professor Shearer. And it is important, I think, to begin with, to look at where the term comes from. So let me quote Professor Shearer from Barron's magazine, in the following quote. He is talking about socialism and he is making a point that the American people have rejected socialism, and that to go around calling yourself a socialist or to go around espousing socialism, calling it by that name, is counterproductive, and that, therefore, it is necessary to change the name.

One of the things I discovered in reading this material is a similarity to what I see in our own President's rhet-

oric: An incessant activity in making up new terms because the old ones convey too much meaning. The desire to change the words we use in an effort to make the same old, rejected things more acceptable. Here is what Professor Shearer says.

While we cannot use the S word, "socialism," too effectively in American politics, [he says, as quoted in Barron's] we have found that in the greatest tradition of American advertising that the words "economic democracy" sells. You can take it door to door like Fuller brushes and the door will not be slammed in your face.

So, where the title of this book comes from, "Economic Democracy," is that this is Professor Shearer's new term for socialism, which he says the public has rejected and, therefore, to use that name taints what you are saying because people understand it. But if you call it "economic democracy," the public is more receptive.

I want to read a series of quotes from this book and from other sources. I want to then talk about them. I want to run through about four or five, more to set the tone than to go through the whole book. Because the point here is to identify the themes contained in this body of work. I know my colleagues, in the past, as I have, have heard people get up on the floor during a nomination debate and read a quote that the nominee had in Playboy magazine or someplace like that, and I have always felt uncomfortable, judging a person's ideas based solely on a quote in a magazine like that.

What I am trying to do here is to not numb the mind with repetition, but to make the point that these are not isolated statements by Professor Shearer, that these are statements of a strongly held conviction and they are present in writings that go back into the 1970's, they are heavily present in 1980, and basically, in general, they are still present in 1989 in a book titled, "Unequal Partnerships."

Let me just start with a couple of them. I want to read the quote and then talk about what the quote means in the frame of reference of the book. I want to make the point that while these are ideas, as any ideas are, that are subject to debate, in the long history of intellectual debate these are old, time-worn ideas. The ideas contained in these works are alien to the American tradition. They do not represent the ideas of the Founders and they do not represent the embodiment of the Constitution.

The first thing I want to talk about is Professor Shearer's idea that we have to dismantle and restrict private enterprise. Let me just read a short quote here rather than go through two or three pages, and then talk about its implications. Professor Shearer writes in the book "Democracy, The Challenge Of The Eighties":

Investment decisions in the United States are made almost entirely by private companies * * * Any alternative economic and social strategy must start by dismantling, or at least restricting, the power of these corporations. They are the antithesis of democracy.

Mr. President, how many Americans believe that corporations are the antithesis of democracy? How many Americans believe that we should dismantle corporate America? How many Americans believe that we ought to have the Government setting investment strategy? Does not the Constitution say property shall not be taken without compensation? Does not the Constitution guarantee economic liberty, as well as political liberty? Would the Founding Fathers have agreed with any part of a philosophy that says we should dismantle corporate America and bring Government into decisions about running business in America?

The next quote I want to talk about builds on this by making the point that we ought to have the Government basically take over and control one firm in each of the major industries where there is a relatively small number of firms. The basic point here being that this would be a good alternative to nationalizing industry. By having the Government become a major investor in a company and require that consumer advocates and labor officials be appointed to the board of directors, the result would be that this company, with its competitive power, could, basically, control the marketplace in this particular industry. Professor Shearer writes:

A strategy of selective and competitive public enterprise involves creation of a new Government holding company. The company would purchase the requisite number of shares in at least one major firm in each major industry dominated by a few companies. These would include the automobile, the drug, the chemical, and computer industries, as well as a few others.

Mr. President, how many Americans believe that the Government ought to become a partial owner or owner of a major firm in every major industry in America that has a market structure similar to the automobile industry or the drug industry or the chemical industry or the computer industry?

Let me go on particularly about the energy industry. Professor Shearer writes about the energy industry:

We advocate the establishment of a publicly owned energy corporation separate from the Government holding company. The energy corporation would be a completely integrated firm with producing wells, pipelines, and gas station outlets. In addition, it would be active in other nonfossil fuel areas of energy development.

Again, Mr. President, would Americans, from listening to Bill Clinton's rhetoric in the 1992 campaign, have concluded that he would be appointing people who propose such ideas?

Let me go on. The next subject area has to do with the need to centralize control of the capital stock; in other words, as Professor Shearer argues, the Government or the people, as he calls it, should control the flow of capital. They should make investment decisions. Let me just read you one line of a long section of this book:

A strategy of reform must transfer capital from the corporations to the public * * *

Let me read that again:

A strategy of reform must transfer capital from corporations to the public so that the people who work and consume can collectively and democratically decide what to do with it. The logical vehicle for that should be the Government.

Mr. President, how many Americans believe that anybody owns the investment value of a business except the people who own the business? How many Americans believe that we ought to, through Government, go in and take the assets of General Motors, for example, and decide how they are going to be invested? After all, General Motors has hundreds of thousands of stockholders who bought the stock, who invested their money, who generated the capital, who generated the jobs; millions of people, really, if you count the retirement funds, who are owners of General Motors. What would give anyone the right to come in and steal that property? What would give anyone the right, in a free society, to come in and seize the value of the equity of a General Motors, or a General Electric, or an IBM?

The point is: Is this the essence of American democracy? Professor Shearer, obviously, believes it is. In fact, he believes that freedom embodies the power to collectively seize other people's money and to distribute it as the majority determines it should be distributed. In fact, Professor Shearer here is advocating, in essence, that we, through a process of collective decisionmaking or through a planning board seize the assets of American companies. I do not know where he would cut it off in terms of the size of the company. I do not know if it would include Flatt Stationery, my somewhat famous printer in Mexia, TX, whether it would include that little company. But it clearly would include General Motors and General Electric. What Professor Shearer is saying is that we should seize the value of their capital and that the public—not the shareholders of these companies, but the public—should decide what that capital is used for.

I submit, Mr. President, that that is a concept that is totally alien to American democracy; it is totally alien to the fundamental tenets of America. And when Bill Clinton was running for President, no person should have been expected to believe that he would appoint a person to high public office to represent the United States of America abroad who believes that we should, with the use of Government, steal people's money and decide collectively how to consume it. That, I submit, is a

view that was never mentioned during the campaign, nor could any reasonable person expect that Bill Clinton held that view or that he would appoint someone to high public office who, in fact, held that view.

Another section of this book has to do with learning through the experiences of others. Interestingly enough, Professor Shearer picks out three countries that he thinks we could learn from in terms of the possibility of worker control. He looks at the whole world in 1980, and he concludes that there are three countries we could learn something from in terms of what worker control would be like.

And what three countries do you think our nominee as Ambassador to Finland picks as countries where the United States could learn something about the potential of worker control? Well, he picks Yugoslavia, China, and Cuba. Professor Shearer says that in studying Yugoslavia—this is 1980, I remind people—China, and Cuba, these are cases that "can teach us about the possibilities and the problems of worker control."

Then he goes on to say that basically the problem these countries have is that they are underdeveloped socialist countries. I do not want to go too far here, but I think the implication of this is that we could make it work here because we are developed and that the problems they had in Cuba and China and Yugoslavia in 1980 were because they were underdeveloped.

Let me read two more quotes, and then I will try to sum up. The next area has to do with Professor Shearer's belief that Government should centralize control of the economy:

The only genuine alternative—

And here he is talking about Reaganomics—

that is consistent with our Nation's democratic heritage is to democratize the economy. America's ostensible political democracy must become an economic democracy. To accomplish this will require positive Government actions at all levels.

Now, what is Professor Shearer saying here about economic democracy?

Well, as he has said throughout the book in quotes that I have cited, he is saying here, in essence, that we ought to use the process of elections and of the appointment power of Government to have the Government act as the instrument of workers and allow the people to decide collectively how wealth is going to be allocated. Not the people who created the wealth, not the people who invested the money that created businesses in America, not the people who sacrificed by not consuming so they could start their small business, not the people who had a brilliant idea about how to use computer technology and who created ultimately dozens or hundreds or thousands of jobs in America, but to have the Government make decisions about how their capital would be allocated.

It is interesting to me, Mr. President, that we had an experiment with this idea all over the world; for over 70 years these ideas were tried, and they failed. If these ideas had worked, we would have seen the Berlin Wall torn down by people who were trying to get into Eastern Europe. But those ideas did not work, and as a result, the people in Eastern Europe tore down the Berlin Wall to get out.

But yet these views are here espoused by a person we are asked today to send abroad to represent America in the country of Finland. Later, I am going to say a little bit about Finland and how inappropriate this nomination is.

But let me go on with one final quote. I am taking this from a 1983 book entitled "A New Social Contract." Let me just piece it together as it was pieced together by the Wall Street Journal, again to save time.

In fact, let me just read the whole paragraph from the Wall Street Journal, which is probably easier than trying to find the pages in the book.

Mr. Shearer's views don't seem to have shifted much since the publication of "Economic Democracy", if an industry "refuses" to bargain with the Government by, say, objecting to the imposition of price controls, "real sanctions" must be levied. These would include denial of tax advantages and other services, denial of export licenses, and the threat of antitrust suits, and so on.

That is this book in 1980.

A 1983 book entitled "A New Social Contract" calls for "control of investments." Dozens of newly created Government enterprises are the "cornerstone" of our new social contract under which private businesses "will be guided by new rules of behavior." And these rules would be enforced by regional and local government agencies. Other ideas include "well-planned expansion of the public sector" and the creation of "national planning agency".

Now, Mr. President, I could go on for hours talking about books written, actually articles written in the 1970's, and books written from 1980 to 1989, but I think the point I am making is very, very clear. The point is that Derek Shearer holds views, or at least wrote views that are alien to the American tradition of free enterprise and private property. His views are hostile to the fundamental tenets of life, liberty, and property. His views are alien to the most sacred views of the rights of citizens to own property, to benefit from the fruits of their labor, and to be secure in their property.

If there is any principle that the Founding Fathers understood, it was that without private property, without the right to sell the use of your God-given talents, to contract for your labor, without the right to benefit from that labor, without the right to accumulate, without the right to invest and control your own property, political rights are meaningless, because if you are not secure in your property, you cannot be secure in your liberty. Derek Shearer in writings over a decade rejects that principle.

Now, the interesting thing is that the country to which we would send Professor Shearer is Finland, and Finland is a country which is dedicated to reforming its economy. In fact, I asked the Embassy of Finland here to send me some material on their privatization effort, and the first quote I have from them is, "It is no longer necessary to keep the State shareholdings in State-owned manufacturing and energy companies at its present level."

Now, we are about to send someone to represent America, the great bastion of capitalism and free enterprise, who holds views that Finland is rejecting. Finland is trying to get government out of the manufacturing industry and the energy industry and reduce government control, whereas Professor Shearer in his writings is espousing getting Government into exactly those industries in the United States of America.

I would say, Mr. President, that we will produce an anomaly if we send Professor Shearer to a country that has been noted for its socialistic economy, and which now is desperately trying to adopt our economy in light of the world's experience with failed socialism. If we today confirm Professor Shearer, we are sending to them an Ambassador who has spent his academic career arguing that Finland was right and that we were wrong, and yet he is going to be there as the embodiment of America and the American system, holding views that Finland has rejected because they did not work. It is going to be interesting to see the kind of advice he is going to give them.

Now, what is the point of this entire exercise? Well, the point of this entire exercise is this: This nomination is very important, just as the nomination that the Senator from Colorado is debating today is very important, not because of what it tells us about Professor Shearer, not what it tells us about Mr. Sam Brown, but for what it tells us about President Clinton. These nominations are important because they give us an insight into the President's views.

A very famous political theorist once said that in no way do we get a better insight into the true nature of a leader than in looking at the people with whom he surrounds himself.

I decided to raise questions today about Mr. Shearer because his views are so alien to the American system that I must question the views of a President who nominated him. Mr. Brown, who would oversee a substantial part of our arms control negotiations and make decisions concerning the security of the United States is a person who has expressed repeatedly contempt for America's role in those activities and a total rejection of the very system that helped us win the cold war. I ask my colleagues, why has the President nominated these people?

That is the question the President is going to have to answer.

But I ask my colleagues to simply look at Professor Shearer's record, and ask themselves are these the views that we want to have represented abroad as America's views? And I think the answer to that is no.

A final point, and I am not going to belabor it. But in the hearing before the Foreign Relations Committee—I might ask the Senator from Colorado who is here and who posed these questions to comment very briefly because I am just reading the transcript and was not at the hearing. But what happened in that hearing is that Senator BROWN went over a few of the quotes that I have cited today, and in about a dozen answers Professor Shearer in essence said that he no longer holds these views.

In fact, when he was asked about some of the quotes in "Economic Democracy," he says, yes, he wrote them, but that "I do not now advocate such a process." And then he is asked about another quote. He says, "As I stated above, I do not now advocate such a process." And the process goes on where he says over and over again, "I no longer advocate such a strategy." "I no longer advocate such a strategy." "I no longer advocate such a strategy." "I no longer advocate such a strategy." "I no longer advocate such a strategy." These are all answers in response to questions posed at the hearing and in writing by Senator BROWN.

I would like to yield to the Senator to basically be certain that I am outlining exactly what happened and the answers that were provided, and then I want to get the floor back and comment further.

Mr. BROWN. I thank the distinguished Senator from Texas for his inquiry. Many of the quotes from the books are quite out of the mainstream of American political thought. Many of the quotes from the other articles are quite out of the mainstream, and I think would shock the Members of this Senate. I had asked if indeed those were accurate quotes, as I know the Senator knows at times people can be misquoted. Dr. Shearer responded that they indeed were accurate, they were correct.

He also responded that he no longer believed in those statements. The concern I had as I went through that was that he was not willing to relate what he now believes. That combined with his previous statements where he had indicated that the country would not accept the word "socialism" and thus you must invent different words to convey the same meaning, raised concern.

It seemed to me his other statements about using other words to have the same meaning as socialism seemed to suggest that he would disguise what he felt by not using the word "socialism" directly but making new words. So economic nationalism was about all we could get out of him in terms of the description of his policy.

But I left that exchange concerned partly because of the flip-flop but partly because of his unwillingness to articulate what he did now believe.

Mr. GRAMM. Mr. President, here is my point. Consistently in the 1980's, Professor Shearer wrote these things. I do not see any evidence in writing anywhere else of what he says throughout this transcript of the hearing and in response to written questions. While he says in the hearing a dozen times that he no longer advocates these positions, nowhere do I see him in writing saying "I changed my mind." Nowhere do I see him quoted prior to this hearing as saying "I no longer advocate the collectivization of property. I no longer advocate seizing wealth that people have created in a free society and having the Government spend it. I no longer advocate having government collectivization of a large firm in most major industries in America."

Nowhere do I see it in writing. I only see these repetitive statements over and over again: "I no longer advocate these views." "I do not now advocate such a process." "As I stated, I do not now advocate such a process."

Well, we are all familiar with St. Paul. And St. Paul, who was on the road to Damascus, had a vision and he got a message. He changed his mind. And for the rest of his life he never opened his mouth, he never put pen to paper that he did not write about his new views.

I ask the following question. If Professor Shearer has had the transformation that he tells us in his testimony before the Foreign Relations Committee that he has had, where is the evidence? Where does he write that "I have for a quarter of a century advocated the collectivization of property, the stealing of wealth from working people, and I was wrong? Here is now what I believe."

I would have to believe, Mr. President, as strongly as I believe in economic and political liberty, that if I suddenly became a Socialist, not only do I think I might need mental help, but I think that I would feel compelled to start talking about it. I think I would feel compelled, having written all of my adult life about individual freedom, and free enterprise and private property, that if I suddenly decided I was wrong, I think I would have the unbearable urge to tell somebody about it. I hope that the administration, if I am wrong, will send us material that Professor Shearer has written since 1989 that would in some way reinforce what he said in these hearings when he seemed to repudiate his earlier views.

My point is this: If in fact he does not now hold these earlier views, it seems to me logical that a person who has written for 25 years as a most passionate exponent of socialism and of seizing private property and denying people their economic freedom, it seems to me that somewhere he would have written something saying that he was wrong.

Nowhere have I been able to find these repudiations. Maybe they exist. But I have not been able to find them.

Do we in exercising our constitutional prerogatives of advise and consent have an obligation to vote against a person who espouses views that are alien to the Constitution, and that are at variance with everything that the candidate who became President, who made the appointment, said during the campaign? I believe, Mr. President, the answer is yes.

If Professor Shearer were a run-of-the-mill liberal government activist college professor, I would never have come to the floor to have spoken, and I would have, as I have done on 4,000 other occasions since Bill Clinton became President, either voted for the nominee or allowed the nomination to pass on a voice vote because I believe elections have consequences.

The American people may not want to accept the fact, but, when they voted for Bill Clinton, they voted for more Government spending, more Government taxes, more Government activism, and they voted for the appointment of liberal Government activists to positions in the Federal Government. And they either knew or they should have known those things were going to happen, just as when people voted for Ronald Reagan they voted for exactly the opposite. Many of my colleagues here on the floor of the Senate opposed people appointed by President Reagan because they disagreed with them philosophically.

If Mr. Shearer's views reflected Bill Clinton's stated views, I would have no objections, because elections have consequences, and the President won the election. But the views that I have outlined in these books and articles are not the views that the President ever had courage enough to tell the American people that he believed in. These are not views that could get you elected dogcatcher in the United States of America. These are views that are alien to private property, alien to individual freedom. They are views that advocate the stealing of property from the working men and women of America, to let Government spend their hard-earned money. There is a no more fundamental tenet of democracy than that which says: I have a right to my property, which I earned with the sweat of my brow. If there is any principle in America that is sacred, it is that principle.

Professor Shearer rejects that principle. I believe, for that reason—not because he is a liberal, because we have a

liberal President, who was elected; the American people voted for him, and they had a right to expect that he would appoint people who thought as he did. But they had no right to expect, nor was there anything the President said that could have led Americans to conclude, that he was going to appoint to high public office a person who proposes having the Government collectivize the wealth of the Nation and have it distributed by political decisions. Nowhere were people told that that was the President's view.

Yet, the President has nominated as Ambassador to a country which is struggling to reject these ideas, a person who clearly held these ideas throughout the 1980's, and who, when asked about these views before the Foreign Relations Committee, in a dozen responses said he no longer holds these views. Yet, as far as I can determine, nowhere else—nowhere else—has he repudiated these views or told us exactly what he believes.

I believe in redemption, Mr. President. I believe that people can be wrong and people can change their minds. I think changing your mind every once in a while because of new facts is a positive thing. But I am a little bit skeptical of conversions that occur before Senate committees at confirmation time, conversions that are not backed up anywhere in the writings of a person who, for a quarter of a century, has written with great passion and ability in favor of socialism in America, in favor of collectivizing American industry, in favor of seizing assets and having the Government redistribute it.

Those are concepts that have been debated and applied in the world. That is the old concept. Capitalism and democracy are the new and revolutionary concepts. Professor Shearer does not understand it or believe it, but in these books he is espousing ideas that are 500 years old. The new and revolutionary ideas are embodied in this great democracy and in our revolutionary document—the Constitution of the United States.

So I ask my colleagues to reject this nomination, not because of Professor Shearer as a person; I do not know him, but I assume that he is a fine person, and I assume that he is otherwise qualified. But I know his views from what he has written, and these views are alien to the American system; they are alien to the founding principles of our democracy. And this is a person who has every right to be teaching in our universities, if a school wants to hire him and give him tenure. He has every right to espouse these views, and I respect that right. But I do not believe that he ought to represent the United States of America abroad, and I do not think he ought to represent us in a country which is desperately trying to break the shackles of the very system which Professor Shearer has advocated: To seize our economic liberty and our property and to let the Government redistribute it.

Those are views that are outside the American mainstream, but in a free society, you certainly have a right to hold those views, and you have a right to espouse them. But I do not believe that we should confirm as Ambassador a person who would be espousing them as the spokesman for a nation which, in its great wisdom and through great fortune, has rejected these ideas and, hopefully, rejected them forever.

So I appreciate my colleagues' long sufferance. I think I have covered this subject. I do not really suffer under any delusion that we are going to defeat this nomination. But I thought it was important that people know what the facts are and to judge not just this nominee but the nominator.

President Clinton nominated Professor Shearer, and President Clinton nominated Mr. Brown. What do these nominations tell us about the President's own views? That, I think, is the relevant question. I intend to oppose these two nominees because their views are outside the American mainstream. I believe the President can find many liberal college professors who will represent his views as expressed in the campaign. I do not believe we should confirm someone who has spent an adult lifetime trying to induce our country to reject our heritage and to reject our economic freedom.

I yield the floor.

Mr. PELL. Mr. President, I yield 15 minutes to the Senator from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from North Dakota [Mr. DORGAN], is recognized for 15 minutes.

Mr. DORGAN. Mr. President, whenever I listen to the Senator from Texas—especially when I have those occasions to listen to him at great length—I always admire how hard he works and what a rigorous, stressing exercise it is to reach his point. I figure he is going to end up out of breath, and he never does. I guess that tells us how durable he is. He has every right, of course, to make these points on the floor of the Senate. However, I think he is absolutely wrong, and I want to try to describe why Derek Shearer should be confirmed as our next Ambassador to Finland.

I think one of the last points the Senator from Texas made really says much about this debate. He said that the real purpose here is to describe the President's mindset about appointing people. In other words, this is sort of a ricocheted debate, apparently attempting to be critical of President Clinton. But it is useful, I think, that the Senator from Texas has decided to discuss this on the floor, because it gives us a chance to talk about the nominees.

The Senator from Texas labors under one disadvantage. He said at the start of his presentation that he does not know Prof. Derek Shearer and has never met the nominee. I do know him and have known him for nearly 20 years. As I listened to the Senator's presentation today, it certainly does not describe anyone that I know or anyone with whom I have worked over the years.

Let me respond by reading two letters, because if someone tuned in and listened to part of this discussion, they would think, well, here is a Republican opposing a Democrat and painting this person in the worst possible terms. Let me read to you a recommendation from an appointee of President Reagan and President Bush.

Mr. Rockwell Schnabel, who was the Ambassador to Finland, wrote the following in a letter to Chairman PELL:

> As the former Ambassador to Finland during the Reagan administration and the former Deputy Secretary of Commerce during the Bush administration, I am writing to support the nomination of fellow Californian, Prof. Derek Shearer, as the administration's nominee to the post of Ambassador to the Republic of Finland. He has a broad background in European and economic affairs. I know Professor Shearer as a man of integrity and believe he is eminently qualified for this important position.

That is a Republican, the former Ambassador to Finland, saying Prof. Derek Shearer is the right person for this job.

Let me give you another recommendation from one of the most respected former Ambassadors who ever served this country, Prof. John Kenneth Galbraith. He said:

> I have known Derek Shearer for many years, as indeed I know his father. He is an extraordinarily good choice for this interesting and important post. Derek Shearer is a man of first-rate intelligence, great probity, a good knowledge of economics and a wonderful capacity for expressing ideas. He will be well, indeed enthusiastically received in Finland. It is an excellent design of the administration to have someone in Helsinki who will be of immediate interest to the Finnish people and the many who come to this city on international concerns of one sort or another.

These recommendations are persuasive. These are very well respected people, one a Republican, one a Democrat. There are many, many more, a broad array of people, many Republicans and many Democrats, who have taken a look at the background of Prof. Derek Shearer and said: We think this is the right choice.

But let me just for a moment talk about some of the issues that have been raised without going into the quotes at great length. It is interesting. One can go back and look at things one has written or said years ago. Since I have been in politics a long, long time, running in statewide elections on 10 different occasions—10 statewide races—I understand the tech-

nique of going back and finding some outdated statement and using it now as representative of one's current views. Most of the quotes that were used, certainly those that were used first, and those that were expressed, were quotes I assume from the late 1970's, published in a book in 1980. Incidentally, this is a book which Prof. Derek Shearer coauthored. I will go through at least one of them to demonstrate the technique.

But the point is, I guess you can go to virtually anything any one of us said in years past and hold it up in today's light of inspection and say this seems funny today—especially by leaving out a few words or taking them out of context.

That does not describe the candidate, Prof. Derek Shearer. Professor Shearer is a Socialist, we are told; he does not believe in private property rights, it is charged here on the floor of the Senate. He is one who would steal the wealth of working people, it is charged.

What utter nonsense is this. What sheer hyperbole—steal the wealth of working people. Where does that come from? I assume it comes from the 1980 book that talks about dismantling or restricting the power of certain corporations which had become the antithesis of democracy. I guess you could interpret that in a pretty negative way.

But I will tell you this: it is not out of the mainstream of this country to be discussing what concentration of economic power does to freedom in this country. It is in the Jeffersonian tradition of democracy to be discussing the need for economic freedom as it relates to the retention of political freedom. The Jeffersonian idea of this party, which I belong to, and the Jeffersonian idea which I subscribe to is broad-based economic ownership in this country. Broad-based economic ownership means economic opportunity for all. You lose economic opportunity and you lose broad-based economic ownership. Such a loss inevitably threatens our political freedoms as well.

When you have something that diminishes economic opportunity, and that threatens broad-based opportunity, and you have instead concentration of economic opportunity in the hands of a few, then it seems to me it is something we ought to talk about. Unfortunately, we no longer do so.

The days of trust busting are largely over. We have 1,000 lawyers in the Federal Government paid to look at antitrust issues. A thousand lawyers paid to look at antitrust issues. I threatened time and time again to put their pictures on the sides of milk cartons. I think they have vanished. They have disappeared somewhere. They have not had effective antitrust activity for well over a decade because some people say it does not matter. But I say that concentration of economic power—what that means, that is relevant.

I remember the discussions we had on the floor of the Senate and the House about plant closings. Some of us said the large economic interests have obligations to local communities and workers. If a plant decides it is going to close its doors and move to Mexico, we think it owes the community and the workers some notice.

Socialism, people stood up and cried, when we suggested that corporations have some responsibilities.

Safety in the workplace—socialism, they cried. How dare you interrupt the private sector.

The 1980's was a decade of greed and decadence for some, one in which we got stuck papering American hallways with junk bonds, and the American taxpayers ended up paying the bill.

That is the thing that was worse, because we had some people with regulatory responsibility who said to the private sector: "Do not worry; we will not look. We will not listen. Do what you want." They took us to the cleaners.

When there is concentration of economic power, we have some responsibility to deal with that. It is not socialism. It represents the ideals of democracy to try to make sure this system works so that you have broad-based opportunity. This is not out of step with anything. It is completely in step with the kind of debates we have had in this country for decades.

Let me talk about Derek Shearer, nominee to be United States Ambassador to Finland. Let me give you, if I might, some of his credentials, because I would say it is refreshing this morning to be debating a nominee whose background and experience prepares him perfectly to perform this work.

How often have we had nominees in recent years to become Ambassadors somewhere, the main credential for which is they gave enormous amounts of money to some political campaign, somewhere?

This Shearer nomination is refreshing. Permit me to say why this is so.

Professor Shearer has a detailed and sophisticated knowledge of Finnish economics and politics and of the key issues in the United States-Finland bilateral relationship. He has a wide background and breadth of experience in foreign affairs. He has won several prestigious awards including a Guggenheim Fellowship, a German Marshall Fund grant, and a United States-Japan Leadership Fellowship. He was a Swedish Bicentennial Fellow, traveling and studying in Sweden. He has also lectured at the universities of Oslo and Stockholm, and conducted studies of Scandinavian economic policies. He studied international economics and politics, and the Russian language at Yale University—and he has traveled widely in Europe, Asia, and Australia, as well as in Scandinavia and Russia.

In Washington, DC, Professor Shearer most recently served on two bipartisan foreign policy study groups for the Carnegie Endowment for International Peace, and Carnegie's Director, Morton Abramowitz has praised the quality of Professor Shearer's contributions to these groups. Shearer also served as a fellow at the Economic Strategy Institute where he contributed to the debate on U.S. trade policy, including a presentation at the Institute's highly regarded annual trade conference. Professor Shearer has written on European and Asian affairs for Foreign Policy magazine, the Los Angeles Times, and other publications.

While serving as Deputy Under Secretary of Commerce for Economic Affairs, Professor Shearer represented the administration before such groups as the European Institute's meeting of foreign ambassadors, the Brookings Institution's seminar for visiting parliamentarians, the Washington International Business Council, and the University of Tulsa's American Agenda.

I could go on, but I do not need to go on. This represents a set of credentials for a person nominated to be Ambassador to Finland, who is uniquely and eminently well qualified to represent this country. There ought not be a debate about Professor Shearer's qualifications. He has a wide breadth of experience in economics and foreign affairs.

As I have said before, I have known Derek Shearer since the mid-1970's. This gives me confidence this nomination will be accepted overwhelmingly by the Senate today.

The Senator from Texas is a person who regularly engages in spirited debate on the floor of the Senate, and I accept that and understand that. But the disadvantage he has today is he does not know Professor Shearer. He has taken various pieces of writing and he has stretched them, stretched them to the point where they almost broke. This issue of restricting the power of corporations is not new; it is far-fetched to call that socialism.

But it has never been socialism. It has been in the mainstream of political debate for those of us who care about opportunity, broadbased economic opportunity in this country, to worry about concentration of economic power that snuffs out that opportunity. And every time we have engaged in that discussion, we are accused by somebody, someplace, somewhere, of being socialists. What a bunch of utter nonsense.

This is a good candidate. He is a wonderful person and he will make a great Ambassador to the country of Finland. And I am convinced that a couple of years from now, if we talk in the cloakroom or on the floor, those of us who are interested in these issues, we will all conclude that the nomination that we confirmed for Prof. Derek Shearer

to go to Finland to represent this country was a good decision for the United States Senate and a good decision for the country.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I have been asked by the senior Senator from Colorado, who manages time on this side, to manage the time.

I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I plead guilty to not knowing Professor Shearer, and I might like him if I knew him. But in no way have I stretched or bent or in any way changed the meaning of what Professor Shearer has written over a quarter of a century.

Our dear colleague criticizes me for suggesting that Professor Shearer is talking about stealing property. But let me read to you Professor Shearer's own words, talking about his strategy for changing America in his 1980 book, "Economic Democracy." On page 5, he writes:

> A strategy of reform must transfer capital from the corporations to the public so that the people who work and consume can collectively and democratically decide what to do with it.

Now, Mr. President, this is not trustbusting. This is stealing people's property.

People have invested in companies like General Motors by the hundreds of thousands. They worked, they sacrificed, they made investments. Millions of Americans have their retirement funds invested in these enterprises. If seizing the wealth of a General Motors or a General Electric or Flatt Printing and Stationery Co. in Mexia is not a threat, what is it?

We are not talking about trustbusting here. We are not talking about regulation here. We are talking about fundamentally destroying American private property and capitalism.

So it is not a question that this is not a good person or a nice person or a likable person or a trustworthy person. The point is that Professor Shearer holds views that are alien to American democracy.

If there is a fundamental tenet in the American Constitution, it is that you own your property. The idea of having the Government collectivize property so that the Government can decide what to do with it—who has a right to decide what to do with your savings and your paycheck except you? If freedom means anything, it means the right to control your property.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield 2 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will not prolong this.

I guess the Senator from Texas made the point I was trying to make most recently. There is nowhere in the passage the Senator from Texas read in which you will find the words "seizing private property." He invented the word "seize."

As I listened to him, he would probably describe an ESOP as some Socialist conspiracy. An ESOP program is one in which, of course, there is the opportunity for workers to own part of the company in which they are employed. I would guess most Members here in the Senate, in one way or another, have voted for the ESOP approach in various bills in recent years.

But my point is not to talk about ESOP's. It is to say that the Senator has taken the word "seize" and used it to describe a policy in which that word does not exist, and the Senator knows that.

Mr. GRAMM. Will the Senator yield me 2 minutes, please?

Mr. GORTON. Yes.

Mr. GRAMM. Mr. President, the statement made by Dr. Shearer could not be clearer, or the English language has no meaning, when he writes, "A strategy of reform must transfer capital from the corporations to the public so that the people who work and consume can collectively and democratically decide what to do with it."

Mr. President, if taking the capital of General Motors and giving it to people to decide what to do with it who did not invest in General Motors is not a threat, what is it?

Well, Dr. Shearer would say it is democratizing American business. This is political doublespeak which the Clinton administration consistently uses, but the meaning could not be clearer.

And in terms of ESOP's, the important element is people buy the stocks in their company through a payroll deduction. And I strongly support that. But there is a difference between buying equity and buying capital and earning capital, and owning a home and owning a piece of land and owning investments which you earn by the sweat of your brow, and having the Government take it away from somebody else to decide what should be done with it. That is a fundamental distinction, and it goes to the very heart of what is America.

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

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, just 30 seconds will be enough.

Again, I emphasize that the Senator himself makes my point. He did not use the word "seize" this time, because it is inappropriate; it does not apply to the professor's views.

It is reflective, I think, of the wide range of choices one makes about how to interpret someone's views, that we have such stretching exercises here to take views that are written and can be read in different ways and stretch them as far as they can be stretched in order to portray someone believing something they do not.

Professor Shearer has a realm of wide-ranging support from Republicans and Democrats who know him, who respect his views, who have worked with him for a long, long period of time. He is in the mainstream of political thought in this country and will make an excellent Ambassador to the country of Finland. The quicker we can confirm him, the better off this country will be.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, I yield myself such time as I may utilize.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GORTON. Mr. President, with respect to this last exchange, this Senator finds himself substantially in agreement with the Senator from Texas on the subject of the views of Derek Shearer.

He finds himself in agreement with the Senator from North Dakota, however, with respect to whether or not President Clinton has the right to have this individual as his Ambassador to Finland.

My interpretation of Derek Shearer's views are that they are extreme, that they are, perhaps, in an academic sense, Marxist, and certainly Socialist, and that he is an advocate for very radical economic ideas with which this Senator profoundly disagrees. But this Senator does not regard it as his function, in debates over an individual who will serve at the pleasure of the President of the United States, to substitute his views for those of the President.

And so, with some reluctance, with the feeling that the appointment is inappropriate but, nevertheless, within the broadest context of debate over economic principles in the United States, this Senator, at least, is going to vote in favor of the nomination of Dr. Shearer to be Ambassador to Finland.

STATEMENT ON THE NOMINATION OF SAM BROWN

Mr. GORTON. The nomination of Sam Brown, however, I feel is profoundly different.

I believe that the views expressed by Mr. Brown were beyond the broadest parameters of reasonable discussion of the position of the United States. The celebration of the defeat and humiliation of his own country while an officer, while an official of the U.S. Government, the celebration of the victory of totalitarianism, is something which

I do not think is appropriate for any person appointed to a position of trust and honor under the United States.

In the autumn of 1977, Sam Brown attended a pro-North Vietnamese rally to celebrate the admission of North Vietnam—then entire Vietnam—to the United Nations. Of that rally, Eric Sevareid wrote and spoke a day or so later. I quote the relevant portions.

"Several thousand other Americans joyfully welcomed the Hanoi delegation," yesterday in a New York City theater.

This group never had the slightest objection to the murderous civil war in Vietnam, which was started by the Hanoi Communists, who invaded the South, where the war was entirely fought save for the American bombing of the North.

There's a great difference between those Americans who wanted the United States out of the war because they thought it was none of our business, unwinnable, morally and politically destructive of our own principles and our own society—between them and the Americans who wanted Hanoi to win. It was the latter, for the most part, who met in the theater and they had the effrontery to welcome the Hanoi officials in the name of the American people.

* * * * *

Most of those in the New York theater were not celebrating peace. They were celebrating the triumph of Communist totalitarianism, which is what they had always been working for in the guise of a peace movement.

That is the end of a quote from Eric Sevareid.

Mr. Brown attended that rally and said, when asked to comment on it, and I quote him, "I am deeply moved. It is difficult to describe my feelings. What can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you?"

And the 15-year quote was certainly correct. A few years earlier, in August 1970, Mr. Brown said, and I quote him again, "On the night of the Cambodian invasion, part of me wanted to blow up buildings and I decided that those who have waged this war really should be treated as war criminals."

Now, it is those people whom he felt should have been treated as war criminals, or their successors, whom he is to supervise in this ambassadorial position; 19 out of 34 of the nonadministrative personnel of the office he is to head are members of the military and another 12 are part of intelligence agencies of the United States. They are the very people who, in their individual capacities or in those of their successors, he will supervise in this particular position.

Moreover, Sam Brown engaged in this rally and made the quote that I have read to you, the earlier quote I have read to you, while he was the head of the ACTION agency in the administration of President Carter, an official of the Government of the United States. In my view, that disqualifies him from any position of trust or honor under the Government of the United States.

I, too, as has been mentioned earlier in the course of this debate, do believe in repentance. Mr. President, had Mr. Brown at any time, even during the course of his hearings, simply repudiated those previous positions, said that while he held them at the time he had reflected on them and that they were erroneous and that he should not have engaged in any such activity, this Senator, I suspect, would have been willing to forgive him.

He has not done so. He has deprecated them. He said he really was not at the meeting very long and was not sure exactly what he meant. But he has not, as most do not, simply said I have looked back at the earlier part of my life and I was wrong to treat Americans in that fashion. Had he done that, I would not be here engaged in reading this quotation or in this opposition. But the kind of activities in which he engaged as an official of the United States are not just beyond the mainstream. They were beyond reasonable debate, to celebrate the defeat of the United States by a totalitarian power; to say this is what he had worked for and dreamt of for 15 years. That is not the kind of person who should be appointed as an Ambassador.

The President has the right to appoint him to positions which do not require the consent of the Senate. The Senate should not ratify those views or his positions by giving him the title of Ambassador.

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

Mr. PELL. Mr. President, regarding the nomination of Sam Brown, I would remind my colleague that Senator SIMON stated just a short time ago that he chaired 14 hours of hearings on the staff report from which the Senator from Colorado quoted earlier. Senator SIMON said that the subcommittee—this is in the House of Representatives—this subcommittee found nothing to substantiate the charge in the staff report. The only problems that arose were over those that Sam Brown inherited from his predecessors.

I think it is important to bear in mind we have in our own body Members speaking for Sam Brown—the Senator from Illinois [Mr. SIMON], who conducted the hearing when he was a Member of the House of Representatives.

I would also like to read into the RECORD a couple of letters here. First, a letter from Celeste & Sabety.

I understand several Senators have raised questions regarding Sam Brown's management style and skills in connection with his leadership at ACTION in the late 1970s. Since I had the opportunity to work directly with Sam Brown, as Director of the Peace Corps from early 1979 to early 1981, I would like to share with you and your colleagues my personal observations.

First, Brown understood the importance of direct interaction with Peace Corps leadership in the field. The meetings referred to in Casablanca and Nairobi were regional meetings which brought Country Directors and key managers in each region together with Headquarters staff to discuss critical issues of program design, recruitment, training, and support.

From my perspective, at no time did Brown try to impose, or even advocate, the initiation of relationships with countries such as Vietnam, Mozambique or Angola. On my own initiative, we did begin discussions aimed at re-entry into Nicaragua and entry into China. Both of those conversations were halted in 1981.

Second, Brown was ready, willing and able to delegate very substantial responsibility to senior managers. I was able to negotiate a significant autonomous relationship for the Peace Corps within ACTION. Brown was open to discussing substantial changes in organization structure, he was clear and direct in identifying his concerns; and he was attentive to the implementation of each of the changes we agreed upon.

Brown, from my standpoint, was a thoughtful, involved and programmatic manager. He recruited talented people (including now Congressman John Lewis). He delegated responsibility effectively. And he supported his key people in carrying out the overall vision.

Frankly, Mr. Chairman, from my perspective, the ACTION agency experienced steady improvement under the leadership of Sam Brown and his team. I am confident that Brown will provide responsible and thoughtful leadership for the US Delegation to the Conference on Security and Cooperation, and will engage and support the members of our delegation in a manner which will serve our Nation's interests and principles in the highest fashion.

I hope these observations are helpful to you and your colleagues in your deliberations.

With best regards,

RICHARD F. CELESTE.

Then, another letter from Congressman JOHN LEWIS, whom he just mentioned. He writes,

During the Carter Administration, it was my pleasure and delight to work with Sam Brown for more than three years when I was Associate Director of the ACTION Agency.

He was one of the most dedicated, committed, open-minded, reasonable and supportive individuals with whom I have ever had the opportunity to work. While he was director of ACTION, he brought about considerable improvement in an agency which had been programmed to be abolished by the previous administration. During his and my tenure at ACTION, there was continued improvement and growth in the Vista volunteers, the Peace Corps, and the Older American programs.

Senator, I have known Sam Brown not only in a working relationship but close-up. I knew him long before we worked together, and I have stayed in touch with him through the years. He is a builder of bridges of understanding and communications that transcends racial, ethnic, ideological and national boundaries.

I am convinced that he will serve our nation well as the head of the delegation on the Conference on Security and Cooperation in Europe (CSCE). I think he is able and well-qualified for this position.

Sincerely,

JOHN LEWIS,
Member of Congress.

I have read these two letters into the RECORD—both had been addressed to

me—because I felt they gave another facet to Mr. Brown's character which deserves to be given.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE CALENDAR

Mr. PELL. Mr. President, I have some nominations that have been cleared on the Republican side.

I ask unanimous consent that the Senate proceed to consider the following nominations: Calendar Nos. 918, 919, 920, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938 and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Clark G. Fiester, of California, to be an Assistant Secretary of the Air Force.

AIR FORCE

The following named officer for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Sections 593, 8218, 8351, and 8374, Title 10, United States Code:

To be brigadier general

Col. William M. Guy, 411-66-3110, Air National Guard of the United States.

The following named officer for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Sections 593, 8351, and 8374, Title 10, United States Code:

To be brigadier general

Col. Paul A. Weaver, Jr., 123-34-8755, Air National Guard of the United States.

ARMY

The following named officer for appointment as Chief, Army Reserve, United States Army for a period of four years, under Section 3038, Title 10, United States Code:

ARMY RESERVE

To be chief

Maj. Gen. Max Baratz, 330-26-0958, U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Alonzo E. Short, Jr., 231-40-1982, U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Samuel N. Wakefield, 249-58-7207, U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Thomas P. Carney, 297-34-4061, U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. James R. Ellis, 419-46-0632, U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Merle Freitag, 503-40-7089, U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenani general

Lt. Gen. Leo J. Pigaty, 044-32-1385, U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Harold T. Fields, Jr., 263-56-8708, U.S. Army.

The following named officers for promotion in the Regular Army of the United States to be grade indicated, under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be permanent major general

Brig. Gen. Leslie M. Burger, 127-30-7953.

Birg. Gen. James B. Peake, 220-42-1525.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. John G. Coburn, 364-38-3232, U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Paul G. Cerjan, 133-28-0588, U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Jerome H. Granrud, 499-38-2710, U.S. Army.

IN THE MARINE CORPS

The following named brigadier general of the U.S. Marine Corps for promotion to the permanent grade of major general, under the provisions of Section 624 of Title 10, United States Code:

To be major general

Brig. Gen. Claude W. Reinke, 460-66-8945.

Brig. Gen. Carlton W. Fulford, Jr. 255-70-5783

Brig. Gen. Carol A. Mutter, 521-60-7992.

Brig. Gen. Frank Libutti, 118-34-7862.

Brig. Gen. Terrence R. Dake, 514-50-6646.

Brig. Gen. James L. Jones, Jr., 579-64-2699.

Brig. Gen. John E. Rhodes, 558-60-6880.

Brig. Gen. Thomas L. Wilkerson, 240-74-6934.

Brig. Gen. Peter Pace, 145-36-7426.

Brig. Gen. Ray L. Smith, 440-46-6035.

The following named officer to be placed on the retired list under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Norman E. Ehlert, 344-30-6974, USMC.

The following named officer to be placed on the retired list under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Robert A. Tiebout, 305-38-0682, USMC.

IN THE NAVY

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be vice admiral

Vice Adm. Jerry L. Unruh, U.S. Navy, 537-34-8723.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

In the Air Force, Army, Marine Corps, Navy

Air Force nomination of Cathy J. Schoorens, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 1994.

Air Force nominations beginning Major Robert A. Baker, 075-34-3139, and ending Major Bradley M. Kasson, 501-50-4661, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 1994.

Air Force nominations beginning Charles E. Amos, and ending Marjorie S. Paulson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 1994.

Air Force nominations beginning Major Ronald D. Brooks, 272-50-5374, and ending Major Jeffrey D. Breymaier, 286-42-6445, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 3, 1994.

Army nominations beginning William M. Casey, and ending Benjamin F. Lucas II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Christ Anderson, and ending Carl V. Thompson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Stephen L. Elder, and ending Donald R. Johnson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning John C. Atkinson, and ending Steven A. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Joseph B. Flatt, Jr., and ending Michael F. West, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Humberto J. Acosta, and ending Richard M. Wright,

which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Stephen G. Abel, and ending Howard W. Yellen, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Army nominations beginning Thomas E. Ayres, and ending *Joel E. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1994.

Army nominations beginning Valerie J. Rice, and ending Jay J. Breyer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 3, 1994.

Army nominations beginning William G. Butts, Jr., and ending Michael T. Mccabe, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 3, 1994.

Army nominations beginning Eric D. Adrian, and ending Ruly Yoediono, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 3, 1994.

Army nomination of Major Millie E. Hughes-Fulford, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 5, 1994.

Marine Corps nominations beginning Clifford M. Acree, and ending David H. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 1994.

Marine Corps nominations beginning Ronnie L. Patrick, and ending Robert F. Castellvi, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 11, 1994.

Marine Corps nominations beginning Richard M. Dunnigan, and ending Ronald L. Bailey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1994.

Marine Corps nomination of Michael S. Fagan, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1994.

Marine Corps nomination of Stephen F. Mugg, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 21, 1994.

Marine Corps nominations beginning Jason A. Abell, and ending Mark W. Zipsie, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD May 5, 1994.

Navy nominations beginning Frank Henry Arlinghaus, and ending William Alfred Syverson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Navy nominations beginning Ronald Lee Alsbrooks, and ending William J. Stewart, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD March 11, 1994.

Navy nominations beginning Diana B. Barrett, and ending Cynthia A. Wilkes, which nomination were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1994.

Navy nominations beginning Craig L. Abraham, and ending Heather M. Zwyer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 5, 1994.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. I believe the chairman is going to yield me 4 minutes.

Mr. PELL. Mr. President, I yield 4 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 4 minutes.

STATEMENTS ON THE NOMINATIONS OF SAMUEL W. BROWN AND DEREK SHEARER

Mr. LOTT. Mr. President, I thank the distinguished chairman for being so kind as to yield me this time. I know he has a couple other Senators requesting time, and they will be here momentarily.

Mr. President, I rise to oppose the nomination of Samuel W. Brown to be Ambassador to the Conference on Security and Cooperation in Europe.

Along with the nomination of Derek Shearer to be Ambassador to Finland—another nomination we are considering today—the nomination of Mr. Brown by the Clinton administration is another example of a bad nomination. Friend and foe alike in the world must be wondering where the President gets his nominees.

The CSCE is an important negotiating body. The CSCE has become even more important over the past few years, because it is the caretaker of the Treaty on Conventional Armed Forces in Europe, completed in 1990. The treaty limits Soviet military activity in Europe.

Russia desires to renegotiate the treaty, so it can send troops into former Soviet Republics, and reextend its sphere of influence.

The American Ambassador to the CSCE should be able to withstand the pressure from the Russians to renegotiate the conventional arms treaty. The U.S. representative must be sure in America's rightness, and firm in his or her resolve to pursue American interests. Europe is the perpetual powderkeg—the American CSCE Ambassador needs experience and wisdom.

Mr. Brown is not that person. Mr. Brown, a former anti-war protestor, does not believe in America's rightness. Also, he does not have one qualification that could serve him in the sensitive post of CSCE Ambassador. Mr. Brown suffers from the same disease as many other Clinton nominees, what I call AANQ disease—anti-American and no qualifications disease.

Mr. Brown campaigned vigorously against the Vietnam war. But he did more than just march. At a welcoming reception for the U.N. delegation from Communist Vietnam in September 1977, Mr. Brown said he was "deeply moved" by the anti-American speeches made by the Communist Vietnamese. Several Senators the day after the reception spoke on this floor against the behavior of these anti-American Americans.

Mr. Brown was head of the ACTION/Peace Corps agency when he attended this reception. The agency under Mr. Brown's leadership was investigated by the House Appropriations Committee. The investigation found an agency in shambles. The committee found improper travel expenses, misuse of personnel and a faulty accounting system. Observers of Mr. Brown's performance during that time said he was in over his head.

It is impossible to see what Mr. Brown would bring to such an important job. Other countries' delegations to the CSCE have always been headed up by experienced diplomats. The United States has in the recent past been represented by very qualified people at the CSCE, including the last Ambassador. Ambassador John Kornblum, who had been the State Department's head of central European affairs and deputy representative to NATO.

Mr. Brown has no experience in major areas he will deal with, including issues like arms control, conflict prevention, regional security, and nonproliferation. Mr. Brown has no expertise in the languages, cultures, and history of the former Soviet States. Mr. Brown has never supervised U.S. military personnel, and has no real foreign language skills.

Why has Mr. Brown been nominated? He is a friend of the President. Like I have said many times before, friendship with a high official—even the President himself—is not enough to qualify someone for office.

Foreign policy does matter, Mr. President. This is more and more true, as Americans become more and more uneasy about how this administration is running the ship of state. This is becoming more and more true, as potential enemies around the world, seeing America's back turned, might become emboldened.

The future is chaos if we do not have vigilant watchmen abroad. Mr. Brown, so wrong and so unqualified in the past, is not the man to stand guard. I urge my colleagues to vote against this nominee.

Mr. President, I also rise to oppose the nomination of Dr. Derek Shearer to be Ambassador to Finland.

Mr. President, to send Dr. Shearer to Helsinki would be a grave mistake. Just as Finland is striving to become part of capitalist Europe, this administration has nominated a man who has strongly embraced socialism. This administration, with the nomination of Dr. Shearer, continues putting this

country's worst foot forward in the world, with confused policies and unqualified nominees.

An Ambassador should at the very least believe in his or her country's ideals and defend its interests. In shaky areas of the world, an ambassador needs courageous conviction to sway friends, warn enemies, and engage in the delicate balancing act of great power diplomacy.

Finland is historically one of those shaky areas. Russian ultranationalists like Vladimir Zhironovsky beat the drums for annexation of Finland. The Russian Government in general continues to pull Finland into Russia's sphere of influence.

Dr. Shearer throughout his professional life has been against his country's ideals and interests. Dr. Shearer also is not qualified to handle such a sensitive diplomatic post. Being a nice guy or being the brother-in-law of the Deputy Secretary of State are not ample qualifications for an ambassador.

Dr. Shearer has extensively written in support of statist and Socialist ideas. He has written that the American capitalist system has insurmountable problems and, I quote, "the way the economy is governed and the way things are produced will have to be changed." Dr. Shearer called for the Government to take over private corporations.

This sounds like socialism to me, but Dr. Shearer—to hide his purpose—calls it something else. Dr. Shearer was quoted in a 1979 article in the magazine In These Times as saying:

> Socialism has a bad name in America and no amount of wishful thinking on the part of the Left is going to change that in our lifetimes* * *. The words "economic democracy" are an adequate and effective replacement.

There are worse quotes than the one I just mentioned. In hearings before the Foreign Relations Committee, Dr. Shearer denied that he had ever espoused Socialist ideas, or that he was misquoted, or that he has changed his mind. Dr. Shearer's writings and quotes, though, are a matter of public record. Never have I seen such a complete confirmation conversion. Dr. Shearer has become a capitalist overnight.

Dr. Shearer's associations leave many doubts as to whether he could handle the sensitive information that an Ambassador to Finland would have to deal with. Do not forget that the Ambassador also oversees the CIA station in Finland.

Dr. Shearer was an associate fellow of the Institute for Policy Studies, a hard-left group that has been a sugardaddy for socialism in this country for many years. Also, Dr. Shearer was associated with the campaign for economic democracy, which had a goal of radical redistribution of wealth. Members of the CED, including Dr. Shearer, were appointed to the Santa Monica, CA, city planning board by Dr. Shearer's wife, who had been elected mayor. The planning board instituted destructive rent-control measures that crippled Santa Monica's economy and earned the city the name, "The People's Republic of Santa Monica." Dr. Shearer was eventually kicked off the commission. Dr. Shearer has shown himself to be not just a writer in support of anticapitalist ideas, but a doer of anticapitalist ideas.

If Dr. Shearer's ideas are not enough to disqualify him, then the simple fact that he has no diplomatic experience and no expertise on Finland should be more than plenty to pull his nomination.

If Dr. Shearer is confirmed, he may be an embarrassment to America in Helsinki, and possibly a danger to American interests.

This administration has shown a real lack of foresight and wisdom in its choices of foreign policy nominees. The President does not seem to understand that foreign policy positions are not just jobs for friends, but are important to America's security and predominance in the world.

I hope my colleagues vote against Dr. Shearer's nomination.

Mr. President, I will try to sum up my concerns.

Mr. President, I do think that the President of the United States should be given the benefit of the doubt in the selection of his nominees to be Ambassadors, for instance, to Finland or to the CSCE, but in both of these cases it is a continuation of a pattern, in my opinion, of selecting nominees that are not qualified for the specific positions that they have been nominated to or have a long history of taking positions and making statements that are not in America's best interests. And these are two very good examples. In other circumstances, I would say let them go. But in these two cases, you have nominees who have specifically raised questions.

For instance, in the case of Dr. Shearer, he is replacing a man who has been in this position for quite some time, highly qualified, has been doing a very good job, but he was eased out of that position. And now we have a nominee coming in who has no experience as an Ambassador, has no particular relationship with Finland, and has taken very strongly embraced and stated positions of socialism. The nomination here is putting, I think, the country's worst foot forward, both in terms of confused policies and unqualified nominees. Finland has historically been a country that has been very shaky. It is right there next to Russia. Russia has beat the drums of annexation in the past. And yet we have a man in Dr. Shearer who throughout his professional life has been against some of the ideals and interests of capitalism America has espoused. Being the brother-in-law of the Deputy Secretary of State is not qualification for this kind of position.

Dr. Shearer has extensively written in support of statist and Socialist ideas. He has written that the American capitalist system has insurmountable problems and "the way the economy is governed and the way things are produced will have to be changed," talking about our country, America.

At a time when Finland is reaching out to join capitalist Europe, we have a nominee here who has written extensively against the very sort of things that the United States has been encouraging and Europe has been moving toward.

Dr. Shearer has been associated with a number of hard-left groups that have been advocating socialism over the years. He has been associated with the campaign for economic democracy, which had a goal of radical redistribution of wealth. Members of CED, including Dr. Shearer, were appointed at one point to the Santa Monica, CA, city planning board and, because of rent control measures and other positions they took, it crippled Santa Monica's economy, and he wound up being kicked off the commission, basically.

So I just think that this nominee is not qualified and will cause confused signals and problems in that position as Ambassador to Finland.

Also, in the case of Sam Brown, here is a person who has been an antiwar demonstrator during the Vietnam war era. When he served at the ACTION Agency, there were certain questions raised about how he ran the Agency. His leadership there was in question. There were improper travel expenses, misuse of personnel, and a faulty accounting system. So in his case where he has had a Government position, problems developed. And beyond that, he has no experience in this particular area. This is where you should have very experienced diplomats. The last Ambassador, John Kornblum, had been the State Department's head of Central European Affairs and Deputy Representative to NATO. Mr. Brown just does not have that kind of experience, and the experience that he has had was at the ACTION Agency. The positions he has taken on numerous foreign policy matters, in my opinion, just flatly disqualify him to be in this very critical position at a critical time in working with the Conference of Security and Cooperation in Europe. So I hope my colleagues will reject both of these nominees.

I thank the Senator for yielding me this time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, parliamentary inquiry. I believe I have 10 minutes reserved on the nomination.

The PRESIDING OFFICER. The Chair is not aware of that order.

Mr. SPECTER. Well, I had been advised that I did have 10 minutes reserved on the nomination. That is incorrect?

The PRESIDING OFFICER. The Chair informs the Senator that that was not part of the consent agreement.

Mr. SPECTER. I ask unanimous consent that I be recognized for 10 minutes.

Mr. PELL. Mr. President, I would be glad to yield 5 minutes to the Senator at this time.

Mr. SPECTER. I will take it. I thought I had 10 minutes, but I thank the chairman.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Pennsylvanaia [Mr. SPECTER], is recognized for 5 minutes.

STATEMENT ON THE NOMINATION OF SAMUEL W. BROWN, JR.

Mr. SPECTER. Mr. President, I have sought recognition to oppose the nomination of Mr. Samuel W. Brown, Jr., and not to oppose the nomination of Mr. Derek Shearer.

I believe that the broadest latitude ought to be allowed the President in his selection of Ambassadors. While there has been considerable opposition to Mr. Derek Shearer, it is my view that his basic qualifications, and the nature of his appointment as Ambassador to Finland, are sufficient so as not to bring my opposition to his nomination.

With respect to Samuel W. Brown, it is my conclusion that the position of Ambassador to the Conference on Security and Cooperation is so important that it requires someone with considerably more background and expertise in dealing with the very important issues of security, considering the matters involving the Russians as a military force, and concerning the issues of the conflict in Bosnia, and the unrest in the states of the former Yugoslavia.

As I have reviewed the record on Mr. Brown, I know of the committee report on these questions:

(A) What practical experience do you have in working in the former Soviet Union?

(B) What educational background do you have on the former Soviet Union?

The answer to both (A) and (B): "I have no direct experience."

Then there were the questions:

(A) What practical experience have you had working in the former Yugoslavia?

(B) What educational background do you have concerning the former Yugoslavia?

Answer to (A):

I have no direct experience in the former Yugoslavia. However, over the past 25 years, I have been to many other parts of the world where deep-seated disputes have been present. I believe that my broad experience with conflict resolution will serve me well in this area.

I read those two answers because of the limitation of time. My own reading of his background and record suggest to me that Mr. Brown does not have the kind of experience necessary for this job.

I do not wish to belabor a number of statements which have already been made about his questionable stewardship at the ACTION group, or of his conduct, comments, and background in the Vietnam war. All of this suggests to me that we need someone of substantially greater stature.

I compliment my colleague, Senator HANK BROWN, for his leadership on the issue. When he consulted with me last week, I suggested that we write to the President and ask him to reconsider Mr. Brown's nomination, perhaps to find a different job for Mr. Brown, or perhaps to send supplementary information which might persuade me and others that Mr. Brown has the qualifications to be the Ambassador to this important post. That has not happened.

Mr. PELL. Mr. President, as a matter of courtesy to the ranking minority member of our committee, I yield 10 minutes to the Senator from North Carolina.

STATEMENT ON THE NOMINATION OF DEREK SHEARER

Mr. HELMS. I thank the chairman. I accept on the condition that if he has a Senator on his side desiring time, I will yield the floor. I thank my friend and my chairman.

Several of us are deeply concerned about the nomination of Derek Shearer to serve as U.S. Ambassador to Finland. Mr. Shearer has a lot going for him: He is a very bright man; he is the brother in law of Strobe Talbott; and he knows a fellow named Bill Clinton. However, Derek Shearer is simply not the man for the job in Helsinki. I oppose this nomination for reasons similar to my opposition to Sam Brown.

Like Sam Brown, Mr. Shearer has been an advocate for unconventional—to put it mildly—and often rather radical positions. They are cut from the same bolt of cloth.

Mr. Shearer has undergone in recent months what we call around this place a "confirmation conversion". He has reversed himself from previously long-held positions, and he now says that he no longer believes the socialist political philosophy that he once so fervently and feverishly pursued. He says he no longer believes that the U.S. Government should own a 10 to 20 percent interest in all major U.S. industries dominated by a few companies. He says he no longer believes we can learn from the "spirit of cooperativeness and well-being that pervades Chinese and Cuban life."

This Ambassador-to-be once declared that—

A strategy of reform must transfer capital from the corporations to the public, so that the people who work and consume can collectively and democratically decide what to do with it. The logical vehicle for that should be the Government.

But do you know what? He says now that he does not see any wisdom in such governmental intervention.

Mr. Shearer's past incredulous statements also include scathing denunciations of the U.S. military. As the editor of a book commissioned by the Institute for Policy Studies back in 1970 called "The Pentagon Watchers," Mr. Shearer went to extraordinary lengths to criticize the U.S. defense capability. In a section of the book entitled "Fighting Anti-Communism," Mr. Shearer wrote against what he called the Pentagon's cold war propaganda.

He went on to say that "those who wish to dismantle the military-industrial complex, and radically alter America's foreign policy, are finding it necessary to counter the Pentagon's public relations machine with their own education program."

He explained that such educational activities are just beginning and that "they must be greatly expanded and multiplied if the anti-Communist reflex and belief that the way to national security lies in more military spending are to be seriously challenged."

I wonder what Mr. Shearer thought about the reports of Communist atrocities, including Stalin's relentless purges and the deliberate starvation of millions and millions of Ukrainian farmers, to name just a couple of incidents. I wonder if he thought back then that this was just propaganda from the Pentagon.

Mr. Shearer told the Foreign Relations Committee and the media that he is now a changed man; he does not believe all of that anymore. I believe in miracles, but it may be asking just a little bit too much even to hope that Mr. Shearer now sees the error in his previous beliefs and statements. He made them too often and too consistently over a period of years to be convincing when he now declares, as a nominee, that he has abandoned them.

He told the Foreign Relations Committee "to set the record straight, I have not advocated socialism. I am not a Socialist."

He may not be a Socialist now. That cannot be determined by me. But when he says, "I have not advocated socialism," using the past tense, he is all wet, because he did and it is a matter of record.

In his article in the magazine In These Times in 1978, Mr. Shearer wrote, "Socialism has a bad name in America and no amount of wishful thinking on the part of the left is going to change that in our lifetimes * * * the words 'Economic Democracy' are an adequate and effective replacement." He said, in other words, do not use the word "socialism" anymore; always talk about "economic democracy."

I have a cassette tape of Mr. Shearer speaking at a little conference 3 years later when he declared very clearly

I particularly like the phrase economic democracy * * * because it has been referred to as the great euphemism * * * While we can't use the "S" word [meaning socialism] too effectively in American politics, we have found in the greatest tradition of American advertising the word "economic democracy" sells. You can take it door-to-door like Fuller Brushes, and the doors will not be slammed in your face.

It seems to me that it is clear in his lexicon that economic democracy is just another name for the word socialism, and that Mr. Shearer was in fact advocating socialism under the banner of the words "economic democracy." He said so himself, as a matter of fact.

Mr. Shearer has suffered a convenient loss of memory regarding his former affiliation with the Institute for Policy Studies. It is our duty, as Members of the Senate, to ensure the integrity of the nomination process, and I think this is what we have been trying to do here this morning. We need openness and honesty in response to questions asked by the Senate and/or individual Members of the Senate. I am afraid we have not been getting the full picture from Mr. Shearer, and that is an understatement.

The impact of Mr. Shearer's nomination is much broader than just an ambassadorship to one country alone. A vote for Mr. Shearer sends a chilling message to the Finns who resisted the Soviet Union valiantly in the winter war, and also to the Baltic nations who certainly experienced firsthand the true nature of communism. Mr. Shearer's nomination comes at a time when Finland and the Baltic nations are moving away from socialism and emphasizing a free-market, nongovernment interventionist approach.

Mr. President, Mr. Shearer, who once pushed the soft line on the Soviet Union by calling the United States "imperialists" for fighting communism, and the same Mr. Shearer, who was a part of the "blame America first crowd" is not the right person for an assignment in the Soviet Union's former sphere of influence.

Mr. President, I sincerely believe that the President has the right to appoint whom he sees fit, but, on the other hand, the Senate's obligation is to measure the fitness of the individual nominated to serve in a position of such significance.

Therefore, I have to oppose Mr. Shearer because I believe that he has been less than candid with the Senate Foreign Relations Committee, of which I am ranking member, and the distinguished Senator from Rhode Island [Mr. PELL], is the chairman.

Mr. Shearer has retracted a number of his previous statements, but I do not believe the test for a good ambassador is to measure how much of his past he can now deny. What counts is how or if his life experiences have prepared him or her for service to his country.

On this nomination I shall vote "no".

I thank the Chair for yielding to me, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina yields back his time.

The Senator has 14 minutes remaining.

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

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

The Chair will state that time is controlled.

Mr. DECONCINI. I ask the distinguished chairman of the Foreign Relations Committee if he will yield me 10 minutes.

Mr. PELL. That is more than I have. I yield the Senator the remainder of my time.

STATEMENT ON THE NOMINATION OF SAM W. BROWN, JR.

Mr. DECONCINI. I thank the Senator. I do not think I will take that long.

Mr. President I rise today to once again speak in favor of Sam Brown's nomination as U.S. Ambassador to CSCE.

I want to compliment the distinguished chairman of the Foreign Relations Committee for bringing it here to the floor and insisting that we have a vote on it. I also compliment his strong defense or his strong offense on behalf of this nomination.

Senator PELL has been a constant leader in CSCE. He was the father from the Senate side of the creation of the Helsinki Commission in the Congress of the United States, which I am very, very honored to chair. He understands better than anybody the importance of having an Ambassador there and he understands the need and the qualifications for such an Ambassador. So I think that ought to be enough right there; that this debate ought to wash away.

But, unfortunately, we have others who feel differently. I have listened to the arguments which my colleague, Senator Brown, the distinguished Senator from Colorado, and others on the Republican side of the aisle have listed as reasons why Sam Brown should not be confirmed.

Mr. President, I find their allegations to be unsubstantiated and taken out of context. In fact, I am at a loss to find a reasonable explanation for their continued opposition to Mr. Brown's nomination to be Ambassador to the CSCE.

Senator SIMON, Senator KERREY, and Senator PELL are uniquely qualified to speak in detail to concerns about Mr. Brown's alleged mismanagement of ACTION and his anti-Vietnam war position during the 1970's. I have reviewed the facts surrounding these allegations and again find that the opposition's claims are taken out of context and do not accurately reflect the real situation or the views of Mr. Brown as well as his testimony that has been given to the committee.

With respect to my own view about Mr. Brown's antiwar position during Vietnam, I can only ask how long are we going to continue to fight that tragic war? Loyal, courageous Americans held passionately felt views on both sides of that debate. When are we going to move beyond judgment of those whom we disagreed with one way or the other several decades ago?

But let us turn now to the concerns being raised by Mr. Brown's lack of experience in CSCE and, in particular, the fact that he has never served in the military.

Oh, my goodness sakes. Imagine that, someone who has never served in the military nominated to be an Ambassador.

Mr. Brown's critics believe that because the CSCE has jurisdiction over the CFE Treaty—a treaty which Russia wants to renegotiate, according to their public statements—the United States must, therefore, appoint someone with diplomatic or arms control experience to ensure that the U.S. interests are properly represented.

Well, to begin with, Mr. President, anybody who is familiar with the daily functioning of the U.S. CSCE delegation in Vienna knows that the security dimension of the CSCE negotiations are handled by a large and competent team of Government experts in the military field. I have been there. I have seen them. I have talked to them. I have been briefed by them time and time again. Indeed, they do a wonderful job. The Ambassador does not sit down on a daily basis and do those kind of negotiations.

Furthermore, not only does any Ambassador receive extensive negotiating instructions—which he does—coordinated at high levels among the military agencies—which he does—and the State Department here in Washington, DC, but he or she draws on the expertise from the seasoned diplomats and military officers who staff the U.S. delegation, as has been the case for the last two decades or last 12 years.

Those who allege that Mr. Brown could negotiate alone to undermine the U.S. interests display a willful misunderstanding of how our Government operates and how those negotiations have operated and will continue to operate.

I would like to point out that the previous U.S. Ambassador to the CSCE, the highly capable John Kornblum, delegated many day-to-day negotiations to these same subordinates. This is standard practice. The role of the Ambassador is to provide leadership—that is what he is supposed to do—and to

communicate the big picture to Washington, DC.

I would also note that three of the CSCE's most able Ambassadors—Ambassador Kampelman, Ambassador Zimmermann, and Ambassador Kornblum—were never in military service.

Some of my colleagues have also cited a quote from an article in a 1977 Penthouse magazine in which Mr. Brown is alleged to express disdain for intelligence agencies. Mr. Brown has responded to this allegation in a letter to me dated May 11, 1994, which I ask unanimous consent to have printed in the RECORD.

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

BERKELEY, CA,
May 13, 1994.

Senator DENNIS DECONCINI,
Chairman, Commission on Security and Cooperation in Europe, U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: I am happy to respond to you about the quotation attributed to me in the Penthouse Magazine from December, 1977 provided by minority members of the Foreign Relations Committee.

On the face of it, this is a pretty stupid thing for me to have said—if I was quoted accurately. The break in continuity—the fact that the response does not seem to "track"—suggests to me that there is something left out of the quote. But, as it stands, it does not accurately reflect my views now, nor my views then. Nonetheless, I have tried to understand how I might have said anything even similar to this. I hope some understanding of context will be helpful.

During my confirmation hearings in 1977 I was questioned very closely, primarily by Senator Humphrey, about the Peace Corps and its independence from the intelligence activities of the country. I said I understood the legal obligation for separation and would rigidly enforce this requirement. I had been assured from Congressional sources that this separation was being observed, nonetheless, the rumors persisted that the CIA was somehow "using" the Peace Corps. It was very important to be able to say to volunteers and to foreign governments alike that I would be attentive to this and would resist any breach of this wall. Consequently I regularly pointed out that I had no contact with the CIA.

A second contextual issue is that the CIA had, shortly before this period in the mid-70's, covertly funded domestic and foreign student and intellectual organizations. There was therefore great skepticism about any assurance that it was not involved with the Peace Corps. The stronger my statements the more credible was my assurance that the Peace Corps was independent and free from involvement with the intelligence agencies.

Finally, in the late '60's and early '70's the CIA had apparently engaged in intelligence gathering focused on domestic groups opposed to the war in Vietnam. This was the subject of litigation at the time of the interview. Evidence gathered in that case indicated I had been the object of CIA surveillance in the 1960's when I was active in the anti-war movement. Consequently, I had strong personal feelings about the abuses of their authority.

None of this context can excuse the statement attributed to me, which does not reflect my views on the legitimate intelligence activities of the U.S. government. U.S. security demands that we have current and accurate information on which to base policy decisions. This requires gathering information from covert as well as public sources, through technology as well as from people. It requires that the information received, from whatever source, be integrated fully with the policy-making process which it is designed to serve and that its sources be carefully protected.

My views about America are more accurately summarized later in the same interview when I said, "I really think America is a terrific place. . . . I think people are prepared to give up a lot, to sacrifice, to quit consuming so destructively, for a common purpose . . . there are an incredible number of people ready to listen to sensible things and to relate to each other in some warm, decent, giving way." It is that vision and those values which I bring to this position.

Sincerely,

SAM W. BROWN, Jr.

Mr. DECONCINI. Mr. Brown explains in this letter that if, in fact, the Penthouse quote is accurate, it does not accurately reflect his view now or even then. He stresses:

U.S. security demands that we have current and accurate information on which to base policy decisions. This requires gathering information from covert as well as public sources.

Well, to go on with this for just a moment, Mr. President, the reason Mr. Brown was upset about it was because he was possibly a target of our own Government and he may have been under surveillance. And I would be upset, too, if that had happened to me, and I might have said something that maybe I do not feel today.

But what surveillance rights did our Government have, particularly the CIA, if, in fact, they had a citizen in this country under surveillance? That is against the law if they were doing it, and there was some evidence to that extent.

Mr. President, in conversations with Sam Brown, it is clear to me that he fully recognizes the necessity of intelligence agencies. But he also recognizes the imperative of ensuring that these operate firmly within the parameters of the legal and moral structure of a democratic state. I certainly think that it is an important message for the newly independent countries as they continue their transition from communism to democracy. I trust no one in this Chamber would disagree.

Finally, my colleague, Senator BROWN, is fond of using charts. He has used a number of them in his effort to block this nomination.

I will also use one to illustrate that there are many, many outstanding CSCE champions who believe that Sam Brown will do a fine job as CSCE Ambassador and should be confirmed.

I ask unanimous consent to have letters on this subject printed in the RECORD.

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

WASHINGTON, DC,
April 14, 1994.

Hon. CLAIBORNE PELL,
U.S. Senate.

DEAR CLAIBORNE: It has come to my attention that Sam Brown has been nominated to be Head of Delegation to the Conference on Security and Cooperation in Europe with the rank of Ambassador. When I heard this I was very pleased. I have known Sam for more than twenty-five years and he would serve his country well in this post.

My acquaintance with him began in a most unusual way. When I was Secretary of Defense he became a friend of my children and eventually of mine. This was during the Vietnam War. Unlike some critics of the war who tried to convince others of the rightness of their position by shouting down their opponents, I found Sam to be thoughtful, balanced and deeply concerned about the consequences of the war—both strategic and moral. I always found him to be motivated by an abiding concern for our country and its best interests. While we disagreed, we grew to respect each other. After that I saw him occasionally at the Aspen Institute or at meetings of a foundation board on which we both sat. After the publication of the so-called Pentagon Papers we once again discussed the war and again I found him well-informed, thoughtful and serious. During his years at ACTION—and since—we have kept in touch.

I tell you this because it has also come to my attention that some members of the Senate have questioned Sam's role and motivation during the years of the Vietnam War and afterwards. I know him to be a patriotic and thoughtful person and any allegation to the contrary is totally baseless. Moreover, I know that he thinks carefully and well about the long-term interests of the country. He will do an admirable job in any position requiring careful analysis of difficult situations, strong interpersonal skills and real leadership ability. This post is particularly appropriate given Sam's long-standing commitment to the expansion of human rights. I hope that this appointment can go forward quickly so that our country can have the benefit of Sam's skills in this job for which he is so well suited.

With best wishes.

Sincerely,

ROBERT S. MCNAMARA.

CELESTE & SABETY LTD.,
May 9, 1994.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand several Senators have raised questions regarding Sam Brown's management style and skills in connection with his leadership at ACTION in the late 1970s. Since I had the opportunity to work directly with Sam Brown, as Director of the Peace Corps from early 1979 to early 1981, I would like to share with you and your colleagues my personal observations.

First, Brown understood the importance of direct interaction with Peace Corps leadership in the field. The meetings referred to in Casablanca and Nairobi were regional meetings which brought Country Directors and key managers in each region together with Headquarters staff to discuss critical issues of program design, recruitment, training, and support.

From my perspective, at no time did Brown try to impose, or even advocate, the initiation of relationships with countries such as Vietnam, Mozambique or Angola. On

my own initiative, we did begin discussions aimed at re-entry into Nicaragua and entry into China. Both of those conversations were halted in 1981.

Second, Brown was ready, willing and able to delegate very substantial responsibility to senior managers. I was able to negotiate a significant autonomous relationship for the Peace Corps within ACTION. Brown was open to discussing substantial changes in organization structure; he was clear and direct in identifying his concerns; and he was attentive to the implementation of each of the changes we agreed upon.

Brown, from my standpoint, was a thoughtful, involved and pragmatic manager. He recruited talented people (including now Congressman John Lewis). He delegated responsibility effectively. And he supported his key people in carrying out the overall vision.

Frankly, Mr. Chairman, from my perspective, the ACTION agency experienced steady improvement under the leadership of Sam Brown and his team. I am confident that Brown will provide responsible and thoughtful leadership for the U.S. Delegation to the Conference on Security and Cooperation, and will engage and support the members of our delegation in a manner which will serve our Nation's interests and principles in the highest fashion.

I hope these observations are helpful to you and your colleagues in your deliberations.

With best regards,

RICHARD F. CELESTE.

NATIONAL SECURITY COUNCIL,
Washington, DC, April 25, 1994.

DEAR SENATOR HELMS: I am addressing this letter to you on behalf of Sam Brown, who has been nominated to the position of United States Ambassador to the Conference on Security and Cooperation in Europe (CSCE). I served as Chairman of the United States delegations to the CSCE's Ottawa Human Rights Meeting in 1985 and the Oslo Democracy Meeting in 1991. I also followed CSCE events closely as Assistant Secretary of State for Human Rights and Humanitarian Affairs and was closely involved in the negotiation of the 1989 document which concluded the Vienna CSCE meeting.

It is in light of such past experience that I have had a number of meetings with Mr. Sam Brown to discuss the current state of CSCE affairs. He struck me as intelligent, competent, and energetic. He has succeeded in mastering the subject matter and is clearly committed to the task of representing the United States effectively in the CSCE setting. He is, in my view, excellently qualified to perform the task of U.S. Ambassador to CSCE.

I am told that questions have been raised about Mr. Brown's suitability in light of his activities as an opponent of the war in Vietnam twenty-five years ago. It can reasonably be said that Mr. Brown's early views on Vietnam have no relevance to his suitability for the CSCE ambassadorship today. Nevertheless, as I held sharply differing views from those which Sam Brown espoused twenty-five years ago and remembering the publicity which surrounded him then, questions about the past did cross my mind when I heard of his nomination.

It was, therefore, not surprising that at our very first meeting the issue of Sam Brown's views during the Vietnam era did come up. He spoke candidly about them and his fundamental change of political outlook in the years that followed. On the basis of my detailed discussions with him, I am completely satisfied that today Sam Brown's political outlook reflects the American mainstream, views which we tend to label "centrist."

It is my sincere hope that Sam Brown will be judged by the Senate Foreign Relations Committee and the United States Senate on the basis of what he stands for in 1994 rather than what he stood for many years ago. On that basis, I do hope his nomination will be confirmed.

Sincerely,

RICHARD SCHIFTER,
Special Assistant to the President and Counselor.

APRIL 13, 1994.

Senators CLAIBORNE PELL and JESSE HELMS,
Senate Foreign Relations Committee, Washington, DC.

DEAR SENATORS PELL AND HELMS: As a former Chief of Delegation to a major CSCE Review Meeting (the 1986–89 Vienna Follow-Up Meeting of the Conference on Security and Cooperation in Europe), I have a strong interest in the future of the CSCE process and in an effective and committed U.S. participation in it.

It's this interest which compels me to write you on behalf of Sam Brown, who has appeared before the Committee as the Clinton administration's nominee for U.S. Representative to the CSCE in Vienna. American participation in CSCE has been blessed with many talented representatives, the most recent of whom is Ambassador John Kornblum, our most recent representative in Vienna. I believe that Sam Brown will be in this distinguished tradition. During our several in-depth talks since his nomination, he has impressed us with his mastery of the complexities of the issues; his commitment to human rights to military security, and to the other basic elements of the CSCE process; and his creativity in seeking new ways for CSCE to be effective in the post-cold war world. I might add that CSCE experts on the NSC staff and in the State Department have told me that they share my high opinion of Mr. Brown.

I served 33 years in the U.S. Foreign Service, and have always felt that our diplomacy was enriched by qualified ambassadorial appointments from the private sector. From my admittedly recent acquaintance with Sam Brown, I strongly believe he meets the standard of excellence on which we should insist for our diplomats. I hope the committee will do all in its power to ensure his confirmation by the Senate.

Sincerely,

WARREN ZIMMERMANN.

FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON,
Washington, DC, April 21, 1994.

Senator CLAIBORNE PELL,
Chairman, Committee of Foreign Relations U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that you and the members of your committee are now considering the nomination of Mr. Samuel W. Brown, Jr. to serve as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE), with the rank of Ambassador.

I write to endorse that nomination and to urge that your committee act favorably and expeditiously on it. CSCE has a vital role to play in restoring and strengthening confidence within Europe in these days of uncertainty and danger on that continent. That development requires leadership on the part of the United States and I am persuaded that Mr. Brown has the energy, commitment and understanding to help our country provide that leadership.

I did not know Mr. Brown until a few months ago when he came to my office to introduce himself and discuss my views as to his anticipated responsibilities. I had heard his name mentioned during the 1960s in ways that impressed me unfavorably. It was, therefore, refreshing for me to discuss my personal reactions with him fully and frankly when we met. I have looked upon the radicalism of some youth in the 1960s as destructive to our society and I considered leaders of the radical youth movement of the time to be immature, irresponsible and short-sighted.

When we talked, I learned from Mr. Brown that he had come to conclusions similar to my own during the late 60s and early 70s and had openly and publicly acknowledged a change of direction in his beliefs about the direction American foreign policy should take. I considered that change to be to Mr. Brown's credit and was pleased to learn more from him about his career and his dedication to the public interest.

You are aware of my own intense interest in CSCE beginning with 1980 when you and I and many of your colleagues saw the opportunity to undermine the influence of Soviet totalitarianism in Europe using the Helsinki process as a means to accomplish that end. We were successful in Madrid under Presidents Carter and Reagan. I returned to the process for short periods of time on five different occasions under President Bush. The CSCE Copenhagen, Geneva and Moscow meetings, where I served as the American Head of Delegation, served to end Soviet influence once and for all and, for the first time, specified in detail that European stability and security depended upon political democracy and its attendant freedoms. I considered it highly regrettable that our country did not continue to provide the essential leadership necessary for Europe and the Helsinki process to withstand the threat to peace and security that stemmed from the breakup of Yugoslavia. Mr. Brown has persuaded me that he understands the CSCE and its potential for serving our national interest. He understands the challenge and is prepared to help our country provide the necessary leadership. He has the skills and the abilities to do that.

I do hope this letter is helpful to you.

My warmest best wishes to you.

Sincerely,

MAX M. KAMPELMAN.

Mr. Brown has persuaded me that he understands the CSCE and its potential for serving our national interest. He understands the challenge and is prepared to help our country provide the necessary leadership. He has the skills and abilities to do that.—Ambassador Max Kampelman.

He has impressed me with his quick mastery of the complexity of the issues; his commitment to human rights, to military security and the other basic elements of the CSCE process; and his creativity in seeking new ways for CSCE to be effective in the post-Cold War world. I might add that CSCE experts on the NSC staff and in the State Department have told me that they share my high opinion of Mr. Brown.—Ambassador Warren Zimmermann.

He has succeeded in mastering the subject matter and is clearly committed to the task of representing the United States effectively in the CSCE setting. He is, in my view, excel-

lently qualified to perform the task of U.S. Ambassador to CSCE.—Ambassador Richard Schifter.

He not only has a genuine commitment to maintaining human rights as the cornerstone of the CSCE process but possesses the energy and instinctive ability to build consensus for U.S. policy positions.—Representative Steny H. Hoyer, Co-Chairman, Commission on Security and Cooperation in Europe.

Mr. DECONCINI. Mr. President, included in this list are people such as STENY HOYER, the Cochairman of the Helsinki Commission and a leader in the House of Representatives; Robert McNamara; Ambassador Warren Zimmermann; and Ambassador Kampelman. These statements speak for themselves. They are in the RECORD as I have so asked, but I think this is a testament and testimony, as well, that demonstrates that this man, Sam Brown, is qualified and competent to serve as Ambassador.

I think it would be tragic to let a political difference of some time ago be the cause for him not to be confirmed. I urge my colleagues to vote first for cloture and then for approval and confirmation.

I thank the Chair.

STATEMENT ON THE NOMINATION OF DEREK SHEARER

Mrs. BOXER. Mr. President, I rise in support of the nomination of Derek Shearer to be Ambassador to Finland. Professor Shearer is a distinguished teacher, scholar, and public servant. He is extremely well-qualified for this position and I believe that he will be an excellent addition to the diplomatic corps.

Professor Shearer is the founding director of the International and Public Affairs Center at Occidental College, which supports faculty research and organizes seminars, conferences, and lectures on international and domestic issues. Professor Shearer also established Occidental's excellent public policy program for undergraduate majors.

Professor Shearer has a detailed and sophisticated knowledge of Finnish economics and politics. He has studied world politics—particularly the United States-Finnish relationship—extensively. He has won several prestigious awards, including a Guggenheim Fellowship, a German Marshall Fund grant, and a United States-Japan Leadership Fellowship.

Professor Shearer has served on two bipartisan foreign policy study groups: the Carnegie Endowment for International Peace and the Economic Strategy Institute. He has written on European and Asian affairs for Foreign Policy magazine, the New York Times, the Los Angeles Times, and numerous other publications.

Professor Shearer also has extensive experience in government. In the 1970's, he served as an economic adviser to California Gov. Jerry Brown. In 1978, President Carter appointed Professor Shearer to the founding board of directors of the National Consumer Cooperative Bank. In the 1980's, he served as a city planning commissioner in Santa Monica, CA.

A number of distinguished Americans—including John Brooks Slaughter, the president of Occidental College, Los Angeles Mayor Richard Riordan, and former Ambassador to Finland Rockwell Schnabel—have expressed their support for this nomination in letters to the chairman of the Foreign Relations Committee.

I ask unanimous consent that these letters of support be printed in the RECORD at the conclusion of my remarks. I urge my colleagues to consider these endorsements carefully and to join me in support of this nomination.

STATEMENT ON THE NOMINATION OF SAM BROWN

Mr. SIMON. Mr. President, there are some cases in which a perception is so strongly held that the facts have no effect or little effect in changing it. That appears to be the situation we see today with charges long refuted and long known to be without foundation raised again in regard to this nominee.

I can speak with some knowledge in regard to the issues surrounding Sam Brown's management of the ACTION agency in the late 1970's. As chairman of the House Subcommittee on Select Education, I had the responsibility to make sure we looked into concerns that had been raised by a controversial House Appropriations Committee staff report. I should point out, that staff report—often referred to as the Michel report—was never an official finding of the Appropriations Committee, but was simply printed, along with the agency's responses, in the committee record.

The controversy began when Congressman MICHEL, a member of the House Appropriations Committee, requested the committee's investigations staff to look at the ACTION agency. The administration had signaled a new direction, one in which they would be more actively seeking out ways to accomplish their antipoverty mandates. This was controversial with some House Members, but generally supported by proponents of the programs. During the previous administrations, programs had lost their edge. Leadership seemed lacking. VISTA volunteers were doing one-on-one direct service rather than recruiting other volunteers and using their resources for capacity building among grassroots organizations.

The clearest indication of the Appropriations Committee response to their staff report was approval of a 20 percent increase in the agency's budget for the following year. There was not only no slap on the wrist for Director Sam Brown, there was explicit support for the change in direction he was providing for the ACTION agency.

A similar show of support followed 7 days of hearings in our authorizing committee. These hearings included sworn witnesses from the agency and subpoenaed and sworn witnesses from around the country. One hearing lasted 14 hours. At that hearing, agency compliance officers and auditors, old hands at the agency and some admitting to their conservative leanings, testified that the only wrongdoing they had witnessed at the ACTION agency had been under previous, Republican, administrations.

I asked the auditors, who were under oath, specific as well as open-ended questions about fraud and illegal or unethical activities. I suspected, but did not know in advance what the responses would be. But the sworn testimony was clear. The Sam Brown administration may have taken the programs in a new direction conservative members did not approve, but it was done legally and ethically. And many of us felt the changes—designed to make the programs more effective in combating poverty—were long overdue.

It would be pointless to go through each and every one of the issues raised in regard to the administration of the ACTION agency in the late 1970's and repeat the responses that have been given so often. A specific answer to each of the charges is available and I will be happy to share those responses with anyone who requests them. I do want to go over some of them, however, that seem to be brought up more than others.

VISTA NATIONAL GRANT PROGRAM

Information in the staff report led to charges of deliberate efforts of the Agency Director to misdirect Federal funds into the hands of friends and political cronies. The record revealed no such conspiracy. The charge that a series of roundtable meetings brought friends of Sam Brown to Washington to prearrange grants had no foundation in fact. Meetings of national leaders in antipoverty efforts did occur as part of an effort to develop strategies for more effectively utilizing volunteers. Of 41 participants in the discussions, Sam Brown knew only 6 prior to the meetings. Thirteen national grants were ultimately awarded. Only five went to people who had attended the Washington sessions.

LOBBYING CONGRESS

A charge of prohibited lobbying was raised because one grantee was the National Public Interest Research Group. After intense questioning, again with witnesses under oath, the committee failed to find one instance of this grantee or any other using ACTION funds to lobby a Member of Congress. The statute specifically prohibits VISTA volunteers from engaging in lobbying. One instance of possibly prohibited activity involved a handful of volunteers under another grant. The volunteers drove some senior citizens

to the State capitol in Missouri. While this was not technically lobbying, ACTION determined that it was to be avoided and called a halt to it.

INAPPROPRIATE TRAINING MATERIALS

Staff investigators found at one session of the Midwest Academy use of training material they said "could be construed as inflammatory." The VISTA program ordered Midwest to discontinue the use of this material for VISTA volunteers. ACTION had been unaware of the specific material, but had provided specific training materials to make VISTA volunteers aware of restricted activities. The overall quality of the Midwest training sessions was recognized as good, even by the staff investigators themselves. Their criticism of one piece of written materials that could be misinterpreted by volunteers has been blown out of proportion. Midwest was one of 742 sponsoring organizations and grantees.

INCREASE IN SCHEDULE C APPOINTMENTS

Appropriate comparison to the previous administration—that is, following the transition period—shows a reduction instead of an increase in such appointments. There was a reduction of 69 noncareer positions under Sam Brown, and all noncareer general schedule policy positions were approved by the Office of Personnel Management.

INCRESE IN SALARY OVER PAST EARNINGS

The agency was in full compliance with OPM policies for salary based on knowledge, skills, and abilities rather than past earnings. They were committed to improving opportunities and salaries for women—particularly for those with strong skills shown in volunteer work—minorities—who frequently had salaries lower than skills would indicate—and people from low-paying professions—such as State government and nonprofit organizations.

VOLUNTEERS ENGAGED IN PROHIBITED ACTIVITIES

All such activities—a total of 5 instances involving a total of 9 volunteers out of 4,300—except 1—1 volunteer delivering political leaflets to a meeting—were found by the ACTION agency itself—not the investigators—and stopped by the agency.

TRAVEL TO CHINA AND CUBA

Two career staff people who were traveling on their own time and money—one to Cuba with a group organized by George Washington University and composed entirely of Federal employees; one to China with an international delegation—were offered a total of $200 toward their travel costs if they would make a presentation to the agency following their trips. No money was ever paid; the presentations were made.

ATTEMPT TO ABOLISH INSPECTOR GENERAL

This is simply not true. The office was placed into the Office of Compliance. It maintained an entirely separate division. This was prior to the passage of the Inspector and Auditor General Act of 1978—and ACTION was not included in that Act. The placement of the IG office was simply a management decision that in an agency the size of ACTION it made no sense to have two monitoring and compliance offices. All functions required by the IG Act were fully provided through the Office of Compliance. The ACTION Inspector General continued to have independent access to books and records and to report directly to the Director, and so forth.

CONTRACTING PRACTICES

When the Carter administration took over, the agency had highly criticized contracting procedures. This problem had been found long before the Appropriations staff investigation. Strong corrective action was being carried out. The record shows that in each instance where a problem was raised to the Director, he corrected it immediately, frequently the same day, and procedures were instituted to ensure it would not occur again.

Mr. President, I would like to insert into the RECORD at this point the ACTION agency's summary response to the staff investigation report. If any of my colleagues wishes to read the entire report and the full explanation and responses, I will be pleased to help make that available.

Clearly, there were philosophical differences affecting the administration of these programs under the Nixon/Ford administrations and that of Sam Brown under President Carter. During Sam Brown's administration of the ACTION agency, its programs were reinvigorated and became once again the capacity-building, effective anti-poverty programs they were meant to be. It is undoubtedly partially a result of that revitalization that the programs survived the onslaught of the Reagan years, when the administration made strong efforts to abolish them.

The VISTA program survives and thrives today under the Corporation for National Service. Today's VISTA's owe a debt to Sam Brown and to Margery Tabankin, his head of VISTA, and the many other talented and dedicated people Sam Brown brought on board during the Carter years. He had problems to clear up and it took him time to do it, as it does any new agency head. I remain convinced that Sam Brown's years at the ACTION agency should be counted as a strong plus in his record of accomplishments.

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

I. INTRODUCTION AND SUMMARY RESPONSE TO THE INVESTIGATION REPORT

A. INTRODUCTION

This document was prepared in response to a draft report entitled "A Report to the Committee on Appropriations, U.S. House of Representatives on the Policies, Procedures, and Practices of ACTION."

ACTION, the federal volunteer agency, supports the work of more than 280,000 Volunteers who help their communities and the poor in all 50 states and in 63 countries overseas through the Peace Corps. ACTION has a current annual budget of 214 million dollars.

250,000 of ACTION's domestic volunteers are elderly and work through ACTION's Retired Senior Citizen Volunteer Program. Another 19,000 elderly low-income Americans participate in the Senior Companion Program and Foster Grandparent Program. There are more than 4300 VISTA Volunteers working through 730 sponsoring organizations and 12 National Grantees who reach approximately one out of every twenty poor people in the United States. Over 5700 of ACTION's volunteers are members of the Peace Corps.

B. SUMMARY RESPONSE TO THE INVESTIGATION REPORT

Background: In March of 1978, Congressman Robert H. Michel asked Congressman Daniel J. Flood, Chairman of the Labor-HEW Appropriations Subcommittee, to request Congressman George H. Mahon, Chairman of the House Appropriations Committee, to order a review by the Committee investigative staff of the policies, practices, and procedures of ACTION Agency. The investigative staff focused its review of the Agency procedures in the following areas:

(1) Personnel practices;
(2) Reorganization;
(3) VISTA National Grants;
(4) Procurement;
(5) Financial Management;
(6) Role of Inspector General.

The Committee report contained no findings of ethical violations, no fraudulent use of funds, or other illegal activity by Agency staff. This section presents the summary response to the investigation report. Sections II through VII follow the format of the investigation report and present the Agency response immediately following the quoted investigation report finding. The page number at the end of each such finding corresponds to the page number of the finding in the investigation report.

1. Personnel policies

The report recommends adoption of a firm written policy to control foreign service appointments below the Foreign Service Reserve (FSR) 2 level in support offices. The Agency has such a firm written policy. All such positions have been competed since 1975 in accordance with ACTION's Union Contract and its merit promotion plan. The Civil Service Commission has acknowledged ACTION's statutory right to use Foreign Service hiring authorities. All such appointments support Peace Corps. The circumstances in which these authorities can be used is set forth in the Foreign Service Act. ACTION does not believe additional clarification is needed.

The investigators found that the Agency is in full compliance with Civil Service Commission (now Office of Personnel Management) policies in determining qualifications of job applicants based on knowledge, skills, and abilities rather than solely on past earnings. This policy has the effect of eliminating past discrimination with respect to pay scales for women and minorities and has the effect of opening Government service to highly qualified individuals whose previous experience had been in state and local governments and nonprofit organizations. The investigators question this established Civil Service Commission practice.

The Agency is in agreement with the finding that compliance with reporting proce-

dures on experts and consultants have not been adequate and that in some instances experts may have been performing staff functions. Measures have been taken to correct both of these problems.

The investigators found that the Agency has increased the number of non-career policy positions by 30 when compared with the final days of the last administration. However, a more appropriate comparison to the first years of the last administration indicates that the Agency presently has 69 fewer non-career positions. Additionally, all non-career, general schedule policy positions have been approved by the Civil Service Commission (now Office of Personnel Management) as necessary and appropriate.

ACTION's use of experts has been prudent. The present administration has reduced by 60% the amount of money expended in 1977 and 1978 for consultants when compared to the amount expended during the first two years of the previous administration.

The staff of the Director's office is comparable with previous administrations. The size of the Director's staff in June 1978 was identical (36) to the size of the Director's staff in June 1974. As of September 30, 1978, 25 individuals were on the Director's staff.

The draft report ignores the fact that the present administration has eliminated abuse of the Foreign Service appointment authority. The Civil Service Commission found consistent and pervasive abuse of the entire personnel system under the previous administration. These abuses have been corrected and systems instituted to ensure that they cannot recur.

2. Reorganization

In the last two years ACTION has reorganized its domestic operation field structure in order to: shift program authority to the state offices and give program offices increased policy and budget authority. In addition the Office of Voluntary Citizen Participation was created. Much of the reorganization effort was undertaken by an agencywide Task Force. The planning process incorporated techniques which are approved by most modern management experts. Use of these planning techniques permitted the Agency to carry out decentralization with minimum disruption of Agency activities and personnel. While the investigative staff questioned the cost of the reorganization, they offered no evidence that it could have been carried out as effectively at lower cost.

Since the reorganization was not completed when the investigative staff finished its review, additional time is necessary before a determination can be made about whether the reorganization will achieve all of its objectives.

3. VISTA national grants

VISTA, a volunteer anti-poverty program created in 1964, experienced hard times during recent administrations and, in fact, was scheduled for zero funding by the Ford Administration in FY '79. In 1973, Congress rejected attempts by the previous Director of ACTION to move VISTA away from its poverty orientation by reaffirming, in the Domestic Volunteer Service Act, that the mission of VISTA is to concentrate on poverty and poverty-related activities. When the new administration took office in March of 1977, it found a demoralized Agency with a rapidly deteriorating sense of purpose.

To establish VISTA's new positions, which had been shifted in recent years to having volunteers perform staff and one-to-one service functions, the new administration implemented the National Grants program. The purpose of the grants was to demonstrate not only to the Agency, but to the entire poverty community, that a renewed and expanded approach to fighting poverty could be expected from ACTION in keeping with its Congressional mandate. VISTA, under the present administration, emphasizes the support of community based efforts which build the capacity of community residents to identify their needs, develop realistic plans to meet those needs and secure the resources to implement their plans. The end goals are to have volunteers leave the community with an established mechanism for continuing the project in the hands of the community residents and to have volunteers participate in breaking the cycle of poverty instead of perpetuating it.

National Grants enable VISTA to:

(1) Program for national impact on issues of concern among poor;

(2) Reach populations of special need;

(3) Develop projects with grassroots groups which ordinarily would not be sophisticated enough to compete for federal funds;

(4) Provide a single, simplified application process for multiple, grassroots projects which have a common program emphasis.

The investigative staff questioned the development of VISTA's National Grant program, which represents 14% of VISTA's overall budget. More than 70% of each grant is used to pay the living expenses and other direct support costs of VISTA volunteers. No part of any National Grant is used to pay overhead expenses of the grantee. These grants, twelve in number, have been awarded to nationally recognized groups which have a proven record of addressing the social and economic conditions at both the regular and national level which impoverish 26 million Americans. Among the activities carried on under these grants are low income food cooperatives; nutrition, education and health projects, and housing and home improvement projects.

In the report, the investigative staff questions whether: (1) National Grants should be awarded on a competitive basis; (2) VISTA meets its Congressional mandate of helping the poor; (3) VISTA volunteers have engaged in prohibited activities; (4) National Grant volunteers are more expensive than traditional VISTA volunteers; and (5) VISTAs are provided adequate training.

Competitive grants

There is no legal requirement that grants be competed. In the entire history of ACTION, prior to 1978, no grant had ever been awarded competitively. In January of 1978, two months prior to the signing of an Executive Order by the President encouraging federal agencies to award program grants on a competitive basis, and *three* months prior to the beginning of the Appropriations staff review, ACTION established a new policy to require competition of all future national grants. At that time, seven National Grants had been awarded and five were in advanced stages of review. No National Grants were awarded except those in process at the time the decision was made to require competition for national grants.

VISTA's poverty mandate

VISTA serves poor people. To the extent that the efforts of VISTA volunteers help other non-poor Americans, the benefit is incidental to this main purpose. A co-op founded and controlled by poor people may have non-poor members. Street lights installed in a slum shine on everyone, rich or poor.

VISTA's anti-poverty mandate is based on the premise that no group of Americans should be stigmatized and cut off from the rest of American society. The cardinal lesson learned in the last 15 years is that the poor can best ameliorate their condition through social and economic cooperation with other segments of the society which are directly affected by the problems which cause and perpetuate poverty. VISTA's success in the last two years, in reaching one out of every twenty people who are impoverished, is directly related to this policy of building coalitions of people rather than segregating the poor.

Volunteer involvement in prohibited activity

All VISTA volunteers are prohibited by law from participating in partisan or nonpartisan political activity. ACTION strongly enforces these restrictions through training programs to prevent violations and through a thorough monitoring system. All 730 sponsoring organizations and all 12 National Grantees were informed of these prohibitions on political activity and accepted them as a condition of VISTA sponsorship. All VISTA Volunteers are thoroughly instructed regarding these prohibitions during their orientation. In the last two years, ACTION's monitoring system has discovered three instances in which VISTA volunteers were participating in such prohibited activity. All were stopped.

In visiting VISTA sites, the investigators discovered two other incidents in which VISTA volunteers were participating in prohibited activity. These were also stopped. In response to the concerns raised by the Committee staff, ACTION has again given notice to all sponsors and National Grantees regarding the prohibitions on political or labor organizing activity.

Cost of volunteer training

The cost of VISTA volunteers placed with national grantees was approximately $700 more than standard VISTA volunteers—the difference is almost entirely attributable to lengthened and improved training provided to these volunteers.

Adequacy of volunteer training

Standard VISTA volunteers also need better training. In comparison to the training provided Peace Corps Volunteers, VISTA training in the recent past has been cursory. In 1976, standard VISTA volunteers received 2 to 2½ days of orientation. Beginning in 1977, ACTION systematically began to rebuild and strengthen its training programs for VISTA volunteers. The increased training provided National Grant VISTAs was the first step in the development of this new training program.

ACTION's budget for Fiscal Year 1980 includes funds to complete the development of an integrated training program which will add 6 days to the training schedule of standard, as well as National Grant volunteers.

4. Procurement

The report recommends more adequate advance procurement planning in order to provide more lead time to the procurement office. Improvements in planning would, the investigative staff believes, result in improved competition, with resulting benefits to the Government, both in the quality and cost of contractual services. ACTION agrees with the investigators' analysis. The Agency identified this long-standing problem in May 1978. In October 1978, at the beginning of fiscal year 1979, it issued, for the first time, a procurement plan call to all program offices. All program offices are now required to submit schedules of their procurement require-

ments to the Contracts and Grants Management Division for the ensuing 12 months at the beginning of each fiscal year.

The report also recommends that program staff members be training in the statutory and regulatory requirements governing federal procurement. ACTION accepts this recommendation.

Federal procurement is a complex field. Program officials, as well as contracting personnel, need to be familiar with it to make the procurement process more efficient and to avoid inadvertent improper actions.

5. Financial management

The Accounting System: Only 62% of all federal agencies have had their accounting systems approved by the General Accounting Office (GAO). In August, 1978, ACTION became one of them. For the first time in the Agency's history, its accounting system has been approved by GAO.

Obligation of funds

On three occasions during the last fiscal year, ACTION was left with no legal authority to obligate funds. ACTION has followed operating procedures that are common to all federal agencies in its restriction of expenditures during these periods. The investigators concluded, however, that contracts and grants were signed, purchase orders executed and new employees hired during a period when the Agency had no legal authority to do so. A substantial portion of the report findings pertain to the obligation of $417,000 by grant or contract during this period. The investigators' conclusion is mistaken with regard to approximately $350,000 cited in the report as improperly obligated. The Agency agrees with the finding of the investigators that several small contracts and leases were executed without authority by Peace Corps Country Directors overseas who were not completely familiar with the appropriations process. All these obligations were subsequently ratified by Act of Congress.

The investigators correctly point out that new employees were hired during these periods. In most cases, a prior commitment had been made to the individuals which had to be honored.

ACTION also agrees with the findings of the investigators that ten ACTION/Peace Corps staff members stayed at Peace Corps staff houses overseas and failed to have their per diem reduced as required when staying in Government leased quarters. The Office of General Counsel has issued a clarifying memorandum and asked GAO for an opinion on how to handle cases in which per diem may have been inappropriately claimed in the past.

6. Role of the inspector general

The investigators suggest the "possibility" of a conflict of interest in having the Inspector General functions and Equal Employment Opportunity functions in the same office—the Office of Compliance. The suggestion is based on a provision in the new Inspector and Auditor General Act requiring that Inspector General offices be free of program responsibilities.

ACTION is not covered by the Act. Furthermore, the Equal Employment Opportunity Office has no program responsibilities. The potential for a conflict of interest in this arrangement is remote. Any potential or apparent conflict of interest in an investigation of the EEO division would be resolved by assigning a third party within the Agency, reporting to the Director, to conduct the investigation.

The combining of Inspector General and Equal Employment Opportunity functions was made to conserve Agency resources and to avoid duplication of effort by including within one division the various monitoring and compliance functions of the Agency. The Inspector General is afforded adequate independence under the present structure. The Director of the Office of Compliance is part of the Executive Staff of the Agency and reports directly to the Director of ACTION.

C. CONCLUSION

The ACTION Agency appreciates the Committee staff's diligent efforts to indicate areas of Agency operation which can be improved. Several of the recommendations are helpful and will be or already are being acted upon by the Agency. (See Attachment "A".)

We believe the information contained in the Agency's response to the Committee report provides additional information which will be of assistance to the Committee in evaluating the findings of the report.

Mr. BOND. Mr. President, I want to express my opposition to the nominations of Derek Shearer and Sam Brown. Now, there have been a number of nominees put forth by President Clinton whom I have supported, though I strongly disagree with some of the policies they have espoused, because I believe that, absent disqualifying factors, the President is entitled to name his team. There are, I believe, numerous areas of domestic policy in which people of good conscience can disagree.

But there can be no disagreement about the importance of putting on a solid and pro-American front when we face the world. Our international diplomats must be strong and unequivocal supporters of the United States and its policies, especially now, in an age where many grave regional instabilities have replaced the bipolar cold war order. We must understand that the struggle for freedom and peace is far from over, and we must ensure that those who hold sensitive positions in this struggle are highly-skilled individuals devoted to historic American principles and interests.

Derek Shearer does not meet this test. As coauthor of a 1981 book, "Economic Democracy: The Challenge for the 1980's," Shearer advocated massive Government interventions in the marketplace, including: Dismantling or restricting the power of private corporations and transferring capital from corporations to the public, via the Government. He has stated wistfully that "socialism has a bad name in America and no amount of wishful thinking on the part of the left is going to change that in our lifetimes." Now, he has argued that this writing was taken out of context, but in light of the evidence, I would submit that no amount of wishful thinking on the part of Mr. Shearer is going to change the clear import of his statement.

You can call what he advocates "economic democracy," as the title of his book does—but I call it socialism. And, in fact, so does Mr. Shearer. According to the Wall Street Journal, Mr. Shearer said,

While we can't use the "S" word, that is "socialism" too effectively in American politics, we have found that in the greatest tradition of American advertising, that the word "economic democracy" sells.

Frankly, Mr. President, I am outraged that someone with this ideological history is even being considered for any diplomatic post—much less that of Ambassador to Finland. Perched near the former Soviet Union, Finland needs the support of adherents of free market economies, not the ministrations of those like Mr. Shearer, who has advocated creation of a government holding company, which would purchase a large number of shares in at least one major firm in selected major industries. I find Mr. Shearer's views antithetical to the sacred American traditions of free enterprise and private property. I cannot state strongly enough my complete opposition to Mr. Shearer's nomination.

Now, one might be tempted to think that Derek Shearer was simply an isolated foreign policy mistake on Bill Clinton's part—because he is the brother-in-law of the Deputy Secretary of State, and the brother of a senior assistant to the First Lady. But coupled with the nomination of Derek Shearer is the naming of Sam Brown to be Ambassador to the Conference on Security and Cooperation in Europe. And if there is any nomination I oppose as completely as Derek Shearer's, it is Sam Brown's.

Sam Brown has a long history of anti-Vietnam war activism. That in itself may not be disqualifying, but I believe that the extent to which he pursued these views reveals him to be fundamentally out of step with any mainstream formulation of American foreign policy. In 1977, Brown attended a welcoming celebration for Communist Vietnam's newly-arrived delegation to the United Nations, billed as "an apology to Vietnam." At the time, Senator MOYNIHAN spoke out, and expressed outrage—which I share today—at the New York Times' report that Brown was "'deeply moved' by the experience of having his own government excoriated by the spokesmen of a Stalinist dictatorship." Eric Sevareid—no right-wing zealot—charged at the time that "Most of those [at the celebration] were not celebrating peace. They were celebrating the triumph of Communist totalitarianism, which is what they had always been working for in the guise of a peace movement."

Nor are Sam Brown's comments at the time reassuring. According to a 1977 Penthouse interview as quoted in the May 11, 1994 edition of the Washington Times, Brown said that the United States "does horrible things as a country, and I'm concerned about the destructive nature of American society." He also adjudged the future price of the Vietnam war as "the much more expensive lesson that we have to give up some of what we've got in economic terms * * * it is not right for us to have the kind of extravagant, consumption society that we have."

I submit that this sort of extreme behavior and expression of extreme beliefs is per se disqualifying—that having celebrated his country's defeat abroad and moralizing about it at home, Sam Brown does not now deserve the privilege of representing the United States of America.

There have been doubts raised about the competence of Mr. Brown to fulfill the responsibilities of the position for which he has been nominated, in light of the poor management skills he displayed as Director of the "Action" Agency under President Carter. Although I usually think that lack of competence and experience is a much more appropriate reason to reject nominees than on the basis of their beliefs, in a case as extreme as Sam Brown's, I draw the line. Were he the best administrator in the world, I could not support him, because I believe that the views he holds, however well-intentioned, are inimical to America.

In conclusion, Mr. President, I would submit that if there is one area where we should be able to set partisanship aside and stand together as Americans and as patriots, it is in the arena of foreign policy. I do not oppose Mr. Brown and Mr. Shearer because they are the nominees of a President of the other party. I oppose them because I believe they represent a radical fringe with views that are to the left even of the Democratic Party—and highly inconsistent with the views expressed by President Clinton in his campaign and subsequently. And I do not believe, if the substance of these men's views were disseminated to the American people, that Americans would recognize any opinions that they would claim as their own. As such, I cannot in good conscience, have any part in sending them overseas to propound theories that are wrongheaded, ill-conceived, and contrary to American interests.

RECESS UNTIL 2:15 P.M.

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

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. MATHEWS].

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

KING HOLIDAY AND SERVICE ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the Senate will now resume consideration of H.R. 1933, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1933) to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, to extend such Commission, and to support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr.

The Senate resumed consideration of the bill.

Pending:

Helms Amendment No. 1738, to ensure that only private funds are used by the Commission.

The PRESIDING OFFICER. Under the previous order, the time between 2:15 and 2:30 is limited to debate on this measure, equally divided between the Senator from North Carolina and the Senator from Pennsylvania.

Who yields time?

The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, it has been nearly 40 years since I first met Martin Luther King and went to work with him off and on in Alabama and in the South.

Martin Luther King was then leading what he named the Montgomery Improvement Association, a citizens' effort to change that one community in Alabama after Rosa Parks had stood up for her rights by insisting on keeping her seat on the bus. She stood up for her rights by sitting down and refusing to move to the back of the bus. Then she and thousands of others stood together by staying off those buses and walking, week after week, month after month. And in the front lines was a young minister, thrust into leadership he did not seek. But Martin Luther King stepped up to the demands of history, rejecting violence even when a bomb exploded at his home.

For decades, lawyers had fought in the courts to end segregation, but Martin Luther King took that peaceful battle into the streets. He challenged us to live up to the promise of America. He proved that citizens can make a difference in their communities and their country by saying "no" through nonviolent protests, and "yes" through constructive service. He gave life to the idea that rights and opportunities of citizenship bear with them civic responsibilities, and that it is no one-way street.

For about a decade, now, we have paid tribute to the man and the movement with a national holiday on the third Monday of each January with the leadership of a Federal Holiday Commission in his name. In 1989 the Senate voted 90 to 7 to authorize funding for this Commission with the support of President Bush. And now President Clinton, Jack Kemp, Coretta Scott King, the head of the Commission, are just a few of the many who are urging us to do the same. But in Martin's spirit of always striving, always improving, we must ask ourselves whether we can improve the way in which we honor his memory. And the answer clearly is yes.

The dream of which he spoke so eloquently has not been fulfilled. Just ask the young men and women of Schenley High School and other parts of Pittsburgh, whom I met with earlier today, and who are watching us from the gallery right now. As I said in the debate yesterday, the best way to honor Martin Luther King is to dedicate ourselves to act to fulfill that American dream in all parts of our land and public life. And that is the purpose of this bill.

Nothing would have more disturbed the Martin Luther King that I knew than people honoring him by merely taking the day off. He would want this holiday honoring his birthday to be a day—not a day off, but a day on; a day of action, not apathy; reflection, not recreation; service, not shopping; a day not only of words, but of deeds.

This holiday should test Martin's proposition that everybody can be great because everybody can serve.

The King Commission has performed well. It has not been perfect—few institutions are —but it has great potential for good, potential to help us meet the challenges of race and the other divisions that still exist in our society, challenges of violence in our society with children killing children and so many of our streets unsafe to walk in.

Just as Martin seized the moment to make things better in Montgomery through the Montgomery Improvement Association, let us seize this day to make our communities and our country better. Let us take this opportunity to honor Martin Luther King's spirit and memory by making the holiday on his birthday a day to do the hard work of citizenship, the work that is America itself.

Imagine what a million Americans could do in just 1 day of community service working together, and think what they could do if they carried on that service throughout the whole year working together.

Mr. President, I cannot think of a worse signal to send to America than to cut off the funding of the Martin Luther King Holiday Commission at just this moment when we can go forward with a new mandate to make it an even better day in which we help improve America for all Americans.

So I ask my colleagues to support the reauthorization of the King Holiday Commission, to vote against the amendment of the distinguished Senator from North Carolina.

I thank the Senator from North Carolina for his cooperation as we proceeded in this debate, and I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). Who yields time? The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, the yeas and nays have not been ordered on the amendment; is that correct?

The PRESIDING OFFICER. Yes, the yeas and nays have been ordered.

Mr. HELMS. May I inquire about the bill.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. On both.

The PRESIDING OFFICER. On final passage.

Mr. HELMS. Mr. President, for the information of my colleagues, the amendment at the desk terminates Federal funding of the Martin Luther King Holiday Commission. It does not eliminate the Commission; it simply says that it should operate with private funds, just as the King Center in Atlanta does. This amendment actually puts the King Commission where it was in 1984 when it was created. It honors the stated wishes of the founders of the Commission, who argued through their supporters on the Senate floor that the Commission would operate only on private funds and that the taxpayers would never foot the bill for this project.

When the King Commission was first extended back in 1986, the distinguished Republican leader, Mr. DOLE, had the following to say:

> It should be emphasized that no federal money is appropriated for the Commission; rather it operates entirely on donated funds * * * Under the extension legislation the Commission would continue to be funded from these sources * * * expanding the size of the Commission should also enhance its ability to raise private sector funds.

Another of our distinguished colleagues, Mr. HOLLINGS, said this of the King Commission:

> No Federal funds would be required, and the activities of the Commission will continue to be funded by private donations.

So you see, Mr. President, there was a time when all of my colleagues were adamant about keeping taxpayer funds out of the King equation. That their positions have now changed is a clear illustration of why we have saddled the American people with a $4½ trillion debt.

As I said yesterday, the King Holiday Commission has come to the Congress four times—in 1984, 1986, 1989, and 1994. Each time they have proposed several creative rationales for their continued existence.

The first rationale in 1984 was to create a King holiday. In 1986 their rationale was to see to it that the King holiday was properly celebrated by all the agencies of the Federal Government. In 1989, they came to us for the third time, stating that the Commission needed to live another 5 years to "lobby and agitate" in all 50 States, until each State had its own Martin Luther King holiday. In 1989, they also demanded for the first time that the American people pay for their activities.

I must admit Mr. President, that their track record is pretty good. There is a Federal holiday honoring Dr. King. All 50 States have their own version of the King holiday.

There does not seem to be much left for the King Commission to do. However, they have found more ways to spend other people's money, proving that Federal programs never fade away they keep on spending and spending us right into the poor house.

So here we are. We have yet another rationale for the existence of the King Commission. The proponents now say that the King Commission needs to live 5 more years in order to provide grants to young people to supplement President Clinton's National Service Corps. The taxpayers will be remembering that one for a long time. That is the program which pays teenagers and college students to volunteer for community service at a rate which sometimes reaches $25,000 per year.

Mr. President, when the Senate voted on this volunteer service bill on September 8, 1993, it agreed to pass on a $1.5 billion bill to the taxpayer. I will not get into another debate on the merits of that act but, I would like for the managers of the King legislation to tell me how the 5-year, $2 million King expenditure will materially impact, much less aid, a program which will spend $1.5 billion of the American people's money.

Mr. President, the answer seems pretty clear to me. The King Commission's supposed contribution to the National Service Act is only a pretense to keep this badly managed program alive, because this Senate simply will not stop spending on any program once it starts.

It is time to restore some sanity to the budget. Yesterday we made a small start with the King Commission by eliminating first class travel and accommodations by the Commission directors and staff and we stopped the permanent loan of Federal employees to do the Commission's work. We must finish yesterday's work. The King Commission has done its job, let us use no more gimmicks and excuses. Let us put the King Commission back where it started and let the private sector foot the bill, voluntarily.

Mr. WOFFORD. Mr. President, how much time is left?

The PRESIDING OFFICER. There is a vote at 2:30, which is in 1 minute. The Senator controls 1½ minutes.

PENNSYLVANIA AND THE KING COMMISSION

Mr. WOFFORD. Mr. President, this past King holiday in Pennsylvania we put the idea of this bill into practice. Most of my staff and I spread out at a dozen sites across the State, engaging hundreds of Pennsylvanians in local public service and antiviolence efforts in the spirit of this year's holiday theme, "Stop the Killing: Start the Healing and Building." We wanted to show that this holiday should not be only about civil rights, it should be about civic responsibility too—about taking responsibility to improve the communities in which we live. For Martin understood better than anyone that in a democracy, civil rights bear with them certain civic responsibilities, they are opposite sides of the same coin. That the only way to build a just society is to be a full and active participant in it. And I believe that the time has come when Americans are ready to be asked again what they can do for their country.

So on the holiday, my staff and I spent the morning working with the United Way of Allegheny County delivering food to homeless shelters. Throughout Philadelphia we provided support staff to community police substations. In Chester we helped paint and repair a homeless shelter.

In Erie we marched against youth violence. In other towns, we served meals to the elderly and worked with the tutored troubled teens.

Community service, in all its forms, is one common sense response to the problem of youth violence. Rigorous, demanding service can give young people a different kind of gang. One that does some good, not only for the community, but for themselves. Because it can instill the kind of discipline, work skills, personal responsibility, and respect for law that are essential to becoming productive citizens.

We need to teach young people how to talk to each other and disagree without resorting to guns and knives—with programs like the first-ever statewide Martin Luther King, Jr., Youth Assemble held in Harrisburg in 1993.

My Harrisburg office director, Ms. LaVerna Fountain, worked with the King Commission to bring together over 600 young people of all different racial and socioeconomic backgrounds to learn Dr. King's principles of nonviolent conflict resolution and the value of community service.

And the work did not stop when the conference ended. Each of the teenagers that attended pledged to engage in at least 20 hours of additional community service. They promised to share Dr. King's message of nonviolence with at least 10 more young people and to live by that message themselves. In asking them to serve, we dared them to reach their own mountaintops, and help our Commonwealth and country come one step closer to the Promise Land which Martin saw. Many students like Miss Amy Cammack from Bishop McDevitt High School in Harrisburg are working to put together our second annual Pennsylvania Martin Luther King, Jr., Youth Assembly which will be from June 17–19 at Millersville University. We hope to bring Dr. King's message to even more Pennsylvanians and we want these conferences to spread to every State.

The King Commission, which has sponsored five national youth assem-

blies, hopes that our action in Pennsylvania will become contagious and they stand ready to help other States organize their own statewide youth assemblies.

Mr. President, I ask unanimous consent to print in the RECORD some documents with information on the present observance of the Martin Luther King holiday.

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

POSITIVE RESULTS OF THE 1993 PA. MARTIN LUTHER KING JR. YOUTH ASSEMBLY

Pennsylvania was the first state in the nation to hold a statewide MLK, Jr. Youth Assembly. To date no other state has held a statewide conference of this magnitude.

All youth attendees at the 1993 Martin Luther King, Jr. Youth Assembly signed a contract to perform 20 hours of community service in the coming 12 months. They also signed a contract to share the nonviolence message with 10 other teenagers.

Nearly 600 teenagers attended the 1993 Conference. These teenagers converged on Harrisburg and learned the Six Steps and Principles of Nonviolence as espoused by Dr. King.

Three primary programs are the direct result of the first Pa. Martin Luther King, Jr. Youth Assembly held in 1993. They are:

Twice monthly meetings held in the home of one of the Youth Leaders. These meetings bring together a diverse group of teenagers to discuss important issues such as violence, youth leadership, community service, cultural diversity. Each meeting begins with a review of Dr. Martin Luther King, Jr.'s Six Steps and Principles of Nonviolence and includes a discussion on how these steps and principles were applied in their daily lives when confronting a potential violent situation. The group is called the "Discovering the Leader Within You" Youth Group, a Teach Teens to Teach Teens Focus. The group organized under the 4-H Leadership Program. It was a mandate as established by the teenagers to discover the history of other ethnic groups, including European/Caucasian ethnic groups. Additionally, the African-American history begins pre-slavery. The goal is to introduce African-American youth to a proud, honorable heritage.

Monthly roundtable discussions with youth from throughout Pennsylvania. Youth from Harrisburg travel to various areas of Pennsylvania to meet with other teenagers and discuss issues of importance. With a focus on how to end violence, the youth review Dr. King's Six Steps and Principles of Nonviolence and examine closely what they, as teenagers, can do to end violence in their communities.

The Teach Teens to Teach Teens Nonviolence Youth Institute, Inc. The nonprofit organization will begin to maintain information on youth violence and programs that help to end youth violence. With a primary goal being that of helping communities discover ways of working with their teenagers.

FISCAL MANAGEMENT

The King Commission since 1994 has receive praise and commendations from Presidents, Members of the Congress and from others for its management and operations and prudent use of tax payers monies and private donations. Congressman Thomas Sawyer of Ohio who chairs the House Subcommittee on Census, Statistics and Postal Personnel which has oversight responsibilities for the King Holiday Commission has stated that the King Commission "is an excellent example of an organization that has carried out its mission admirably with only a modest amount of federal funds."

Congressman Sawyer also stated that the King Commission "has clearly suffered as a result of underfunding and a mission that charged it to reach beyond any reasonable expectation of where that funding could lead. It is remarkable what you have been able to do with the limited funding that you have had."

Congressman Sawyer, a member of the King Federal Holiday Commission and Congressman Ralph Regula, Republican of Ohio who has served as its Vice Chairman for many years, have written a joint letter of support to the members of the Senate Judiciary Committee. In that letter of May 6, 1994, they stated that "the Commission, established in 1984, has operated in a financially sound and responsible manner (and) we are confident that the King Commission under the able leadership of Mrs. Coretta Scott King, has never engaged in any practice that would suggest the misuse of funds."

Federal funds appropriated to the Commission are subject to all controls exercised by the federal government for the administration of programs and activities. The Commission is responsible to the reviews of the Appropriations and Oversight Committees of the House of Representatives the Judiciary committee of the United States Senate, and the Office of Management and Budget. All federal expenditures are also reviewed and approved for compliance with federal standards by the USDA, Forest Service accounting branch, which provides fiscal support for the Commission.

The Commission's private funds are subject to an annual audit by the Arthur Andersen Company. The Andersen audits are published in the Commission's annual report on the King Holiday to the President and Members of the Congress and there have been no findings of mismanaged funds in any reports. Private donations made to the King Corporation are provided oversight and scrutiny by the full Commission through a budgetary review and adoption process. Additional scrutiny of these funds are made by the Treasurer of the Commission and by members of its Operations Committee which meets in between formal meetings of the full Commission.

Senator Brown has amended the bill for even additional accounting controls.

THE KING CENTER

Senator Helms has stated that the Martin Luther King, Jr. Center for Nonviolent Social Change, Inc. in Atlanta raises $20 to $30 million dollars a year. Senator Helm's statements is absolutely incorrect and unfortunate.

The King Center operates on an annual budget of not more than $3 million a year. The majority of these private donations are raised through the efforts of its Founding President and Chief Executive Officer, Mrs. Coretta Scott King.

The King Center has no endowment and over the years has struggled to raise funds in the name of Martin Luther King, Jr., who, remains even in death, controversial. The King Center has never in its 25 years of existence raised anything like $20 or $30 million in operating funds.

More than 3 million persons visit the King Center and its Freedom Hall Complex which includes Dr. King's Crypt and Birth Home. The King Center receives no income from these visitors aside from purchases made at the King Center's Gift Shop and Information Center.

The King Center is dedicated to the proposition that nonviolence is a revoluntary force for moral transformation. It is teaching nonviolence methods and the application of those methods for solving pressing social problems confronting thousands of youth across America, including those in gangs and detention centers. The Center is also conducting training workshops in Kingian nonviolence for hundreds of police, law enforcement, and corrections personnel in many cities.

Despite the chaos and violence that is present in the streets and neighborhoods of America and elsewhere in the world, The King Center is seeking every day to meet new challenges by creating what Dr. King called "a new revolution of values" through nonviolence education and leadership training programs.

Each July, adults and youth from all over the nation travel to Atlanta to attend the Center's Annual Workshop on Nonviolence. These leadership programs prepare people not only to be more effective in their efforts to impact positive social change but also to resolve conflicts more peacefully. The King Center has been involved in almost every major social change coalition of the past twenty-five years.

Internationally, the King Center was recently asked by the African National Congress to provide voter education and training for Black South Africans in preparation for an orderly and peaceful national election which had the potential for violence. King Center staff brought its effective training to more than 150,000 Black South Africans.

The record will show that since the King Center was founded, it has educated and trained thousands of people from around the world in "Kingian Nonviolence". From its inception the King Center was designed to be more than a memorial, it was designed to be, additionally, a living memorial and a center for research, education, and training.

From time to time, the King Center has received Federal grants for specific purposes. One of these is to help provide economic empowerment in low-income communities so that residents can improve their quality of life and share in the American dream.

The King Center could not possibly exist on Federal grants alone. It must depend upon private donations which are indeed minimal in comparison with other organizations and institutions. No, the King Center is not a burden on the American tax payer. Quite the contrary, the King Center is a blessing, for its is trying, in the name of Martin Luther King, Jr., to make America a better Nation for all of its people and a safer place for our children and future generations.

LLOYD DAVIS

Senator Helms stated that there was a fellow (Lloyd Davis) in Atlanta that had been on detail to the King Federal Holiday Commission for ten years and that his salary was $80,000 a year—a burden on the taxpayer.

Mr. Davis currently serves as Executive Director of the King Federal Holiday Commission. The idea for a King Federal Holiday Commission to oversee the development and institutionalization of the King Holiday was his idea.

Mr. Davis interrupted his Federal career in June of 1981 and resigned in order to accept the position of Executive Vice President and

Chief Operating Officer for the King Center in Atlanta. This was in response to a request from Mrs. Coretta Scott King, founding President and Chief Executive Officer of the King Center.

Eight years later, Mr. Davis returned to the Federal Government after Mr. Jack Kemp became Secretary of the Department of Housing and Urban Development (HUD). Mr. Davis was subsequently asked to accept a detail from HUD to serve as Executive Director of the King Federal Holiday Commission.

Mr. Davis left the King Commission in March 1992 to return to his duties at HUD, but six months later, members of the King Commission petitioned Secretary Kemp to have Mr. Davis returned to the Commission, for after an extensive search, they could find no one qualified to take his place.

Mr. Davis' family resides in Maryland but he works seven days a week in Atlanta because he deeply believes in what he is going and is willing to pay the price and to make the required sacrifices. Each year he has returned to the Federal Government virtually all of his 6 weeks of earned annual leave.

Lloyd Davis deserves our commendation.

Mr. WOFFORD. Mr. President, I thank the Senator from North Carolina for some of his amendments—not the one we are about to vote on—the ones we accepted, including ending first-class travel. Nothing would make Martin Luther King happier than if people were not traveling first class in his name. He was a follower of Mahatma Gandhi, and you always travel third class.

Nothing would make Martin Luther King more upset than not turning it into a day of work, service and action. That is what we have the opportunity to do now. The last time the Senator from North Carolina proposed terminating the modest expenditures for the Martin Luther King Holiday Commission, this body voted 86 to 11 to continue.

It seems to me nothing that has happened in our country since then makes it any less important than the spirit of Martin Luther King be extended and remembered and be exemplified by those of us who are carrying on. Therefore, I think the signal to the country should not be a sunset on funding for Martin Luther King, but it should be a sunrise of action in this country in his name where we honor him not just by his words, of which there were no more eloquent in our history other than Lincoln's perhaps, but emulate his deeds and make this a day of deeds. And that I think we have within reach by reauthorizing the Commission with this new creative mandate.

Mr. HELMS addressed the Chair.

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

Mr. HELMS. 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. DOLE. 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. DOLE. And that I might use 2 minutes of my leader's time.

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

Mr. DOLE. Mr. President, as a member of the Martin Luther King, Jr. Federal Holiday Commission, I intend to vote for the reauthorization bill, but I am concerned about the precedent we are setting. I have been listening to the debate on both sides.

I have been involved with this from the very beginning. The Senator from North Carolina repeated my remarks from 1986. We were assured there would never be any request for Federal funds. Then we were assured it would never go over $300,000 a year. That was worked out in an arrangement, as I recall, with President Bush at that time, who said he would go along with $300,000 a year.

It has been properly stated that when the Commission was first established, Congress intended that its activities would be financed exclusively with contributions from private sources.

In fact, I was one of those who went out and raised money in the private sector because I thought it was an important thing. We stood here on the Senate floor. We made a pledge to the American people: This is going to be like all the other Commissions. We are not going to ask for any Federal funds. In fact, one of the reasons why I supported the original legislation was because of what we said: We are going to use outside sources.

Like many nonprofit organizations, the Commission soon encountered some fundraising difficulties, and it was very difficult to promote the King holiday.

So recognizing the importance of the Commission's work, we did extend a helping hand at the rate of $300,000 a year, and now we are being asked to appropriate another $2 million over the next 5 years.

Now, I guess some could dispute, but I am not going to dispute, what has happened with the Commission. It has done a lot of good work. It has responded to thousands of inquiries from across the country. All 50 States and the District of Columbia now commemorate Dr. King's birthday with a paid holiday.

To a large degree, the Commission has fulfilled its original mandate. I think promoting the legacy of Mr. King is a very worthy goal and one that I continue to support. But the bottom line is this ought to be done with private funds.

Now, I wish we had consent to redraft the amendment. I would change it a little from what Senator HELMS says. I would freeze funding at $300,000 a year, and then phase it down to $200,000, $100,000, and you are out in 3 years.

We cannot do that. But it seems to me, as someone who stood on this floor and made a promise to my colleagues in 1986—and then we said, OK, we are going to do it for 5 years for $1.5 million, and that will be it; that is all we are going to ask for—I am going to support the Helms amendment just to send a message, and I am a member of the Commission. I am prepared to go out and help Mrs. King raise money in the private sector, as we promised and pledged we would do on the Senate floor.

It seems to me that we are not trying to eliminate the Commission. They may want to go out and raise $10 million, and do all kinds of good work. But it is always easy to rely on the Federal Government: Oh, just take it from the Federal Government; get $2 million from the Federal Government.

I am willing to go out and raise $2 million over the next 5 years for the King Commission. I believe in it. I think we could do it. If everybody in this Chamber, or half of us in the Chamber, each agreed to raise just a little bit, we would have $2 million. It would not take very long. One big fundraiser like some people have and we would have the $2 million. I think Mrs. King would feel better about it; I think the Commission would feel better about it; and I know the taxpayers would feel better about it.

The PRESIDING OFFICER. Under the previous order, the question now is on agreeing to amendment No. 1738, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I further announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

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

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—28

Baucus	Gramm	McConnell
Bennett	Grassley	Murkowski
Bond	Gregg	Nickles
Brown	Hatch	Packwood
Burns	Helms	Pressler
Coverdell	Hutchison	Smith
Craig	Kassebaum	Thurmond
Dole	Kempthorne	Wallop
Faircloth	Lott	
Gorton	McCain	

NAYS—70

Akaka	Conrad	Harkin
Biden	D'Amato	Hatfield
Bingaman	Danforth	Heflin
Boren	Daschle	Hollings
Boxer	DeConcini	Inouye
Bradley	Dodd	Jeffords
Breaux	Domenici	Johnston
Bryan	Dorgan	Kennedy
Bumpers	Durenberger	Kerrey
Byrd	Exon	Kerry
Campbell	Feingold	Kohl
Chafee	Feinstein	Lautenberg
Coats	Ford	Leahy
Cochran	Glenn	Levin
Cohen	Graham	Lieberman

Lugar	Nunn	Simon
Mack	Pell	Simpson
Mathews	Reid	Specter
Metzenbaum	Riegle	Stevens
Mikulski	Robb	Warner
Mitchell	Rockefeller	Wellstone
Moseley-Braun	Roth	Wofford
Moynihan	Sarbanes	
Murray	Sasser	

NOT VOTING—2

Pryor Shelby

So the amendment (No. 1738), as amended, was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. BRADLEY. Mr. President, the Martin Luther King, Jr., Federal Holiday Commission was established in 1984 to encourage appropriate celebrations throughout the United States for the first observance of the Federal legal holiday honoring Dr. King. The Commission was reauthorized in 1986 and again in 1989.

This year, my colleagues Senators HARRIS WOFFORD and CAROL MOSELEY-BRAUN, have introduced a bill as a companion to H.R. 1933, which will extend the life of the Commission for 5 more years and link the Commission with the Corporation on National and Community Service, thereby transforming the King Holiday into a day of interracial cooperation and national community service in the spirit of Dr. King. The bill has my full support.

Dr. Martin Luther King, Jr., was the leader of one of the most profound social movements that this country has witnessed—the civil rights movement. The civil rights movement transformed the landscape of America by focusing attention on the racial injustices that have plagued this country for over 400 years. As a result of this movement, this esteemed legislative body passed a battery of laws, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965, that has brought a large number of this country's historically oppressed minorities into the mainstream of American political and economic life.

Since Dr. King's assassination in 1968, America has made tremendous progress in breaking down obstacles to equal opportunity for racial minorities. However, much more needs to be done. We recently have witnessed an explosion of racial intolerance in America. The picture of a beaten and bloodied Rodney King has been indelibly painted into the minds of us all. The conditions of neglect that have created the desperation of a rising African-American underclass in the bellies of our cities—are all too real. And the words of hate and division by Khalid Abdul Muhammad pollute the common discourse on race relations in America.

Dr. King's message was change through direct, nonviolent social action. The greatness of Dr. King was his unwavering commitment to put his philosophy of nonviolence into concrete action. That ability changed the very fabric of this land. A few weeks ago, I gave a speech at the National Press Club here in Washington where I lamented the fact that violence in our country is spiralling out of control. Every 14 minutes, someone dies of a gunshot wound in America, and among young African-American males, murder is the No. 1 cause of death. Not cancer, not AIDS, not diabetes or sickle cell anemia, but cold-blooded murder. If Dr. King were alive today, he would obviously be deeply troubled by not only the senseless violence occurring in the African-American community, but the senseless violence that erupts all too often in many places in America.

So the question must be posed: What would Dr. King do to foster improved race relations and stem the violence that has placed too many citizens of our country at risk? I can tell you that he would not simply sit back and wish the problem away. Through his nonviolent actions, Dr. King provided us with a vision of how to live together as a pluralistic, ethnically, and culturally diverse society. He urged us to stand up for freedom, march for righteousness and speak out against all forms of injustice even when it is inconvenient to do so. His steadfast insistence on employing nonviolent means to achieve an end is a course of action that we must not ignore if we are to extinguish the blaze of violence that is fed by many fires and threatens to destroy the fabric of our society.

The bill that we will vote on today embodies one method by which we can reaffirm our commitment to racial harmony and nonviolence. It challenges Americans of all races to come together to celebrate the legacy of Dr. King by actively working in a nonviolent fashion to make America a better place. It therefore has my unqualified support.

Mr. KENNEDY. Mr. President, at a time when our Nation was paying lip service to liberty but ignoring ingrained injustice, Martin Luther King's simple, irresistible message of "Freedom Now" summoned America to end the discrimination in our midst, and to embrace the enduring principle of equal justice under law—not just in the promise of the Constitution, but the reality of our daily lives. With the establishment of a national holiday honoring Dr. King, he took his rightful place as the founding father of the second American revolution, the revolution of civil rights.

Last month the Judiciary Committee heard testimony on legislation to reauthorize the King Holiday Commission and give it an important new focus of community service. Over the past 10 years, we on the Commission—especially Coretta Scott King and others who testified, such as former Secretary of Housing and Urban Development, Jack Kemp and Senator HARRIS WOFFORD—have worked to make the King Holiday a respected American tradition. The legislation before us will enable the Commission to continue its important work and make the holiday a day of community service.

Since the Commission was first established, millions of Americans have participated in seminars, rallies, prayer services, and other tributes. Americans of all races, cultures, and political persuasions have come together in the same spirit of goodwill and fellowship that characterized Dr. King's life.

The Commission has accomplished a great deal during its short life. But, just as Dr. King had much to do, so the work of the Commission is not complete.

Indeed, there is still much to be done with respect to educating the American public, especially the young, about Dr. King's life, his philosophy and his extraordinary contributions to our progress as a nation.

In the quarter century since Dr. King's death, we have seen poverty, crime, and violence continue to plague our communities. If Dr. King were alive today, he would have challenged us to confront these problems, just as he challenged us to confront the racism and injustice facing our Nation in his day. He would not have wanted us to be complacent. If he could advise us on how best to honor his memory, he would urge us to act—to work together to improve our communities.

Community service is not a new idea in America. It is the essence of democracy. Throughout our history, we have dealt most effectively with the issues facing our country when we have come together to help one another. The first settlers survived and prospered because they had a strong sense of community that enabled them to meet and master any challenge.

Dr. King was part of this tradition of service. We can honor him best by following his example. The King Holiday and Service Act will enable the Commission to continue its programs that bring Dr. King's teachings to our youth, and expand its responsibilities to make the holiday a day of service.

In addition, this bill authorizes the Corporation for National and Community Service to make grants to implement service activities on the King Holiday. The Commission will have an advisory role in reviewing these grant applications. This important new role for the Commission is a fitting way to pay tribute to Dr. King. We honor him most effectively by holding the Nation to the high ideals he served in his own life.

I congratulate Senator WOFFORD and Senator MOSELEY-BRAUN for their leadership on this legislation and for the effective way in which they have ad-

vanced Martin Luther King's dream of opportunity for all Americans.

Mr. President, this legislation will continue the healing process that is so urgently needed for our Nation and for our future, and I urge the Senate to approve it.

ORDER FOR 10-MINUTE VOTES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote now to occur and the vote immediately to follow this vote not be for the regular 15 minutes but be 10-minute votes.

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

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

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

The bill was read a third time.

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

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

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

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—94

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

NAYS—4

Faircloth	Smith
Helms	Wallop

NOT VOTING—2

Pryor	Shelby

So the bill (H.R. 1933), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

The Senate continued with the consideration of executive business.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, 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 nomination of Derek Shearer to be Ambassador to Finland.

Claiborne Pell, Paul Wellstone, Dennis DeConcini, John F. Kerry, Carl Levin, Joseph Lieberman, John Glenn, Jeff Bingaman, Byron L. Dorgan, Kent Conrad, Frank R. Lautenberg, Daniel K. Akaka, Charles S. Robb, Pat Leahy, Tom Daschle, Harlan Mathews.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Derek Shearer, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland shall be brought to a close?

The yeas and nays are required.

Under the previous order, this will be a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I further announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

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

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 129 Ex.]

YEAS—63

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

NAYS—35

Bennett	Faircloth	Murkowski
Bond	Gramm	Nickles
Brown	Grassley	Packwood
Burns	Gregg	Pressler
Coats	Hatch	Roth
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Coverdell	Kempthorne	Stevens
Craig	Lott	Thurmond
D'Amato	Mack	Wallop
Dole	McCain	Warner
Domenici	McConnell	

NOT VOTING—2

Pryor	Shelby

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 35. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

(Later the following occurred:)

CHANGE IN VOTE ON ROLLCALL NO. 129

Mr. SPECTER. Mr. President, this is a unanimous-consent request which has been cleared with both leaders. I had voted on a rollcall vote in favor of cloture as to the nomination of Mr. Derek Shearer, when I thought the nomination was for Mr. Samuel Brown. Earlier today, in a floor statement, I stated the position that I intended to vote against cloture as to Mr. Brown and in favor of cloture for Mr. Shearer.

When the vote came up as to Mr. Shearer, I thought that Mr. Brown was first and thought that it was the vote for Mr. Brown.

So having cleared this request with both leaders, Senator MITCHELL and Senator DOLE, I ask unanimous consent that on rollcall vote 129 I be permitted to change the recorded vote to the affirmative, and this will not affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair. If I may just add, in voting against cloture as to Derek Shearer, that was a vote that his nomination should come up. And on the succeeding vote I did vote in favor of Mr. Derek Shearer.

So this vote, which is now changed to vote against cloture, will be consistent with that vote. When the cloture vote came up as to Samuel Brown, I voted against cloture. So it is consistent with this change in vote.

I thank my colleagues for yielding at this time.

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

The PRESIDING OFFICER. The question now is on the confirmation. Does the Senator from Arizona seek recognition?

Mr. MCCAIN. Mr. President, I rise in opposition to the nomination of Mr. Shearer.

The PRESIDING OFFICER. The Senator has the floor.

Mr. MCCAIN. Mr. President, obviously there is now 30 hours remaining, according to the rules of the Senate, on the nomination of Mr. Shearer. It is my understanding this issue will continue to be debated in hopes that some of our colleagues who voted in favor of the motion to invoke cloture will be in opposition to Mr. Shearer's confirmation to what some believe is not a critical post but one that is of some importance.

Mr. President, I ask unanimous consent that my following remarks appear in the RECORD as if in morning business.

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

UNITED STATES POLICY AND THE CRISIS IN KOREA

Mr. MCCAIN. Mr. President, on another and more important subject, on several occasions I have felt it necessary to criticize the administration for its overly accommodationist policy toward North Korea. Administration efforts to address the emerging North Korean nuclear threat, in my view, have been fundamentally flawed in two respects. First, administration approaches to North Korea have relied too heavily on the promise of rewards and too little on the prospect of punishment—giving the impression of weakness in our resolve. Second, administration policy seemed premised on the mistaken notion that time works to the advantage of the United States and not North Korea. Exacerbating these flaws, is a fault common to many other administration foreign policies—inconsistency.

Contemplating the terrible consequences which I believe may well ensue from what The New Republic described as a humiliating exercise in appeasement provoked my frequent, strong dissent from administration policy. But despite my past criticism, for a brief moment last week I had hoped that further dissent from the administration's Korea policy would no longer be necessary.

When the International Atomic Energy Agency, IAEA, reported last Thursday that North Korea had removed some of the spent fuel from its nuclear reactor at Yongbyon before IAEA inspectors had arrived to monitor that process, I thought that the administration would finally appreciate the futility of further accommodation and begin to show a little resolve in its dealing with the North Koreans. After all, the United States and the IAEA had insisted for weeks that North Korea not withdraw any spent fuel rods without IAEA inspectors present.

When earlier in the week Defense Secretary Perry had indicated his appreciation of the gravity and the urgency of the crisis, I began to believe that the administration had belatedly come to understand that negotiations or even IAEA inspections were not ends in themselves. I began to believe that the President's foreign policy team had finally embraced as the object of United States policy the directive the President issued last November when he declared: "North Korea cannot be allowed to develop a nuclear bomb. We have to be very firm about it."

Sadly, Mr. President, this was not the first time I underestimated the administration's almost limitless capacity for self deception. Nor, probably, will it be the last time.

Upon discovering North Korea's removal of the spent fuel rods, estimated in a South Korean report as up to 15 percent of the reactor's fuel, the IAEA immediately reported the North Korean action to the Security Council, condemning it as a "serious violation" of the Nuclear Non Proliferation Treaty, NPT.

IAEA's reaction was perfectly appropriate under the circumstances, but was apparently inconsistent with the administration's approach to grave national security problems—an approach which can be charitably described as procrastinating, irresolute and exceedingly dangerous.

Last Friday morning's headlines heralded the growing sense of crisis provoked by North Korea's latest violation of the NPT. The administration had no comment on the matter, however, until later in the afternoon, when it would attempt a dazzling display of reverse spin on the bad news coming from Pyongyang.

Mr. President, when spent fuel rods are removed from a nuclear reactor they must be placed in a cooling pond of distilled water for a minimum of 6 weeks before they can be used for any purpose. They cannot be withdrawn from the reactor and immediately reprocessed into weapons grade plutonium.

On Friday afternoon, administration officials reported that IAEA inspectors had determined that the fuel rods which had been removed prior to their arrival were all currently located in a cooling pond—as they must be—and had not yet been diverted for reprocessing. The administration greeted this information as if it were some sort of revelation. For good measure they identified as an additional cause for celebration reports that the specific fuel rods which the IAEA would use to measure past diversion of fuel for reprocessing remained in the reactor.

What then ensued was a full court administration press to downplay the significance of what the IAEA—an agency not noted for its inflammatory or belligerent rhetoric—condemned as a serious violation of the NPT meriting the immediate attention of the Security Council. Secretary Perry's recent characterization of the situation as a particularly grave, near-term crisis was replaced with his calming assurance that North Korea's action constituted only a procedural violation, giving the impression that their conduct barely warranted any U.S. interest.

Mr. President, the confirmation that spent fuel could not be immediately reprocessed hardly qualifies as a stunning disclosure. And the fact that certain fuel rods had not yet been removed from the reactor does not in any way mitigate this latest example of North Korea's complete disregard for its obligations under the NPT. In fact, North Korea's removal of the fuel rods without IAEA monitoring is a flagrant violation, of the treaty and a serious rebuke to U.S. diplomacy. That the administration would treat it as anything other than that constitutes yet another retreat from anything resembling a coherent, resolute, and honest approach to this crisis.

I was at first uncertain why the administration would reverse position so suddenly last Friday. I took it as just another indication that administration policy still suffered from a failure of nerve. It certainly was that, Mr. President, but I would not learn just how completely they had lost their nerve until the following day.

On Saturday, we learned that the administration's contrived rationale for dismissing North Korea's latest violation was also intended to justify a new administration venture into vacillating diplomacy. The administration announced that it would resume high level negotiations with North Korea. Remember, Mr. President, that the administration had broken off the talks when North Korea had prevented IAEA inspectors from determining if reactor fuel had been diverted in the past for reprocessing and when North Korea withdrew from negotiations with South Korea.

Has North Korea succumbed to U.S. pressure and allowed the IAEA adequate access to nuclear facilities so that they can judge whether any fuel has been diverted? No, they have not. They have only agreed to discuss with the IAEA the terms under which the IAEA might be allowed, I repeat, might be allowed, to resume their inspections.

Has North Korea resumed dialogue with the South on a range of issues including the nuclear crisis and the prospect of reunification between north and south? No, they have not. They have,

however, threatened to turn South Korea into a sea of fire.

In sum, Mr. President, the administration had decided in advance of the IAEA's report on Friday that it wanted to resume direct negotiations with North Korea—something the North Koreans have sought to achieve for 40 years—even though North Korea had done nothing to rescind the provocations that had led to the earlier disruption of the talks.

The IAEA's declaration of North Korea's serious violation of the NPT frustrated the administration's intention. So, administration officials attempted to intentionally deceive the American people into believing that Pyongyang had done something that warranted a resumption of the talks. That the administration would initiate such a deception knowing full well that North Korea would correctly recognize it as another sign of American weakness is as reckless an action as the administration has taken to date in this crisis.

At the moment, we have conflicting reports about whether North Korea is continuing to defuel the Yongbyon reactor. On Friday, the administration and the IAEA insisted that North Korea delay discharging any more of the fuel rods until an agreement had been concluded for IAEA inspectors to monitor their removal and measure the fuel level in the rods of interest. Reports in the Defense Department indicate that the defueling has continued over our objections. The State Department is still hopeful that the defueling has not resumed.

Irrespective of whether North Korea has ignored our latest demand, the administration intends to resume direct talks with them. Administration officials claim that North Korea has met all the prerequisites for those talks. Whatever those prerequisites might be remain a mystery to the rest of us.

Mr. President, I assume that the administration hopes that its latest transparent attempt at appeasement will succeed where all their other attempts failed. Given the administration's unwavering devotion to carrots and gestures of friendship, surely the North Koreans will finally be overwhelmed by U.S. good will and graciously abandon their nuclear ambitions in return. What a surprise it must have been to administration officials yesterday when North Korea forgot its manners again and denounced a regularly scheduled U.S.-led naval exercise in the Pacific with Japan, South Korea, Australia, Canada and other of our allies as a hostile military action which North Korea is prepared to counter.

Mr. President, it has become exceedingly difficult to keep one's remarks free from cynicism when discussing administration diplomacy in this crisis. A brief review of the administration's record of failed appeasement over the last year illustrates why.

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In January 1993, North Korea rejected an IAEA request to inspect 2 nuclear waste sites. In February, the IAEA set a March 31 deadline for North Korea to allow the requested inspection. North Korea responded by announcing its decision to withdraw from the NPT.

The Clinton administration responded by entering direct negotiations with North Korea on the issue. Its stated policy at the time was to persuade the Koreans to remain in the NPT; to assure them that we would not use nuclear weapons against North Korea; to convince them to allow inspections to ensure the continuity of safeguards, as defined by the United States, not the IAEA; and to use the talks or the cancellation of talks as a carrot and stick to induce North Korea's cooperation.

In June and July, two rounds of talks were held. Two joint statements were issued respectively containing North Korea's promise to suspend their withdrawal from the NPT; the United States promise not to use nuclear weapons against North Korea and not to interfere in their internal affairs. The first statement also specified an agreement on the impartial application of full scope safeguards and included North Korea's commitment to negotiate nuclear questions simultaneously with the United States, the IAEA and South Korea.

After the talks, North Korea continued to refuse special inspections or a resumption of regular inspections. They reneged on their commitment to negotiate with the IAEA. And they conditioned their discussions with South Korea on the termination of "nuclear war exercises" by South Korea and the United States.

In response, the Clinton administration scheduled a third round of direct talks.

In August, North Korea limited the IAEA to night time access during routine inspection. In September, North Korea refused to allow a follow-up inspection. They refused again in October.

The Clinton administration sent State Department officials to meet with the North Koreans at the United Nations. In November, they again dispatched those officials to New York.

Later that month, the IAEA declared that it could no longer monitor activities in North Korea's nuclear facilities because the film and batteries in its cameras had run out.

President Clinton made his infamous declaration stating without qualification that North Korea would not be allowed to possess a single nuclear weapon. The administration then proposed comprehensive negotiations with North Korea to include discussion of diplomatic relations, United States military exercises, and economic relations. Shortly thereafter, the administration canceled Operation Team Spirit.

Later in the month after meeting with South Korean President Kim, President Clinton announced a new policy which held that North Korea must be made to honor its NPT obligations; and must open talks with South Korea on the nuclear issue before the United States would hold another round of direct talks.

In December, the United States and North Korea reached an agreement which North Korea contends was limited to North Korea's permission for one restricted IAEA inspection. The administration first acknowledged, then denied that the agreement was limited to one inspection. The administration promised to cancel Team Spirit again and to resume direct talks if North Korea opened talks with the South.

In January, the IAEA refused to accept North Korea's terms for a limited inspection. The Clinton administration threatened economic sanctions if the IAEA reported that it could not longer monitor North Korea's nuclear program. North Korea then advised the IAEA that it will accept inspections.

The Clinton administration suspended Team Spirit and scheduled another round of direct talks for March 21.

Come March, North Korea blocked an IAEA inspection of its reprocessing facility, and refused to begin talks with South Korea.

The Clinton administration canceled the March 21 round of talks, and asked the Security Council to vote on a resolution condemning North Korea and threatening the future imposition of sanctions. Blocked by China, the administration fails to get a vote on its resolution, settling instead for a watered down Presidential statement which instructs the IAEA to continue to seek an inspection and report back to the council in May.

North Korea offered to allow the completion of the March inspection if the United States dropped its insistence on simultaneous talks with South Korea.

In April, at the urging of the Clinton administration, South Korea dropped its demand for talks with the North.

North Korea then disclosed its planned shut down and refueling of the reactor, and told the IAEA it could be present during the refueling. However, they rejected the IAEA's demand that inspectors be allowed to sample "fuel rods of interest" to determine whether fuel had been diverted in 1989.

This month, the United States and the IAEA instructed North Korea not to begin refueling until IAEA inspectors had arrived.

North Korea ignored the demand and began refueling, earning the IAEA's condemnation of the act as a serious violation of the NPT.

The Clinton administration responded by scheduling another round of

high level direct negotiations with North Korea.

Mr. President, this abysmal record of failed appeasement speaks for itself without any further commentary by me.

In a few minutes I will enumerate what actions I believe the United States should take if we are to ever stop retreating in the face of international lawlessness and direct threats to the security of the United States and our allies. I intend to include in this summary a discussion of that action which the administration has virtually excluded as a response to North Korea's bad faith—to the great relief of Pyongyang—the military option.

Before I begin that discussion, Mr. President, I want to explain why I believe this situation is so grave that the United States must take whatever actions are required to force an end to North Korea's unlawful nuclear ambitions.

North Korea's nuclear program may be the defining crisis of the post-cold-war world. It represents a clear and present danger to our closest Asian allies and to the security of the United States itself. I am greatly concerned that the eventual outcome of North Korea's pursuit of nuclear status will be a world where the proliferation of weapons of mass destruction explodes exponentially; where in a never ending spiral of escalation all Asian powers capable of producing nuclear weapons do so and seriously undermine the stability of all Asia; where the most irresponsible, terrorist regimes in the world have the capacity to intimidate regional rivals into total submission or annihilate them; where the United States itself might be the victim of a terrorist attack like the bombing of the World Trade Center—only this time the weapon of choice will be a nuclear bomb.

From 1985 to 1992, North Korea exported more than $2.5 billion in arms. While most of the recipients of these sales are classified, CIA Director Woolsey has identified Syria, Iran, and Libya among the countries which have taken delivery of North Korean Scud C ballistic missiles.

To all those apologists for the administration's appeasement policy who argue that we must refrain from responses that might provoke the North into launching a military attack, I ask one question: Would an attack be more or less likely after North Korea acquires a nuclear arsenal and after it has completed its production of ballistic missiles capable of delivering nuclear warheads to Tokyo? I think the answer is obvious.

Armed with a sufficient arsenal to both export and use to their own ends, North Korea could soon be blackmailing South Korea, Japan, and even the United States into providing sufficient aid and diplomatic concessions in order to sustain their crumbling regime and earning hard currency from its nuclear sales abroad.

Should the United States and our allies resist North Korea's threats, and take the necessary steps to prepare for a military confrontation, the North could be more inclined to strike first knowing that if their aggression was repelled, the United States and South Korea might be dissuaded from crossing the 38th parallel in a counterattack out of fear that it would trigger a nuclear war—a prospect more daunting that the artillery barrage it is currently capable of inflicting on Seoul. Unless, the administration completely squanders all credibility with Pyongyang, Kim Il-Song could not rule out today the possibility that an attack on the South might lead to the complete destruction of his regime.

What is the nature of the regime that currently threatens us? It is led by the same man today who over 40 years ago misread American resolve and launched the Korean war—a war for which the United States was not prepared and which cost us dearly. It is a regime that in one 1983 incident assassinated most of South Korea's Government. It is a regime that captured the U.S.S. *Pueblo*, imprisoned and tortured its crew. It is a regime that in 1987 blew up a South Korean airliner carrying over 150 South Korean construction workers home from work in the Middle East. It is a regime that has committed numerous other terrorist acts so ruthless that they defy brief summarization.

Mr. President, North Korea has utterly impoverished its nation in order to finance its enormous military and its nuclear weapons programs. I find it difficult to accept that any number of economic and diplomatic rewards from the United States, by themselves, would sufficiently entice Pyongyang into abandoning the aspirations they have paid so dearly to achieve. Given the administration's appeasement policy's sorry record of accomplishment to date, it is abundantly clear to any rational person that the time for more forceful, coercive action is long overdue. Any further delay in hardening our policy would constitute administration negligence so gross as to damage our security interests for a generation or more.

Before describing the stronger action I have referred to, let me first quote Secretary Perry from remarks he made last week prior to the administration's latest change in policy.

> Whatever risks we are facing by actions we take today, I believe they would be less than the risks we would face if we tried to face their program two years from now after they had developed a substantial inventory of nuclear bombs and missiles for their delivery vehicles.

Secretary Perry had it exactly right. North Korea's recent purchase of 60 submarines from Russia which, Janes Weekly contends, could be adapted to fire ballistic missiles underscores the urgency of the Secretary's remarks. So, let us now—at long last—consider those steps that would bring this expanding crisis to its earliest and most favorable conclusion.

The United States should once again inform North Korea that should they abandon their nuclear ambitions, we are prepared to normalize our economic and diplomatic relations with that isolated country. After we have reaffirmed that intention, we should talk no more of carrots. Any further discussion of the crisis should only detail the punitive measures we are prepared to take immediately to force their cooperation.

The United States should then quietly inform the Chinese that our policy of accommodation with North Korea has failed and we intend to seek a resolution of sanctions in the Security Council.

We should make clear to China, quietly but very forcefully, that there is no other issue involved in our relations of comparable importance. A mutually advantageous engagement between our two countries will simply not be possible absent their cooperation on the sanctions question. At the same time, we should inform the Chinese that we intend to pursue our advocacy of human rights through some means other than linking it to MFN. The administration must spare no effort to be persuasive in this endeavor. China must understand that should they decline to cooperate, we will have reached an insurmountable impasse in our own relations.

We should make the same representations to Russia.

Whether or not China or Russia indicate they are prepared to cooperate, we must still ask the Security Council to impose tough sanctions. In discussions with our allies before we go to the Security Council, we should make clear our expectations of Japan. Even if a sanctions resolution is vetoed, Japan must cut off all remittances from Korean-Japanese to North Korea.

Japanese Prime Minister Hata, when he still served as Foreign Minister, estimated that financial flows to North Korea from Koreans residing in Japan had reached $1.8 billion annually. Of that figure, $600–700 million is in the form of cash remittances. They account for 40 percent or more of North Korea's foreign exchange earnings, and a little more than 8 percent of its GNP. Depriving North Korea of this important source of hard currency will be sharply felt in Pyongyang as it struggles to keep the collapsing North Korean economy from plunging the entire society into chaos.

North Korea has threatened to go to war over the imposition of sanctions. I do not think they will, but I am not

certain. Thus, it is critical that the United States prepare for such a contingency immediately for two obvious reasons. First, we have 37,000 American troops in Korea and we must take every measure to ensure that they are protected to the extent possible from North Korean attack and would prevail as quickly as possible in a conflict. Second, visibility improving our readiness to counter North Korean aggression will emphasize the seriousness of our intention to resolve this crisis on our terms.

Again, let me quote Secretary Perry:

> The North Koreans have stated that they would consider the imposition of sanctions to be equivalent to a declaration of war. * * * We may believe, and I do believe, that this is rhetoric on their part, but we cannot act on that belief. We have to act on the prudent assumption that there will be some increase in the risk of war if we go to a sanction regime.

Once more, the Secretary had it exactly right. Unfortunately, the administration has done nothing to act on his prudent assumption. With the exception of the very slow deployment of the Patriot missile batteries the United States has done nothing to prepare for a possible attack from the North.

U.S. forces in Korea number approximately 37,000. South Korean forces number approximately 500,000. Much of these forces are deployed north of Seoul. American capabilities include 2 mechanized light brigades, with Bradley and M–1 tanks.

North Korean forces number approximately 1.2 million men, most of whom are deployed within 20 to 30 miles of the DMZ. Long range North Korean artillery is deployed all along the DMZ with the capability of striking all of Seoul. Deployed SCUD missiles, possibly armed with chemical warheads, could hit almost any point on the southern peninsula.

The American commander in South Korea, General Luck, was reported to have estimated that war on the Korean peninsula would last no longer than 90 days. I do not have sufficient information to support or contradict the general's estimation. Suffice it to say, that should it come to war, it will be a very difficult experience, and we should be prepared to bring it to a very rapid conclusion, well short of the general's 90 days if possible.

Mr. President, the objects of U.S. military policy in Korea should be to deter a North Korean attack; to ensure a decisive win and the least lost of life possible if deterrence fails; to compel North Korea to terminate its nuclear weapons program; and to enforce any economic embargo which might be imposed.

In order to ensure the readiness of United States and South Korean forces to serve those ends, the administration should have already ordered the following action. Unfortunately, they have not yet seen fit do so. Lack of adequate strategic lift, Mr. President, makes it imperative that the following deployments occur well ahead of any anticipated military action.

First, increase the readiness and alert posture of United States and South Korean forces; second, deploy to South Korea additional troops from the United States; third, deploy additional fighter aircraft squadrons and Apache helicopters to South Korea; fourth, deploy a carrier battle group to the area; fifth, preposition bombers and tankers in the region; sixth, preposition stocks in South Korea; since, again, significant lack of strategic lift precludes the timely sustainment of our forces during the crisis; seventh, enhance intelligence collection and sharing with South Korea, focusing increased intelligence assets, both satellites and aircraft systems, in the theater; eighth, enhance South Korean defenses with Multiple Launch Rocket Systems (MLRS), counter-artillery radars, and precision-guided munitions; and ninth, neither American and South Korean forces nor the population of Seoul have effective defenses against a chemical or biological attack from the North. This failing should be quickly remedied.

Mr. President, these are but a few of the actions which the United States should quickly take in accordance with Secretary Perry's prudent assumption directive. That none of them have yet been ordered exposes the administration's considerable negligence.

Mr. President, I have not outlined these few steps because I am eager for a confrontation in Korea. I contemplate such a contingency with great dread. I know well the full terrible measure of war, and appreciate its consequences for the people of South Korea and the Americans stationed there. I ask that the administration act on these recommendations because I believe they will have a deterrent value—they will better acquaint North Korea with the futility of any attempt to conquer the South.

I also appreciate how difficult it might be for Pyongyang to interpret the extraordinarily confused signals they receive from the administration. Accordingly, I think the administration should take pains to inform North Korea that these actions are purely defensive. But should they decide to make a fight of it nevertheless, we should also have informed them in unmistakable terms that any war they begin on the Korean peninsula will end in Pyongyang. They must be made to understand that the United States intends to make their regime the last casualty of a second Korean War.

I hope they will heed that warning, Mr. President. But if they do not, we must not be dissuaded from our commitment to prepare for the prospect of North Korean aggression, and to resolve the North Korean nuclear crisis on our terms by whatever means necessary.

Mr. President, I have opposed the use of American force in Beirut, in Bosnia, in Somalia, and in Haiti. I am not such a hawk that I favor using force to resolve problems in places where vital U.S. interests are not threatened. But for the reasons I have provided, I believe those interests are very gravely threatened in Korea.

Therefore, I believe the United States must consider taking stronger measures should we further fail to persuade North Korea to end this crisis. I do not believe that we should resort to offensive military actions immediately. The imposition of sanctions should be attempted and the necessary improvements to our readiness should be affected before we embrace such a serious option. But we should not exclude it from consideration. It should be considered very carefully.

The administration would have us believe that a military response to Pyongyang's intransigence would be ineffective. That is not true, Mr. President. Air or cruise missile strikes on North Korea's nuclear facilities would not completely destroy their nuclear program, but they could damage it severely over both the near and long term. There are risks involved, of course, that must be minimized to the greatest extent possible.

Disabling or limiting North Korea's near-term nuclear capability poses the most difficulties. However, those difficulties are not insurmountable.

Since the reactor's shut down, only a small percentage of its fuel rods have been removed. Discharge of all the rods, refueling and restart may take as long as 60 to 90 days, meaning that the reactor could be operational as early as late July or August. Most, if not all, of the spent rods will be stored in the reactor's cooling pond, although some may be moved later to the reprocessing plant about 1000 meters from the reactor or stored in other hidden locations. Reprocessing the plutonium in the 5-megawatt reactor at Yongbyon could provide a three to four-fold increase in North Korea's nuclear weapons capability.

A significant portion of the reprocessing plant is underground and is reinforced with concrete and earthworks. In addition, there is a fuel rod assembly facility located in this region. The facilities have independent power sources.

Strikes using high-performance aircraft would be required to eliminate these facilities, since they are so heavily reinforced and cruise missiles would not be effective. Because of heavy air defenses around these facilities, the risk to our pilots would be considerable. However, we should have a pretty detailed understanding of the facilities' interior and exterior design and defenses.

Timing is critical in targeting these facilities. Extensive bombing of the re-

actor or reprocessing plant could cause the release of nuclear radiation which might be carried by prevailing winds to South Korea. Precision targeting could effectively damage the capabilities of both facilities without requiring that they be reduced to rubble, and with little or no radiation release.

It would be preferable to strike the reactor while it is not operational. But even if it is fully refueled and has been restarted, I am told that the radiation release would be minimal with a new fuel load. Strikes could be targeted in such a way as to cause the building to collapse in on itself without seriously damaging any fuel rods in the core.

If no spent fuel rods are moved to the reprocessing facility, it could be hit without risk of a radiation release. Even if a small number have been stored there, a precision strike on the building, designed to disrupt future operations for some period of time, would not result in a significant release of radiation. Again, with precision targeting, a hit could be designed to cause the building to collapse in on itself with virtually no radiation release.

Less difficult options—if also less effective against North Korea's near-term threat—would be strikes against North Korea's huge new 250 megawatt reactor which is scheduled to become operational by the end of the year, another even larger reactor which will be operational in 1996, and an associated reprocessing plant that will begin operations in about 6 months. Since these facilities are not on-line, and have no nuclear fuel on site at this time, there would be no risk of radiation release.

The objective of the strikes would be to irreparably damage the facilities and surrounding support structures, including power plants. High-performance aircraft or Tomahawk cruise missile strikes targeted on these three facilities might effectively eliminate North Korea's planned expansion of their nuclear program. Cruise missiles would eliminate the direct risk of death or capture of any American pilots.

Mr. President, I have just described in dry, technical terms what would be a very serious, and dangerous undertaking by the United States. I would not want my colleagues to think that I take such matters lightly. But I felt it important to refute claims that we have no viable military options in this situation. We do have several very considerable options available to us today. We should not utilize them hastily or without careful consideration. But we should be considering them, and ultimately prepared to implement them if that is what is required to meet the President's correctly stated objective that the United States will not tolerate their nuclear program, period.

I began these lengthy remarks by stating how I had hoped that the administration and I were finally in accordance on how to resolve this crisis. Regrettably, that is not the case. I have heard reports that the administration has used my previous statements on this problem to show the North Koreans that there are some Americans who would be less accommodating in their approach to them. That is fine by me, Mr. President. But I hope today that I have a larger audience. I hope today the administration is listening to me.

I would leave them with a final warning which I have given before by paraphrasing Winston Churchill. Let it not be said of this administration that in a defining crisis of the post-cold-war world, they faced a choice between dishonorable appeasement and war, they chose appeasement first and got war later.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. Mr. President, I would like to commend the Senator from Arizona on his very thoughtful remarks about what is a very difficult and challenging world problem and thank him.

I had the pleasure of listening to him and learned a great deal.

So I would just like to extend my thanks.

NOMINATION OF DEREK SHEARER, OF CALIFORNIA, TO BE AMBASSADOR TO FINLAND

The Senate continued with the consideration of the nomination.

Mrs. FEINSTEIN. Mr. President, I rise today in support of President Clinton's nominee to become Ambassador to Finland. I am confident that Derek Shearer will serve the United States with honor and distinction.

Derek Shearer is a native of California—born and raised in Culver City, CA—and currently is the director of the International and Public Affairs Center and an associate professor of public policy at Occidental College in Los Angeles.

His knowledge of, and experience in, foreign affairs is impressive. He has won several prestigious awards including a Guggenheim Fellowship, a German Marshall Fund grant and a United States-Japan Leadership Fellowship. He has studied and taught international economics and politics and has traveled extensively in Europe, Asia, and Australia, as well as in Scandinavia and Russia.

While serving as Deputy Under Secretary of Commerce for Economic Affairs in 1993, Professor Shearer ably represented the administration before such groups as the European Institutes' meeting of foreign ambassadors, the Brookings Institute's seminar for visiting parliamentarians, and the Washington International Business Council.

Despite his qualifications and experience in foreign affairs, Professor Shearer is being judged by books and articles he authored or co-wrote during the early 1980's. My question is how, do economic views once held by and now renounced by Professor Shearer affect his ability to serve his country as Ambassador to Finland?

In response to a question regarding his past-held economic views, Professor Shearer answered,

> It is a quote from our book "Economic Democracy". It is not a view that I particularly hold anymore. I think that * * * in some areas we were clearly wrong.

The book "Economic Democracy" was written in 1980 and its authors are both economists from California. They were working from a grant to study European economic models and try to figure out ways in which they could be used here. In this process they brainstormed a number of ideas.

During his confirmation hearing, Professor Shearer testified that he is, "a strong proponent of corporations that have their bases in the United States, and are leaders in their field."

Further, Professor Shearer stated,

> In fact, my experience in working in the Commerce Department made me deeply skeptical of the ability of the Government to do many of the things that I might have written about when I was a Professor. I think that there is nothing like working experience to give you a clearer view of what is possible and what is not, and what is appropriate and what is not.

Yes, Mr. President, we all do change our views and sometimes the ivory tower and the streets collide in ideology.

These are not the words of someone who is planning to undermine the fundamental understanding of the American way of life. Professor Shearer has been nominated to be Ambassador to Finland. He has received the endorsements of a wide variety of distinguished individuals: Arthur Schlesinger, John Kenneth Galbraith, Charles W. Maynes, Morton Abramowitz, and President Reagan's Ambassador to Finland, Rockwell Schnabel have all endorsed Professor Shearer for the post.

In the post-cold-war era, Finland is at a critical juncture and will play a vital role in the new world order. President Clinton and the United States needs someone with his intellectual training and real-world experience to represent us in Helsinki.

I urge my colleagues to vote to confirm Derek Shearer.

I yield the floor, Mr. President.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. BENNETT].

(Mrs. BOXER assumed the chair.)

Mr. BENNETT. Madam President, I want to commend my colleague from California and thank her for sharing this information. I was unaware of the fact that Professor Shearer had re-

nounced his earlier position. I think that is a very cogent fact that needs to be brought before the Senate and may very well change some votes.

I am prepared to discuss what I consider to be the folly of his earlier positions and I think I will do that nonetheless.

But I accept the explanation from the senior Senator from California about Professor Shearer's repentance. I recognize that we are all in need of repentance from time to time. I am grateful to her for calling that to the Senate's attention. As it happens, I was living in California at the time that the phrase "economic democracy" first came to the public attention. It was brought to our attention as voters by Tom Hayden and his then wife, Jane Fonda.

I debated that particular issue with a number of people as we talked about it in that period, and that is why I was interested to see Professor Shearer's book that used the phrase "economic democracy" that came out in that same timeframe. Actually, it came out a little later, after the phrase was first adopted by Tom Hayden and Jane Fonda.

I note that Professor Shearer has gone to lengths to disassociate himself from Tom Hayden and Jane Fonda, but he nonetheless is the author of the book that carries the phrase that they made famous, in which he makes the comment that it is not appropriate to use the word Socialist because—and I am quoting from his book—"socialism has a bad name in America and no amount of wishful thinking on the part of the left is going to change that in our lifetimes. The words 'economic democracy' are an adequate and effective replacement."

I want to talk about the words "economic democracy" and what it is I think they really mean. I will not engage in bashing socialism or accusing these people of supporting socialism. Instead, I think their choice of the words demonstrates a very basic ignorance of economics, an ignorance, frankly, that I find somewhat surprising in one who is an economics professor.

I have said before from this desk that if I had the power to determine what should be engraved in the walls around us that constantly remind us of our duties, there is one phrase I would recommend be carved in marble. Every government should remember this. It is a great truth. It is, "you cannot repeal the law of supply and demand."

This stands as the basis of all understanding of economics, and yet those who talk about economic democracy do not seem to understand it. So I concocted the following little demonstration of what I mean, for the benefit of Miss Fonda, who was then touting economic democracy.

As I understand their approach to economic democracy, it is that we should put the emphasis on treating everybody alike. That we should, indeed, try to repeal the law of supply and demand that says the market sets prices, the market sets wages.

No, that is not fair because the market will reward one over another in an improper way and everybody should be treated alike. That is what democracy means.

I went to Miss Fonda's profession, the making of movies, and constructed the following example to show how the law of supply and demand really works. If you are a producer and you want to make a movie that has a lot of people in it, you go out and hire a bunch of extras. There is a great supply of people who want to be in movies, who are willing to accept the indignities and problems connected with being an extra. They are available relatively cheaply because they are in great supply. So you can have your movie filled with extras at a relatively low price.

However, if you want an extra who can act a little bit, who can say a few words on camera and not get completely tongue tied, those are in slightly smaller supply than people who are just willing to show up and get photographed. So they get paid a little more because the supply is smaller and the demand is there for someone who has that talent.

If you want an actress who can go through the whole movie and carry a role, not just say a few words on camera as a speaking extra, now you have a much smaller supply from which to draw. And in order to get what you want, you are going to have to pay a higher price.

If you want a marquee name on your movie that will cause people to come see it because they are familiar with it, the supply is much, much smaller still. There are only a handful of actresses who are, in the Hollywood term, "bankable," who will show up and put their name on your movie and cause people to come. To hire one of those bankable stars, you have to pay far more than you do the actress who can just go through the movie, who happens to be anonymous.

But if you want an actress who has won an Oscar and has that kind of visibility, the supply gets smaller still.

Ultimately, if you want Jane Fonda, you are dealing with a monopoly and she can charge monopoly rates. I am not sure Ms. Fonda, in the name of economic democracy, would be prepared to accept the wages of an extra on the grounds that since everybody was on the set at the same time, everybody should be paid the same wage.

Madam President, I see the distinguished majority leader has come on the floor, and I will be happy to defer any further remarks until we have heard what he has for us.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I thank my colleague for his courtesy. If I might direct a question to the distinguished Senator from Utah through the Chair, I am about to propound a unanimous-consent agreement that would provide for a vote on the pending nomination at a time certain. We are prepared to vote now, but if the Senator would like further time, I would be pleased to set the time to accommodate whatever his request is in that regard.

Mr. BENNETT. Madam President, I think I have made my point about the absurdity of economic democracy as outlined by Professor Shearer, and I would have no objection whatsoever to the recommendation of the majority leader.

Mr. MITCHELL. I thank my colleague for his courtesy.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Accordingly, Madam President, I ask unanimous consent that a vote occur on the confirmation of Derek Shearer at 4:20 p.m. today, without intervening action; that upon confirmation, the President be immediately notified of the Senate's action; further that, without intervening action, the Senate vote on the motion to invoke cloture on the nomination of Sam W. Brown, with the mandatory live quorum waived; that if cloture is invoked, without intervening action, the Senate vote on confirmation of the nomination of Sam W. Brown; that if cloture is not invoked, the Senate resume consideration of the Brown nomination at 9 a.m., Wednesday, May 25, with the time until 1 p.m., equally divided and controlled between Chairman PELL and Senator BROWN or their designees; that at 1 p.m., without intervening action, the Senate vote on the motion to invoke cloture on the nomination of Sam W. Brown, with the mandatory live quorum waived, that if cloture is invoked, the Senate immediately without intervening action vote on confirmation of the nomination; that upon confirmation, the President be immediately notified and the Senate return to Legislative Session; I further ask unanimous consent that upon confirmation of the nominations of Derek Shearer and Sam Brown, or in the case of a cloture vote on the Brown nomination, if cloture is not invoked, that the Senate then proceed to the consideration of Calendar No. 220, S. 729, the lead reduction bill.

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

Mr. MITCHELL. Madam President, then Senators should be aware that a vote will occur within just a few minutes on the Shearer nomination, and it will be followed immediately by a vote on the motion to invoke cloture and terminate debate on the Brown nomination.

At this point, Madam President, I ask for the yeas and nays on the Shearer nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, if cloture is invoked on the Brown nomination, there will then be a vote immediately thereafter on the Brown nomination itself. If cloture is not invoked, the Senate will then proceed to consideration of the lead reduction bill, S. 729, to which I referred in the consent request.

In that event, that is to say the event that cloture is not invoked on the Brown nomination today and the Senate proceeds to the lead reduction bill, the Senate will return to the motion to invoke cloture on the Brown nomination tomorrow at 9 a.m. There will be 4 hours of debate equally divided, controlled by Chairman PELL and Senator BROWN. And the second vote on the motion to invoke cloture and terminate debate on the Brown nomination will then occur at 1 p.m. tomorrow.

Mr. WALLOP. Mr. President, I rise in opposition to the nomination of Derek Shearer to be Ambassador to Finland. While Finland may not figure in the world's hot spots right now, it may unfortunately again become more central to United States policymaking—given worrisome trends and policies in Russia. Moreover, Mr. President, Dr. Shearer's less than truthful answers to the Senate Foreign Relations Committee speak to a larger, more ominous problem with the Clinton team. Finally, Dr. Shearer has a long record of advocacy of radical leftwing economic and political causes—raising serious questions about his past judgments, if not his present attitudes and policies.

Dr. Shearer's embrace of central planning in the economic sphere is well-documented in his two books, "Economic Democracy: The Challenge of the 1980's" and "A New Social Contract: The Economy and Government After Reagan." The former is characterized as "a discussion of an argument for alternatives to the present structure of production in the United States; alternatives that would change the control of capital and how it is used." In this book he argues that "the way the economy is governed and the way things are produced will have to be changed as well." He even goes so far as to assert that "any alternative economic and social strategy must start by dismantling, or at least restricting, the power of corporations."

In response to written questions by the Senator from Colorado [Mr. BROWN] about his extreme views, Dr. Shearer replied that "I have not advocated socialism * * * I have never described myself that way, nor viewed myself as such." He went on to say that "I did not then (in 1980) nor do I now advocated 'Radical Change.'" Mr. president this man must be delusional. Last time I checked, the U.S. economy was a market economy. To speak of "alternative to the present structure of production" or changing "the control of capital" can only mean one thing: removing these processes from market control. Unfortunately for Dr. Shearer, once you remove market incentives, there is no third way. Once you remove market incentives, you thrust Government into a central planning mode.

Equally serious are Dr. Shearer's circumspect descriptions of his association with the hard left Institute for Policy Studies [IPS]. Even though at least two of the IPS annual reports list Shearer as one of the organization's associate fellows, Shearer claims that he was "never an associate fellow at IPS." As recently as their 1993 report, Dr. Shearer is placed under a listing called "former associate fellows, visiting scholars, and current transnational institute fellows." Given his associations with IPS were documented over a 10-year period, it really strains credibility for Dr. Shearer to suggest that he was unaware that he was so listed by the IPS.

I thank my colleagues for their cooperation, both the chairman and Senator BROWN, and all of those who have been interested in these matters and participated in the discussions culminating in this agreement. I thank the Senator from Utah for his courtesy.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Derek Shearer, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

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

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 130 Ex.]

YEAS—67

Akaka	Conrad	Graham
Baucus	Danforth	Harkin
Bennett	Daschle	Hatch
Biden	DeConcini	Hatfield
Bingaman	Dodd	Heflin
Boren	Domenici	Inouye
Boxer	Dorgan	Jeffords
Bradley	Durenberger	Johnston
Breaux	Exon	Kassebaum
Bryan	Feingold	Kennedy
Bumpers	Feinstein	Kerrey
Byrd	Ford	Kerry
Campbell	Glenn	Kohl
Chafee	Gorton	Lautenberg
Leahy	Moynihan	Roth
Levin	Murray	Sarbanes
Lieberman	Nunn	Sasser
Lugar	Packwood	Simon
Mathews	Pell	Specter
Metzenbaum	Reid	Wellstone
Mikulski	Riegle	Wofford
Mitchell	Robb	
Moseley-Braun	Rockefeller	

NAYS—31

Bond	Gramm	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Pressler
Coats	Helms	Simpson
Cochran	Hollings	Smith
Cohen	Hutchison	Stevens
Coverdell	Kempthorne	Thurmond
Craig	Lott	Wallop
D'Amato	Mack	Warner
Dole	McCain	
Faircloth	McConnell	

NOT VOTING—2

Pryor	Shelby

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The 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 nomination of Sam W. Brown, Jr., for the rank of Ambassador during his tenure of service as Head of the Delegation to the Conference on Security and Cooperation in Europe.

Claiborne Pell, Paul Wellstone, Dennis DeConcini, John F. Kerry, Carl Levin, Joseph Lieberman, John Glenn, Jeff Bingaman, Byron L. Dorgan, Kent Conrad, Frank R. Lautenberg, Daniel K. Akaka, Charles S. Robb, Pat Leahy, Tom Daschle, Harlan Mathews.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on the nomination of Sam W. Brown, Jr., of California, for the rank of Ambassador during his tenure of service as Head of the Delegation to the Conference on Security and Cooperation in Europe, shall be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

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

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 131 Ex.]

YEAS—54

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

NAYS—44

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

NOT VOTING—2

Pryor	Shelby

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

LEAD EXPOSURE REDUCTION ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of S. 729, the Lead Exposure Reduction Act, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 729) to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lead Exposure Reduction Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LEAD ABATEMENT

Sec. 101. Findings and policy.
Sec. 102. Definitions.
Sec. 103. Restrictions on continuing uses of certain lead-containing products.
Sec. 104. Inventory of lead-containing products and new use notification procedures.
Sec. 105. Product labeling.
Sec. 106. Recycling of lead-acid batteries.
Sec. 107. Lead contamination in schools and day care facilities.
Sec. 108. Blood-lead and other abatement and measurement programs.
Sec. 109. Establishment of National Centers for the Prevention of Lead Poisoning.
Sec. 110. Conforming amendments.
Sec. 111. Amendment to table of contents.

TITLE II—MISCELLANEOUS

Sec. 201. Reporting of blood-lead levels; blood-lead laboratory reference project.
Sec. 202. Update of 1988 report to Congress on childhood lead poisoning.
Sec. 203. Additional conforming amendments.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

(c) REFERENCE TO TOXIC SUBSTANCES CONTROL ACT.—Wherever in title I 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 Toxic Substances Control Act (15 U.S.C. 2601 et seq.), except to the extent otherwise specifically provided.

TITLE I—LEAD ABATEMENT

SEC. 101. FINDINGS AND POLICY.

(a) REDESIGNATIONS.—Sections 401 and 402 through 412 (15 U.S.C. 2681 and 2682 through 2692) are redesignated as sections 402, and 410 through 420, respectively.

(b) FINDINGS AND POLICY.—Title IV (15 U.S.C. 2681 et seq.) is amended by inserting before section 402 (as so redesignated) the following new section:

"SEC. 401. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) lead poisoning is the most prevalent disease of environmental origin among American children today, and children under 7 years of age are at special risk because of their susceptibility to the potency of lead as a neurologic toxin;

"(2)(A) the effects of lead on children may include permanent and significant neurologic and physiologic impairment; and

"(B) additional health effects occur in adults exposed to similar exposure levels;

"(3) because of the practical difficulties of removing lead already dispersed into the environment, children and adults will continue to be exposed to lead for years;

"(4) as a result of decades of highly dispersive uses of lead in a variety of products, contamination of the environment with unacceptable levels of lead is widespread; and

"(5) the continued manufacture, import, processing, use, and disposal of some lead-containing products may cause further releases of lead into the environment, and the releases contribute to further environmental contamination and resultant exposure to lead.

"(b) POLICY.—It is the policy of the United States that further releases of lead into the environment should be minimized, and methods should be developed and implemented to reduce sources of lead that result in adverse human or environmental exposures.".

SEC. 102. DEFINITIONS.

Section 402, as redesignated by section 101(a) of this Act, is amended—

(1) by striking "For the purposes" and inserting.

"(a) IN GENERAL.—Subject to subsection (b), for the purposes";

(2) by redesignating—

(A) paragraphs (13) through (17) as paragraphs (18) through (22), respectively;

(B) paragraphs (5) through (12) as paragraphs (7) through (14), respectively; and

(C) paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

"(4) DISTRIBUTOR.—The term 'distributor' means any individual, firm, corporation, or other entity that takes title to goods purchased for resale.";

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

"(6) FACILITY.—The term 'facility' means any public or private dwelling constructed before 1980, public building constructed before 1980, commercial building, bridge, or other structure or superstructure.";

(5) by inserting after paragraph (14) (as so redesignated) the following new paragraphs:

"(15) PACKAGE.—The term 'package' means a container that provides a means of marketing, protecting, or handling a product. The term includes a unit package, an intermediate package, a crate, a pail, a rigid foil, unsealed receptacle (such as a carrying case), a cup, tray, wrapper or wrapping film, a bag, tub, shipping or other container, any package included in the American Society for Testing and Materials (referred to in this title as 'ASTM') Specification D-996, and such other packages as the Administrator may specify by regulation.

"(16) PACKAGING COMPONENT.—The term 'packaging component' means any individual assembled part of a package (including any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, or label). For the purposes of this title, tin-plated steel that meets the ASTM Specification A-623 shall be deemed an individual packaging component.

"(17) PERSON.—The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body. The term shall include each department, agency, or instrumentality of the United States."; and

(6) by adding at the end the following new subsection:

"(b) EXCEPTIONS.—As used in this title, the terms 'package' and 'packaging component' shall not include—

"(1) ceramic ware or crystal;

"(2) a container used for radiation shielding;

"(3) any casing for a lead-acid battery;

"(4) steel strapping; or

"(5) any package or packaging component containing lead that is regulated or subject to regulation under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

SEC. 103. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 101 of this Act, is further amended by inserting after section 402, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 403. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

"(a) GENERAL RESTRICTIONS.—

"(1) IN GENERAL.—

"(A) PROHIBITION ON THE IMPORT, MANUFACTURING, OR PROCESSING OF A PRODUCT.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person may import, manufacture, or process a product in any of the product categories described in paragraph (2).

"(B) PROHIBITION ON THE DISTRIBUTION IN COMMERCE OF A PRODUCT.—Beginning on the date that is 2 years after the date of enactment of this subsection, no person may distribute in commerce a product in any of the product categories described in paragraph (2).

"(2) PRODUCT CATEGORIES.—The product categories described in this paragraph are as follows:

"(A) Paint containing more than 0.06 percent lead by dry weight, other than—

"(i) corrosion inhibitive coatings, including electrocoats and electrodeposition primers, applied by original equipment manufacturers to motor vehicle parts and containing no more than 1.9 percent lead by weight in dry film;

"(ii) certain paints and primers for equipment used for agricultural, construction, general, and industrial forestry purposes;

"(iii) paints containing lead chromate pigments; and

"(iv) zinc-enriched industrial paint with respect to which the incidental presence of lead does not exceed 0.19 percent lead by dry weight.

"(B) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight, except for toys and games with respect to which all lead is contained in electronic or electrical parts or components and that meet the standards and regulations for content, manufacture, processing, and distribution established by the Consumer Product Safety Commission under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

"(C) Curtain weights—

"(i) that are not encased in vinyl or plastic;

"(ii) that contain more than 0.1 percent lead by dry weight; and

"(iii) that are common in residential use.

"(D) Inks containing more than 0.1 percent lead by dry weight used in printing newspapers, newspaper supplements, or magazines published more than once per month.

"(3) GLASS COATINGS.—

"(A) IN GENERAL.—Beginning on the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, or process a product in any of the following product categories, and beginning on the date that is 6 years after the date of enactment of this subsection, no person may distribute in commerce a product in any of the product categories described in subparagraph (B).

"(B) PRODUCT CATEGORIES.—The product categories described in this subparagraph are as follows:

"(i) Architectural glass coatings containing more than 0.06 percent lead by dry weight.

"(ii) Automotive window coatings containing more than 0.06 percent lead by dry weight.

"(iii) Mirror backings containing more than 0.06 percent lead by dry weight.

"(4) STATUTORY CONSTRUCTION.—Nothing in this section shall prohibit the recycling of any product listed in this subsection if, following the original use of the product, the product is reused as a raw material in the manufacture of any product that is not listed under this subsection.

"(b) MODIFICATION OF RESTRICTIONS.—

"(1) IN GENERAL.—The Administrator may, after public notice and opportunity for comment, promulgate regulations to modify, pursuant to paragraphs (2) and (3), the percentage of the allowable lead content for a product, or a group of products, within a product category described in subparagraphs (A) through (D) of subsection (a)(2) and subparagraphs (A) and (B) of subsection (a)(3).

"(2) REDUCED PERCENTAGE.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is less than the percentage specified under subsection (a) (including nondetectable levels) for a product, or a group of products, within any product category described in subparagraphs (A) through (D) of subsection (a)(2) and subparagraphs (A) and (B) of subsection (a)(3) if the Administrator determines that a reduction in the percentage of the allowable lead content is necessary to protect human health or the environment.

"(3) INCREASED PERCENTAGE.—

"(A) IN GENERAL.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is greater than the percentage specified under subsection (a) for a product, or a group of products, within any product category described in subparagraphs (A) through (D) of subsection (a)(2) and subparagraphs (A) and (B) of subsection (a)(3) if the Administrator determines that an increase in the percentage of the allowable lead content will not adversely affect human health or the environment.

"(B) REVIEW.—Not later than 2 years prior to the termination date of a regulation promulgated under this paragraph, the Administrator shall review the regulation. If the Administrator determines, pursuant to subparagraph (A), that the promulgation of a revised regulation is appropriate, the Administrator, not later than 1 year prior to the termination date of the regulation, may promulgate a revised regulation that shall terminate on the date that is 6 years after the date the revised regulation becomes final.

"(4) WAIVERS FOR TOYS AND RECREATIONAL GAME PIECES.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to waive the requirements of subsection (a)(2)(B) with respect to certain toys and recreational game pieces that are collectible items and scale models intended for adult acquisition.

"(5) EXEMPTION OF PAINTS.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Not later than 5 years after the date of enactment of this subsection, the Administrator shall determine, following public notice and opportunity for comment, whether there is—

"(I) 1 (or more) primer paint suitable for use as an electrocoat or electrodeposition primer (or both) on motor vehicle parts that contains less than 1.9 percent lead by weight in dry film;

"(II) 1 (or more) original equipment manufacturer paint, primer, or service paint or primer for equipment used for agricultural, construction, and general industrial and forestry purposes that, in the dry coating, has a lead solubility of less than 60 milligrams per liter, as described in the American National Standards Institute (referred to in this subtitle as 'ANSI') standard Z66.1;

"(III) 1 (or more) substitute for paints containing lead chromate pigments for use in any class or category of uses that contains less than or equal to 0.06 percent lead by weight in dry film; or

"(IV) 1 (or more) substitute for zinc-enriched industrial paint for use in any class or category of uses that contains less than 0.19 percent lead by weight in dry film.

"(ii) ADDITIONAL DETERMINATION BY ADMINISTRATOR.—The Administrator also shall determine whether 1 (or more) paint or primer referred to in clause (i)—

"(I) has substantially equivalent corrosion inhibition and related performance characteristics to any paint or primer; and

"(II) does not pose a greater risk to human health and the environment than a paint or primer,

in use for the applicable purpose specified in clause (i) on the date of enactment of this section.

"(B) IDENTIFICATION.—If the Administrator determines pursuant to subparagraph (A), that 1 (or more) of the paints and primers referred to in subparagraph (A) meets the applicable specifications under such subparagraph, the Administrator shall identify the lead content of the paint or primer of each applicable category of paints or primers (or both) under subclauses (I) through (III) of subparagraph (A)(i).

"(C) PROHIBITION ON IMPORTATION, MANUFACTURING, AND PROCESSING.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 3 years after the Administrator makes a determination under subparagraph (B), no person shall import, manufacture, or process any paint or primer with a lead content that exceeds the level identified by the Administrator pursuant to subparagraph (B).

"(D) PROHIBITION ON DISTRIBUTION IN COMMERCE.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 4 years after the Administrator makes a determination under subparagraph (B), no person shall—

"(i) distribute in commerce any paint or primer with a lead content that exceeds the level identified by the Administrator; or

"(ii) import, manufacture, or process any new motor vehicle or new motor vehicle part or new equipment part coated with the paint or primer with a lead content that exceeds the level identified by the Administrator.

"(E) EFFECT OF NEGATIVE DETERMINATION.—If the Administrator determines, pursuant to subparagraph (A), that there is no paint or primer suitable for a use referred to in subclause (I), (II), or (III) of subparagraph (A)(i) that meets the applicable requirements under subparagraph (A)—

"(i) beginning on the date that is 13 years after the date of enactment of this subsection, no person shall import, manufacture, or process any paint or primer for the use specified in the determination pursuant to subparagraph (A); and

"(ii) beginning on the date that is 14 years after the date of enactment of this subsection, no person shall distribute in commerce any paint or primer for the use specified in the determination pursuant to subparagraph (A) (or import, manufacture, or process any motor vehicle or motor vehicle part or new equipment part coated with the paint or primer),

that contains a lead content that exceeds a level of lead content that the Administrator shall determine, on the basis of the identification of the lead content of paints and primers for the use.

"(c) STATEMENTS BY THE ADMINISTRATOR RELATING TO MODIFICATIONS OF RESTRICTIONS.—In promulgating any regulation under subsection (b) with respect to the allowable lead content for a product, or a group of products, under a product category, the Administrator shall, prior to the promulgation of a final regulation, consider and publish a statement that describes the effects of the proposed allowable lead content level for the product, or group of products, under the product category on human health and the environment.

"(d) LEAD SOLDER.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to ban the manufacture, importation, processing, sale, and distribution in commerce of lead solders commonly used in plumbing systems, including lead solder that contains 50 percent tin and 50 percent lead (50–50 tin-lead solder) and lead solder that contains 85 percent tin and 15 percent lead (85–15 tin-lead solder).

"(2) RESTRICTIONS ON SALE AND DISPLAY.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to restrict the sale and display of lead solders not commonly used in plumbing systems, including—

"(A) a prohibition on the sale or display of the solders in the plumbing supply section of any retail establishment;

"(B) a restriction on the sale or display of the solders in any wholesale establishment;

"(C) a prohibition on the sale or display of the solders in proximity to plumbing materials in any establishment; and

"(D) a requirement that each of the solders be labeled to indicate that the solder is not intended for use in plumbing systems.

"(e) PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to establish a health-effects based performance standard that establishes maximum leaching levels of lead from new plumbing fittings and fixtures that convey drinking water.

"(2) CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.—If the requirements of paragraph (1) are not met—

"(A) by the date that is 4 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 7 percent lead by dry weight;

"(B) by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 6 percent lead by dry weight;

"(C) by the date that is 6 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 5 percent lead by dry weight; or

"(D) by the date that is 7 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 4 percent lead by dry weight.

"(f) PACKAGING.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) INCIDENTAL PRESENCE.—The term 'incidental presence' means the presence of lead in a package or packaging component that was not purposely introduced into the package or packaging component for the properties or characteristics of the lead.

"(B) INTENTIONALLY INTRODUCE.—The term 'intentionally introduce' means to purposefully introduce lead into a package or packaging component with the intent that the lead be present in the package or packaging component. The term does not include—

"(i) the presence of background levels of lead that naturally occur in raw materials or are present as postconsumer additions, and that are not purposefully added to perform as part of a package or packaging component; and

"(ii) any trace amounts of a processing aid or similar material that is used to produce a product from which a package or packaging component is manufactured.

"(2) INTENTIONAL INTRODUCTION.—Beginning on the date that is 4 years after the date of enactment of this subsection—

"(A) no package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor; and

"(B) no product shall be distributed in commerce by the manufacturer or distributor of the product in a package,

if the product includes, in the package, or in any packaging component, any ink, dye, pigment, adhesive, stabilizer, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution (as opposed to the incidental presence of lead).

"(3) LIMITATIONS ON THE AVERAGE OF CONCENTRATION LEVELS FROM INCIDENTAL PRESENCE OF LEAD.—Notwithstanding paragraph (2), the average of the concentration levels from any incidental presence of lead present in any package or packaging component, other than the lead originating from the product contained in the package, shall not exceed—

"(A) for the fifth 1-year period after the date of enactment of this subsection, 600 parts per million by weight (0.06 percent);

"(B) for the sixth 1-year period after the date of enactment of this subsection, 250 parts per million by weight (0.025 percent); and

"(C) for the seventh 1-year period after the date of enactment of this subsection, and for each 12-month period thereafter, 100 parts per million by weight (0.01 percent).

"(4) PROHIBITION.—No package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor, and no product shall be sold or distributed in commerce in a package by a manufacturer or distributor, if the package or packaging component exceeds the applicable level provided under paragraph (3).

"(5) CERTIFICATE OF COMPLIANCE.—

"(A) IN GENERAL.—A certificate of compliance stating that a package or packaging component is in compliance with the requirements of this section shall be prepared and retained by the manufacturer or distributor of the package or packaging component.

"(B) STATEMENT RELATING TO EXEMPTION.—In any case in which compliance with this section is based on an exemption under paragraph (6), the certificate shall state the specific basis upon which the exemption is claimed.

"(C) SIGNATURE OF AUTHORIZED OFFICIAL.—A certificate of compliance shall be signed by an authorized official of the manufacturer or distributor referred to in subparagraph (A).

"(6) EXEMPTION FROM PACKAGING REQUIREMENTS.—Prior to the expiration of the 7-year period beginning on the date of enactment of this subsection, on receipt of an application (in such form and containing such information as the Administrator may prescribe by regulation), the Administrator may exempt from the requirements of paragraph (2), (3) or (4)—

"(A) a package or packaging component manufactured prior to the date of enactment of this section, as determined by the Administrator; and

"(B) a package or packaging component to which lead has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of Federal law or the law of any State or political subdivision of a State.

"(g) EXEMPTIONS.—

"(1) IN GENERAL.—The Administrator shall, by regulation, exempt from the restrictions on the lead content of paint described in subsection (a)(1) any products that are imported, processed, manufactured, or distributed in commerce for use by artists in creating, restoring, and preserving works of art, including graphic works of art, if the paint is sold or otherwise distributed in a package labeled pursuant to the requirements under section 405(c)(1).

"(2) EXEMPTIONS.—The Administrator shall, by regulation, exempt from the applicable restrictions on lead content under subsection (a) or (b) any product, or group of products, within a product category used—

"(A) for a medical purpose (as defined by the Administrator, in consultation with the Secretary of Health and Human Services);

"(B) for a purpose in the paramount interest of the United States (as determined by the Administrator, in consultation with the Secretary of Defense);

"(C) for radiation protection (as jointly defined by the Administrator and the Nuclear Regulatory Commission), including any product or product category used in connection with the national security programs of the Department of Energy;

"(D) in the mining industry to determine the presence of noble metals in geological materials; or

"(E) as radiation shielding in any electronic device, or in specialized electronics uses in any case in which the Administrator has determined that no appropriate substitute for lead is available.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section or the Lead Exposure Reduction Act of 1993 and the amendments made by such Act is intended to prohibit the recycling (for use as a raw material or for processing), recovery, or reuse of lead-containing metal, glass, plastic, paper, or textiles, except that any product manufactured or processed from the lead-containing materials shall meet the requirements (including standards) of this section.".

SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 403, as added by section 103 of this Act, the following new section:

"SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

"(a) CREATION OF AN INVENTORY OF USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall, with the active participation of all interested parties, initiate a survey of all lead-containing products sold or distributed in commerce in the United States.

"(2) DEVELOPMENT OF INVENTORY.—

"(A) IN GENERAL.—On the basis of the survey described in paragraph (1), the Administrator shall develop an inventory of all lead-containing products sold or distributed in commerce (referred to in this section as the 'inventory').

"(B) PRODUCT CATEGORIES.—In developing the inventory, the Administrator may group in product categories those products that meet both of the following criteria:

"(i) The products are functionally similar.

"(ii) The products provide similar opportunities for lead exposure or release during manufacturing, processing, or use, or at the end of the useful life of the product (taking into account other applicable regulations).

"(3) PUBLICATION OF DRAFT INVENTORY.—

"(A) IN GENERAL.—The Administrator shall—

"(i) publish the inventory in the Federal Register in draft form; and

"(ii) solicit public comment on the draft inventory and the grouping of products by the Administrator pursuant to paragraph (2).

"(B) PUBLICATION.—Not later than 4 years after the date of enactment of this paragraph, after providing public notice and opportunity for comment on the draft inventory, the Administrator shall publish a final inventory.

"(4) PRODUCTS CONTAINING COMPONENTS INCLUDED ON INVENTORY.—For the purposes of this section, any product that contains lead-containing components included on the inventory shall be deemed to be included on the inventory.

"(5) FAILURE OF ADMINISTRATOR TO PUBLISH INVENTORY.—If the Administrator fails to publish the inventory by the date specified in paragraph (3)(B), the list of products referred to in subsection (c)(6) shall be deemed to comprise the inventory.

"(6) MODIFICATIONS.—The Administrator may, from time to time, after notice and opportunity for comment, make modifications to the inventory published under this subsection. If the Administrator modifies the inventory, the Administrator shall publish the modified inventory.

"(b) LIST OF USES OF LEAD IN PRODUCTS THAT POSE EXPOSURE CONCERNS.—

"(1) IN GENERAL.—Beginning on the date that is 6 years after the date of enactment of this paragraph, the Administrator shall promulgate regulations that establish a list (referred to in this section as the 'list') of lead-containing products or categories of products that the Administrator determines may reasonably be anticipated to present an unreasonable risk of injury to human health or the environment due to

exposure to lead during manufacturing, processing, distribution in commerce or use, or at the end of the useful life of the product (taking into account other applicable regulations).

"(2) CRITERIA FOR DETERMINATION TO LIST A PRODUCT OR CATEGORY OF PRODUCT.—Each determination to list a product or category of product shall be based on exposure-related information pertaining to the product or category of products, or to a product or category of products that poses similar exposure risks.

"(3) SPECIFICATION OF LEAD CONCENTRATION.—For each product or category of products, the Administrator shall specify the concentration of lead (as a percentage of the dry weight of the product or category of products) that the Administrator determines to be the maximum concentration of lead found in the product or category of products.

"(4) MODIFICATION OF LIST.—

"(A) ADDITIONS TO LIST.—After promulgating the list, the Administrator may, by regulation—

"(i) add a product or category of products to the list, if the Administrator determines that the product or category of products meets the standard established in paragraph (1); or

"(ii) remove a product or category of products from the list, if the Administrator determines that the product or category of products does not meet the standard established in paragraph (1).

"(B) PETITIONS FOR MODIFICATIONS.—

"(i) IN GENERAL.—Any person may petition the Administrator to make a determination to add a product or category of products to the list, or to remove a product or category of products from the list.

"(ii) ACTION BY THE ADMINISTRATOR.—Not later than 2 years after receipt of a petition under clause (i), the Administrator shall take one of the following actions:

"(I) Grant the petition, initiate a procedure to promulgate a regulation to add or delete the product or product category as requested in the petition, and complete the procedure by not later than 2 years after initiating the procedure.

"(II) Deny the petition and publish an explanation of the basis for denying the petition in the Federal Register.

"(c) NOTIFICATION OF NEW USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—

"(A) PUBLICATION.—After the publication of the inventory in final form pursuant to subsection (a)(3), any person who manufactures, processes, or imports a lead-containing product referred to in subparagraph (B) shall submit to the Administrator a notice prepared pursuant to paragraph (2) on the commencement of the manufacture, processing, or importation of the product.

"(B) APPLICABILITY.—Subparagraph (A) shall apply to any lead-containing product for which a notice is required under subparagraph (A) that—

"(i) is not listed in the inventory developed under subsection (a); or

"(ii) is a product that—

"(I) is identified on the list promulgated under subsection (b), or that is included in a category of products identified on the list; and

"(II) utilizes a greater concentration of lead, as a percentage of dry weight, than the concentration identified by the Administrator for the product or category under subsection (b)(3) (unless the concentration is exceeded on a percentage basis solely as a result of efforts to reduce the size or weight of the product, rather than by the addition of greater quantities of lead into the product).

"(2) CONTENTS OF NOTICE.—The notice required by paragraph (1) shall include—

"(A) a general description of the product;

"(B) a description of the manner in which lead is used in the product;

"(C) the quantity of the product manufactured, processed, or imported; and

"(D) the quantity and percentage of lead used in the manufacturing of the product, or the quantity and percentage of lead contained in the imported product.

"(3) REPORT BY THE ADMINISTRATOR.—On an annual basis, the Administrator shall publish a report that provides a nonconfidential summary of new uses identified pursuant to this subsection. The report shall include aggregated information regarding the amount of lead associated with the new uses.

"(4) RELATIONSHIP WITH OTHER PROVISIONS.—The notification requirement under paragraph (1) shall be subject to the confidentiality provisions under section 5, and the research and development exemption under section 5.

"(5) AMENDMENT OF LIST AND INVENTORY.—After the receipt of a notice under paragraph (1), the Administrator shall—

"(A) make such amendments to the inventory established under subsection (a) as the Administrator determines to be appropriate; and

"(B) evaluate whether any new products should be added to the list established under subsection (b).

"(6) DELAY IN PUBLICATION.—

"(A) IN GENERAL.—If the publication of a final list is delayed beyond the date specified in subsection (b), subparagraphs (B) and (C) shall apply.

"(B) PROHIBITION.—Beginning on the date that the final list is required to be promulgated under subsection (b), and until such time as a final list is published, no person shall manufacture, process, or import a product that is listed or included within a product category identified in subparagraph (C), if—

"(i) the product, or a substantially similar product, has not been distributed in commerce prior to the date of enactment of this section; or

"(ii) the product contains a greater percentage of lead than any substantially similar product distributed in commerce before the date of enactment of this section,

unless the person has submitted a notice under paragraph (2).

"(C) LIST OF PRODUCTS OR CATEGORIES.—The list of products or categories of products referred to in subparagraph (B) shall be the products listed under section 403(a)(2) and subsections (d) through (f) of section 403.

"(D) BURDEN OF PROOF.—In any proceeding to enforce subparagraph (B) with respect to a product, the manufacturer, processor, or importer shall have the burden of demonstrating that the manufacturer, processor, or importer had a reasonable basis for concluding that the product (or a substantially similar product) had been distributed in commerce prior to the date of publication of the final list, as referred to in subparagraph (B).

"(d) EXEMPTIONS.—

"(1) IN GENERAL.—Subsections (b) and (c) shall not apply to the following:

"(A) Stained glass products.

"(B) Articles referred to in section 3(2)(B)(v).

"(C) Containers used for radiation shielding.

"(2) AUTOMOTIVE DISMANTLERS.—This section shall not apply to any metal, glass, paper, or textile sold or distributed by the owner or operator of any automotive dismantler or recycling facility regulated by a State or the Administrator.".

SEC. 105. PRODUCT LABELING.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 404, as added by section 104 of this Act, the following new section:

"SEC. 405. PRODUCT LABELING.

"(a) IN GENERAL.—

"(1) LABELING.—

"(A) IN GENERAL.—Not later than 6 years after the date of enactment of this paragraph, the Administrator shall promulgate regulations that provide for the labeling of products included in the list established under section 404(b).

"(B) EXEMPTIONS.—The regulations promulgated under this paragraph shall not apply to—

"(i) lead-acid batteries, to the extent that the labeling of the batteries as to the lead content of the batteries is regulated under any other Federal law;

"(ii) products regulated under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.); and

"(iii) during or after disposal.

"(C) DIFFERENTIATION IN LABELING.—The regulations promulgated under this section may distinguish between labels required for products—

"(i) that present a risk of exposure to lead during manufacture or processing;

"(ii) that present a risk of exposure to lead during distribution or use; and

"(iii) that present a risk of exposure to lead during or after disposal.

"(2) EFFECTIVE DATE OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall take effect not later than the date that is 7 years after the date of enactment of this paragraph.

"(b) CONTENT OF REGULATIONS.—The regulations described in subsection (a) shall specify the wording, type size, and placement of the labels described in subsection (a).

"(c) LABELING OF CERTAIN ITEMS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations requiring that the following labeling be included in the labeling of the packaging of the following items:

"(A) For any paint for use by artists (including graphic artists) described in section 403(g):

'CONTAINS LEAD—FOR USE BY ADULTS ONLY. DO NOT USE OR STORE AROUND CHILDREN OR IN AREAS ACCESSIBLE TO CHILDREN.'.

"(B) For each toy or recreational game piece that is a collectible item and for each scale model that is subject to the regulations promulgated under section 403(b)(4) and is manufactured on or after the effective date of the regulations promulgated under this subsection:

'COLLECTIBLE ITEM, CONTAINS LEAD, NOT SUITABLE FOR CHILDREN.'.

"(2) CRITERIA FOR REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall specify the type, size, and placement of the labeling described in paragraph (1).

"(3) EFFECTIVE DATE.—Each regulation promulgated under paragraph (1) shall take effect on the date that is 1 year after the date of the promulgation of the regulation.

"(4) LABELS.—If, by the date that is 2 years after the date of enactment of subsection (a)(1), the Administrator has not promulgated regulations that specify the alternate type, size, and placement of the wording for labels referred to in paragraph (1), the wording shall be placed prominently on the package in letters the same size as the largest text letter (except for letters in logos or brand markings) otherwise affixed to the label or packaging of the product until such time as the Administrator promulgates the regulations.

"(d) BAR ON DEFENSES.—Compliance with the labeling requirements of this section shall not constitute, in whole or in part, a defense for liability relating to, or a cause for reduction in damages resulting from, any civil or criminal action brought under any Federal or State law, other than an action brought for failure to comply with the labeling requirements of this section.".

SEC. 106. RECYCLING OF LEAD-ACID BATTERIES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 405, as added

by section 105 of this Act, the following new section:

"SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.

"(a) PROHIBITIONS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of subsection (c), no person shall—

"(A) place a lead-acid battery in any landfill; or

"(B) incinerate any lead-acid battery.

"(2) DISPOSAL.—No person may—

"(A) discard or otherwise dispose of a lead-acid battery in mixed municipal solid waste; or

"(B) discard or otherwise dispose of a lead-acid battery in a manner other than by recycling in accordance with this section.

"(3) EXEMPTION.—Paragraphs (1) through (2) shall not apply to an owner or operator of a municipal solid waste landfill, incinerator, or collection program that inadvertently receives any lead-acid battery that—

"(A) is commingled with other municipal solid waste; and

"(B) is not readily removable from the waste stream,

if the owner or operator of the facility or collection program has established contractual requirements or other appropriate notification or inspection procedures to ensure that no lead-acid battery is received at, or burned in, the facility or accepted through the collection program.

"(b) GENERAL DISCARD OR DISPOSAL REQUIREMENTS.—Beginning on the date that is 1 year after the date of enactment of subsection (c), no person (except a person described in subsection (c), (d), or (e)) may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at retail or wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(4) An automotive dismantler (as defined by the Administrator).

"(5) A community collection program operated by, or pursuant to an agreement with, a governmental entity.

"(6) A manufacturer of batteries of the same general type.

"(c) DISCARD OR DISPOSAL REQUIREMENTS FOR RETAILERS.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person who sells lead-acid batteries at retail may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A battery manufacturer.

"(4) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) An automotive dismantler (as defined by the Administrator).

"(d) DISCARD OR DISPOSAL REQUIREMENTS FOR WHOLESALERS, AUTOMOTIVE DISMANTLERS, AND COMMUNITY COLLECTION PROGRAMS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection—

"(A) no person who sells lead-acid batteries at wholesale;

"(B) no automotive dismantler; and

"(C) no community collection program operated pursuant to an agreement with a governmental entity,

may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A battery manufacturer.

"(C) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(e) DISCARD OR DISPOSAL REQUIREMENTS FOR MANUFACTURERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person who manufactures lead-acid batteries may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A collection or recycling facility regulated by a State or subject to regulation by the Administrator.

"(f) COLLECTION REQUIREMENTS FOR RETAILERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at retail shall—

"(A) accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold; and

"(B) collect a deposit in an amount not less than $10 for the sale of any new replacement automotive type lead-acid battery that is not accompanied by the return of a used automotive type lead-acid battery.

"(2) DEPOSITS.—A person who pays a deposit pursuant to this subsection shall receive from the retailer a refund in an amount equal to the deposit paid, if the person returns a used automotive type lead-acid battery of the same general type as the battery purchased from the retailer not later than 30 days after the date of sale of the battery purchased. All unredeemed deposits shall inure to the benefit of the retailer. The used lead-acid batteries shall be accepted at the place where lead-acid batteries are offered for sale.

"(g) COLLECTION REQUIREMENTS FOR WHOLESALERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at wholesale (referred to in this section as a 'wholesaler') shall accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(2) WHOLESALER WHO SELLS LEAD-ACID BATTERIES TO A RETAILER.—In the case of a wholesaler who sells, or offers for sale, lead-acid batteries to a retailer, the wholesaler shall also provide for removing used lead-acid batteries at the place of business of the retailer. Unless the quantity of batteries to be removed is less than 5, the removal shall occur not later than 90 days after the retailer notifies the wholesaler of the existence of the used lead-acid batteries for removal. If the quantity of batteries to be removed is less than 5, the wholesaler shall remove the batteries not later than 180 days after the notification referred to in the preceding sentence.

"(h) COLLECTION REQUIREMENTS FOR MANUFACTURERS.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who manufactures lead-acid batteries shall accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(i) WRITTEN NOTICE REQUIREMENTS FOR RETAILERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at retail shall post written notice that—

"(A) is clearly visible in a public area of the establishment in which the lead-acid batteries are sold or offered for sale;

"(B) is at least 8½ inches by 11 inches in size; and

"(C) contains the following language:

"(i) 'It is illegal to throw away a motor vehicle battery or other lead-acid battery.'.

"(ii) 'Recycle your used batteries.'.

"(iii) 'Federal law requires battery retailers to accept used lead-acid batteries for recycling when a battery is purchased.'.

"(iv) 'Federal law allows you to sell or return used batteries to an authorized battery collector, recycler, or processor, or to an automotive dismantler.'.

"(2) FAILURE TO POST NOTICE.—Any person who, after receiving a written warning by the Administrator, fails to post a notice required under paragraph (1) shall, notwithstanding section 16, be subject to a civil penalty in an amount not to exceed $1,000 per day.

"(j) LEAD-ACID BATTERY LABELING REQUIREMENTS.—

"(1) IN GENERAL.—Beginning on the date that is 18 months after the date of enactment of this subsection, it shall be unlawful for any lead-acid battery manufacturer to sell, or offer for sale, any lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(2) SALES.—Beginning on the date that is 2 years after the date of enactment of this subsection, it shall be unlawful to sell a lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(3) LABELS.—A label described in paragraph (1) or (2) shall be considered to be consistent with the requirements of this section if the label—

"(A) identifies that the lead-acid battery contains lead; and

"(B) contains the following statements:

"(i) 'Federal law requires recycling.'.

"(ii) 'Retailers must accept in exchange.'.

"(4) RECYCLING SYMBOLS.—Nothing in this section shall be interpreted as prohibiting the display on the label of a lead-acid battery a recycling symbol (as defined by the Administrator) or other information intended to encourage recycling.

"(k) PUBLICATION OF NOTICE.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall publish in the Federal Register a notice of the requirements of this section and such other related information as the Administrator determines to be appropriate.

"(l) WARNINGS AND CITATIONS.—The Administrator may issue a warning or citation (or both) to any person who fails to comply with any provision of this section.

"(m) EXPORT FOR PURPOSES OF RECYCLING.—Notwithstanding any other provision of this section, any person may export any used lead-acid battery for the purpose of recycling.

"(n) STUDY.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall—

"(A) conduct a study on the recycling and disposal of small-sealed consumer lead-acid batteries and submit a report on the results of the study to Congress; and

"(B) publish in the Federal Register either—

"(i) a proposed rule to regulate the recycling and disposal of small-sealed consumer lead-acid batteries; or

"(ii) with respect to the batteries referred to in clause (i), a determination that regulations are not needed to protect human health and the environment.

"(2) CONTENTS OF STUDY AND REPORT.—The study and report referred to in paragraph (1) shall include an assessment of—

"(A) the quantity (expressed in volume) of new small-sealed consumer lead-acid batteries produced annually and an estimate of the quantity of the batteries disposed of annually in municipal solid waste landfills and incinerators;

"(B) the feasibility of recycling used small-sealed consumer lead-acid batteries (including an assessment of potential collection systems, technologies for recovering reusable materials from the batteries, and the cost of recycling the batteries); and

"(C) such other information as the Administrator determines to be appropriate with respect to disposal practices of small-sealed consumer lead-acid batteries that are current at the time of the study and potential alternatives to the practices.

"(3) INVESTIGATION.—

"(A) IN GENERAL.—In carrying out the study and preparing the report, the Administrator may—

"(i) undertake such original investigations as the Administrator determines to be necessary to generate the data required to make findings for the report; or

"(ii) rely on data generated and compiled by any industry or other organization with an interest in the report.

"(B) SUBMITTAL OF CONFIDENTIAL INFORMATION.—Any person who submits confidential information to the Administrator pursuant subparagraph (A) shall also submit data that is publicly available.

"(o) EXEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to small-sealed consumer lead-acid batteries.

"(2) EXCEPTION.—Subsection (n) shall apply to small-sealed lead-acid batteries.

"(p) DEFINITIONS.—As used in this section:

"(1) LEAD-ACID BATTERY.—The term 'lead-acid battery' means a battery that—

"(A) consists of lead and sulfuric acid; and

"(B) is used as a power source.

"(2) SMALL-SEALED CONSUMER LEAD-ACID BATTERY.—The term 'small-sealed consumer lead-acid battery' means a lead-acid battery, weighing 25 pounds or less, used in non-vehicular, non-SLI (starting, lighting, and ignition) applications.".

SEC. 107. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 406, as added by section 106 of this Act, the following new section:

"SEC. 407. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

"(a) DEFINITIONS.—As used in this subsection:

"(1) COVERED DAY CARE FACILITY.—The term 'covered day care facility' means the interior and exterior of any building constructed before 1980 that is used as a day care facility that regularly provides day care services for children in kindergarten or younger children.

"(2) COVERED SCHOOL.—The term 'covered school' means the interior and exterior of any building constructed before 1980 that is used—

"(A) as an elementary school (as defined in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))); or

"(B) as a kindergarten that regularly provides education for children in kindergarten or younger children.

"(3) DAY CARE FACILITY.—The term 'day care facility' means any portion of a facility used for day care for children in kindergarten or younger children and owned or operated by a person that provides the day care for compensation, and that—

"(A) is licensed or regulated under State law for day care purposes; or

"(B) receives Federal funds for day care purposes.

"(4) LEAD HAZARD.—The term 'lead hazard' means—

"(A) lead-based paint that is chipping, peeling, flaking, or chalking;

"(B) any surface coated with lead-based paint that is subject to abrasion;

"(C) any surface coated with lead-based paint that can be mouthed by a child under 6 years of age; and

"(D) interior dust that contains a dangerous level of lead, as identified by the Administrator.

"(5) LEAD INSPECTION.—The term 'lead inspection' means an inspection to detect the presence of any lead-based paint or lead hazard.

"(6) LOCAL EDUCATION AGENCY.—The term 'local education agency' means—

"(A) any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)));

"(B) the owner of any private nonprofit elementary or secondary school building; and

"(C) the governing authority of any school operating under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(7) OWNER OR OPERATOR.—The term 'owner or operator', when used with respect to a school, means the local education agency that has jurisdiction over the school.

"(8) SIGNIFICANT USE.—The term 'significant use' means use by more than 1 child at least 2 times per week, and for a total period of at least 2 hours per week.

"(b) COVERED SCHOOLS AND COVERED DAY CARE FACILITIES.—

"(1) IN GENERAL.—Except as provided in subsection (d)(4), not later than 3 years after the date of enactment of this subsection, the Administrator shall promulgate regulations that shall be adequate to carry out this section and be consistent with other regulations promulgated by the Administrator under this title.

"(2) REGULATIONS.—Pursuant to paragraph (1), the Administrator shall promulgate regulations that require each State that receives a grant under subsection (d) to—

"(A) not later than 3 years after the date of promulgation of the regulations or the date on which amounts are allotted to the State under subsection (d)(2), whichever is later, conduct—

"(i) an inspection of—

"(I) each room of each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children to detect interior lead-based paint and an inspection of each covered school that is chipping, peeling, flaking, or chalking; and

"(II) each covered school and covered day care facility to detect exterior lead-based paint; and

"(ii) an inspection of each room at each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children for the purpose of detecting any lead-based paint or interior dust in the rooms of the school or day care facility that contains a dangerous level of lead, as identified by the Administrator pursuant to section 411; and

"(B) prepare a report that includes—

"(i) the results of the inspections referred to in subparagraph (A); and

"(ii) recommendations as to whether any lead hazard detected pursuant to an inspection should be alleviated through encapsulation, in-place management, or other form of abatement.

"(3) RANKING.—In conducting inspections of covered schools and covered day care facilities required by paragraph (2), the appropriate official of the State shall—

"(A) rank facilities in the State in order of the severity of the suspected lead hazard of the areas, in accordance with procedures that the Administrator shall establish; and

"(B) give priority to inspecting covered schools and covered day care facilities serving populations at greatest risk.

"(4) PROCEDURES.—The procedures referred to in paragraph (3) shall use factors for assessing facilities, including—

"(A) medical evidence regarding the extent of lead poisoning (as determined through lead screening) of children in the area;

"(B) the ages of children in the area;

"(C) the age and condition of school buildings in the area; and

"(D) the age and condition of the housing in the area,

in order to determine which facilities in the State are most likely to have a lead hazard.

"(5) DISSEMINATION OF REPORTS.—

"(A) IN GENERAL.—Each State shall provide to the owner or operator of each covered school and covered day care facility of the State a copy of the report required under paragraph (2)(B).

"(B) REQUIREMENTS FOR OWNERS OR OPERATORS.—

"(i) IN GENERAL.—Except as provided under paragraph (6), in each case in which an inspection conducted pursuant to the requirements of paragraph (2) indicates the presence of lead-based paint that poses a lead hazard, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411) at a covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall, not later than 60 days after receiving the report under subparagraph (A), provide a copy of risk disclosure information that meets the requirements of subparagraph (C) to all teachers and other school personnel and parents (or guardians) of children attending the covered school or covered day care facility concerned.

"(ii) NOTIFICATION TO NEW PERSONNEL MEMBERS AND PARENTS AND GUARDIANS OF NEW STUDENTS.—During such time as lead-based paint, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411), continues to be present at the covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall also provide the risk disclosure information referred to in clause (i) to newly hired teachers and other personnel and parents (or guardians) of newly enrolled children.

"(iii) NO CAUSE OF ACTION.—The failure of a teacher or other school personnel member of a covered school or covered day care facility, or parent (or guardian) of a child (including a newly enrolled child) attending a covered school or covered day care facility, to receive a copy of the risk disclosure information shall not constitute a cause of action under this subsection.

"(C) RISK DISCLOSURE.—

"(i) IN GENERAL.—As part of the regulations required under paragraph (2), the Administrator shall prescribe the contents of the risk disclosure information required to be provided to the persons specified in the regulations.

"(ii) CONTENTS OF RISK DISCLOSURE INFORMATION.—The information shall include each of the following, with respect to each covered school or covered day care facility:

"(I) A summary of the results of the inspection conducted pursuant to paragraph (2).

"(II) A description of the risks of lead exposure to children in kindergarten and younger children, teachers, and other personnel at the covered school or covered day care facility that takes into account the accessibility of lead-based paint or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411) to children in kindergarten and younger children, and other factors that the Administrator determines to be appropriate.

"(III) A description of any abatement undertaken, or to be undertaken, by the owner or operator.

"(D) METHOD OF PROVIDING INFORMATION.—An owner or operator of a covered school or covered day care facility may provide the risk disclosure information to the parents (or guardians) of the children attending the covered school or covered day care facility concerned in the same manner as written materials are regularly delivered to the parents (or guardians).

"(6) EXEMPTION FROM NOTICE REQUIREMENT.—An owner or operator of a covered school or covered day care facility shall not be required to provide notification under paragraph (5) if, not later than 180 days prior to the date on which the notification would otherwise be required—

"(A) the owner, operator, or the State performs encapsulation, in-place management or other form of abatement;

"(B) the State conducts a reinspection; and

"(C) the owner or operator obtains a report from the State that shows that—

"(i) the lead-based paint that poses a lead hazard; and

"(ii) any interior dust containing a dangerous level of lead, as identified by the Administrator, have been removed, encapsulated, or managed in place.

"(7) AVAILABILITY OF CERTAIN REPORTS.—In lieu of notification under paragraph (5), an owner or operator that elects to perform encapsulation, in-place management, or other form of abatement under this subsection shall—

"(A) make a copy of the inspection reports for inspections conducted pursuant to this subsection available in each administrative office of the owner or operator; and

"(B) notify parent, teacher, and employee organizations of the availability of the reports.

"(c) RENOVATED AREAS.—With respect to each renovation of a covered school or covered day care facility that commences on or after the date that is 1 year after the date of promulgation of a regulation under subsection (b)(2), for each covered school or covered day care facility in which a renovation will be undertaken, the owner or operator of the covered school or covered day care facility or the State (on the request of the owner or operator) shall, prior to the renovation—

"(1) conduct an inspection of the area to be renovated to detect any lead-based paint that could be disturbed as a result of the renovation; and

"(2) take any action that is necessary to ensure that the renovation does not result in a dangerous level of lead (as identified by the Administrator pursuant to section 411), in interior dust.

"(d) FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Administrator shall make grants to States for the purposes of testing, at covered schools and covered day care facilities, for—

"(i) lead-based paint that poses a lead hazard; and

"(ii) interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 411).

"(B) USE OF GRANT AWARD.—A grant awarded pursuant to this subsection may be used by a State only to cover expenses incurred by the State after the date of enactment of this section for lead hazard inspection in covered schools and covered day care facilities.

"(2) ALLOTMENT.—For each fiscal year, from amounts appropriated pursuant to the authorization under subsection (j), the Administrator shall allot to each State for the purpose of making grants under this subsection, an amount that bears the same ratio to the appropriated amounts as the number of children under 7 years of age bears to the number of children under age 7 in all States.

"(3) REALLOTMENT.—If the Administrator determines that the amount of the allotment of any State determined under paragraph (2) for any fiscal year will not be required for carrying out the program for which the amount has been allotted, the Administrator shall make the amount available for reallotment.

"(4) RESERVATION BY STATE.—For each fiscal year, from the amounts allotted to a State under paragraph (2), the State shall reserve not more than 5 percent of the amounts for administrative costs.

"(5) LIMITATION ON REQUIREMENT.—

"(A) IN GENERAL.—Except as provided in paragraph (6), the Administrator shall require each State to fulfill the requirements of subsection (a) relating to inspections only to the extent that assistance under this section is available to cover the costs of the inspections.

"(B) REQUIREMENTS FOR REGULATIONS.—

"(i) IN GENERAL.—With respect to any State that fails to carry out an applicable requirement under subsection (b), the Administrator shall take such action as may be necessary to ensure that the State meets all applicable requirements of subsection (b) not later than 2 years after the first day on which the cumulative total of all amounts appropriated to the States pursuant to the authorization under subsection (j) equals or exceeds $90,000,000.

"(ii) PLAN.—With respect to any State that fails to—

"(I) submit to the Administrator, by the date that is 6 years after the date of enactment of this subsection, a plan that the Administrator determines adequate to complete all applicable requirements of subsection (b) by not later than 8 years after the date of enactment of this subsection; or

"(II) implement the plan referred to in subclause (I),

the Administrator shall ensure that the actions are completed within the 8-year period referred to in subclause (I), or by not later than 9 years after the date of enactment of this subsection, in the case of any State that fails to implement the plan.

"(6) REQUIREMENT FOR PAYMENTS.—No payments shall be made under this section for any fiscal year to a State unless the Administrator determines that the aggregate expenditures of the State for comparable lead inspection programs for the year equaled or exceeded the aggregate expenditures for the most recent fiscal year for which data is available.

"(7) STATUTORY CONSTRUCTION.—Nothing in this section is intended to prohibit the expenditure of Federal funds for the purposes authorized under this section in or by sectarian institutions. No provision of law (including a State constitution or State law) shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section. Except as provided in the preceding sentence, nothing in this section is intended to supersede or modify any provision of State law that prohibits the expenditure of public funds in or by sectarian institutions.

"(e) PUBLIC PROTECTION.—No owner or operator of a covered school or covered day care facility may discriminate against a person on the basis that the person provided information relating to a potential violation of this section to any other person, including a State or the Administrator.

"(f) PENALTIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, the amount of any penalty that may be assessed for a violation of this section pursuant to section 16 shall not exceed an amount equal to $5,000 for each day during which the violation of this section continues.

"(2) MANNER OF ASSESSMENT.—Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as for civil penalties assessed and collected under section 16.

"(3) VIOLATION DEFINED.—As used in this subsection, the term 'violation' means a failure to comply with a requirement of this section with respect to a single covered school or covered day care facility.

"(g) USE OF PENALTIES.—In any action against a State or an owner or operator (or both) of a covered school or covered day care facility for a violation of this section, the court shall have the discretion to order that any civil penalty collected under this subsection be used by the State or the owner or operator (or both) for the cost of inspection and reporting, as required under subsection (b)(2), or lead-based paint abatement activities undertaken for the purpose of complying with this title (or both).

"(h) INSPECTIONS.—An inspection required under this section and any abatement performed in lieu of notification under this section shall be carried out by a lead-based paint abatement contractor who is in compliance with certification requirements under applicable Federal law.

"(i) ANNUAL REPORTS TO ADMINISTRATOR.—Each State shall, not later than 1 year after receiving assistance under this section, and annually thereafter, submit to the Administrator an annual report. The report shall include, with respect to the State—

"(1) a description of the manner in which the assistance provided under this section was used;

"(2) the number of covered schools and covered day care facilities affected by the assistance;

"(3) an estimate of the number of children served by the covered schools and covered day care facilities;

"(4) an estimate of the magnitude and cost of future efforts required to carry out this section; and

"(5) any other information the Administrator may require.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $30,000,000 for the fiscal year 1994;

"(2) $30,000,000 for the fiscal year 1995; and

"(3) $30,000,000 for the fiscal year 1996.".

SEC. 108. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 407, as added by section 107 of this Act, the following new section:

"SEC. 408. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

"(a) STANDARDS FOR BLOOD ANALYSIS LABORATORIES.—

"(1) IN GENERAL.—

"(A) STANDARDS FOR LABORATORY ANALYSIS.—The Secretary of Health and Human Services (referred to in this subsection as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall establish protocols, criteria, and minimum performance standards for the laboratory analysis of lead in blood.

"(B) CERTIFICATION PROGRAM.—

"(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (4), not later than 18 months after the date of enactment of this subsection, the Secretary shall establish a certification program to ensure the quality and consistency of laboratory analyses.

"(ii) EXEMPTION.—If the Secretary determines, by the date specified in subparagraph (A), that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of the determination, the Secretary shall not be required to establish the certification program referred to in clause (i).

"(2) REPORTING REQUIREMENT.—The quality control program established by the Secretary under this subsection shall provide for the reporting of the results of blood-lead analyses to the Director of the Centers for Disease Control on an ongoing basis. Each report prepared pursuant to this paragraph shall be in such form as the Secretary shall require by regulation.

"(3) LIST.—Not later than 2 years after the date of enactment of this subsection, and annually thereafter, the Secretary shall publish and make available to the public a list of certified or accredited blood analysis laboratories.

"(4) REVIEW OF VOLUNTARY ACCREDITATION.—

"(A) IN GENERAL.—If the Secretary determines, under paragraph (1)(B)(ii), that effective voluntary accreditation programs are in effect for blood analysis laboratories, the Secretary shall review the performance and effectiveness of the programs not later than 3 years after the date of the determination, and every 3 years thereafter.

"(B) EFFECT OF NEGATIVE DETERMINATION.—If, on making a review under this paragraph, the Secretary determines that the voluntary accreditation programs reviewed are not effective in ensuring the quality and consistency of laboratory analyses, the Secretary shall, not later than 1 year after the date of the determination, establish a certification program that meets the requirements of paragraph (1)(B).

"(b) CLASSIFICATION OF ABATEMENT WASTES.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall issue guidelines for the management of lead-based paint abatement debris. The guidelines shall describe steps for segregating wastes from lead-based paint abatement projects in order to minimize the volume of material qualifying as hazardous solid waste.

"(c) SOIL LEAD GUIDELINES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall issue guidelines concerning—

"(A) action levels for lead in soil; and

"(B) mitigation recommendations.

"(2) REQUIREMENTS FOR GUIDELINES.—The guidelines under this subsection establishing action levels and mitigation recommendations shall take into account different soil types, land uses, and other site-related characteristics affecting lead exposure conditions and levels of lead in blood.

"(d) STUDY OF LEAD IN USED OIL.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall conduct a study concerning the effects on the environment and public health of burning used oil.

"(2) REPORT.—On the completion of the study, the Secretary shall submit a report to Congress on the results of the study.

"(3) CONTENTS OF STUDY.—The study shall include an assessment of—

"(A) the volume of lead in used oil released into the environment, and the sources of the lead contaminants;

"(B) the impact of a variety of approaches to regulation of used oil recycling facilities; and

"(C) such other information as the Administrator determines to be appropriate regarding disposal practices of lead in used oil in use at the time of the study and alternatives to the practices, including the manner in which any detrimental effects on the environment or public health (or both) can be reduced or eliminated by the reduction of lead as a constituent of used oil.

"(e) COORDINATOR FOR LEAD ACTIVITIES.—Not later than 30 days after the date of enactment of this subsection, the Administrator shall appoint, from among the employees of the Environmental Protection Agency, a Coordinator for Lead Activities to coordinate the activities conducted by the Agency (or in conjunction with the Agency) relating to the prevention of lead poisoning, the reduction of lead exposure, and lead abatement.".

SEC. 109. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 408, as added by section 108 of this Act, the following new section:

"SEC. 409. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

"(a) ESTABLISHMENT AND RESPONSIBILITIES.—

"(1) IN GENERAL.—The Administrator shall establish a grant program to establish 1 or more Centers for the Prevention of Lead Poisoning. (Each such Center is referred to in this subsection as a 'Center'.)

"(2) GRANTS.—The Administrator shall award grants to 1 or more institutions of higher education (as defined in 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) in the United States for the purpose of establishing and funding a Center. Each Center shall assist the Administrator in carrying out this title, including providing for the transfer of technology and serving as a source of information to the general public.

"(b) APPLICATIONS.—The Administrator shall solicit applications from institutions of higher education of the United States for the establishment of a Center. The application shall be in such form, and contain such information, as the Administrator may require by regulation.

"(c) SELECTION CRITERIA.—The Administrator shall select each grant recipient from among the applicant institutions referred to in subsection (b) in accordance with the following criteria:

"(1) The capability of the applicant institution to provide leadership in making national contributions to the prevention of lead poisoning.

"(2) The demonstrated capacity of the applicant institution to conduct relevant research.

"(3) The appropriateness of the projects proposed to be carried out by the applicant institution.

"(4) The assurance of the applicant institution of a commitment of at least $100,000 in budgeted institutional funds to relevant research upon receipt of the grant.

"(5) The presence at the applicant institution of an interdisciplinary staff with demonstrated expertise in lead poisoning prevention.

"(6) The demonstrated ability of the applicant institution to disseminate the results of relevant research and educational programs through an interdisciplinary continuing education program.

"(7) Any other criteria that the Administrator determines to be appropriate.

"(d) FEDERAL SHARE AND DURATION OF GRANT.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed an amount equal to 95 percent of the cost of establishing and operating a Center and related research activities carried out by the Center.

"(2) DURATION OF GRANT.—A grant awarded under this section shall be for a period of not more than 2 years.".

SEC. 110. CONFORMING AMENDMENTS.

(a) CROSS-REFERENCES.—

(1) PENALTIES.—Section 16 (15 U.S.C. 2615) is amended by striking "409" each place it appears and inserting "417".

(2) SPECIFIC ENFORCEMENT AND SEIZURE.—Section 17(a)(1)(A) (15 U.S.C. 2616(a)(1)(A)) is amended by striking "409" and inserting "417".

(3) AUTHORIZED STATE PROGRAMS.—Section 412, as redesignated by section 101(a), is amended—

(A) by striking "402 or 406" each place it appears and inserting "410 or 414"; and

(B) in subsection (d), by striking "402" and inserting "410".

(b) AUTHORIZATION OF APPROPRIATIONS.—In section 420, as redesignated by section 101(a) of this Act, by striking "There are authorized" and inserting "Except as provided in section 407(j) and in title III of the Lead Exposure Reduction Act of 1993, there are authorized".

SEC. 111. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 1 of the Act (15 U.S.C. 2601 et seq.) is amended by striking the items relating to title IV and inserting the following new items:

"TITLE IV—LEAD EXPOSURE REDUCTION

"Sec. 401. Findings and policy.
"Sec. 402. Definitions.
"Sec. 403. Restrictions on continuing uses of certain lead-containing products.
"Sec. 404. Inventory of lead-containing products and new use notification procedures.
"Sec. 405. Product labeling.
"Sec. 406. Recycling of lead-acid batteries.
"Sec. 407. Lead contamination in schools and day care facilities.
"Sec. 408. Blood-lead and other abatement and measurement programs.
"Sec. 409. Establishment of National Centers for the Prevention of Lead Poisoning.
"Sec. 410. Lead-based paint activities training and certification.
"Sec. 411. Identification of dangerous levels of lead.
"Sec. 412. Authorized State programs.
"Sec. 413. Lead abatement and measurement.
"Sec. 414. Lead hazard information pamphlet.
"Sec. 415. Regulations.
"Sec. 416. Control of lead-based paint hazards at Federal facilities.
"Sec. 417. Prohibited acts.
"Sec. 418. Relationship to other Federal law.
"Sec. 419. General provisions relating to administrative proceedings.
"Sec. 420. Authorization of appropriations.".

TITLE II—MISCELLANEOUS

SEC. 201. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-LEAD LABORATORY REFERENCE PROJECT.

(a) REPORTING OF BLOOD-LEAD LEVELS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control (referred to in this section as the "Director"), shall identify methods for reporting blood-lead levels in a standardized format by State public health officials to the Director.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act,

the Secretary shall submit a report to Congress that—

(A) describes the status of blood-lead reporting; and

(B) evaluates the feasibility and desirability of instituting a national requirement for mandatory preschool blood-lead screening.

(3) ADDITIONAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall submit a report to Congress that assesses the effectiveness of the blood-lead reporting provisions under the regulations establishing the accreditation and certification programs for blood analysis laboratories described in section 408(a) of the Toxic Substances Control Act (as added by section 108).

(b) ESTABLISHMENT OF BLOOD-LEAD LABORATORY REFERENCE PROJECT.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 258b et seq.), is amended by adding at the end the following new section:

"SEC. 424. BLOOD-LEAD LABORATORY REFERENCE PROJECT.

"The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish a blood-lead laboratory reference project to assist States and local governments in establishing, maintaining, improving, and ensuring the quality of laboratory measurements performed for lead poisoning prevention programs. The project shall include—

"(1) collaboration with manufacturers of analytical instruments to develop blood-lead measurement devices that are accurate, portable, precise, rugged, reliable, safe, and of reasonable cost;

"(2) the development of improved techniques for safe, contamination-free blood sample collection; and

"(3) assistance to State and local laboratories in the form of reference materials, equipment, supplies, training, consultation, and technology development for quality assurance, capacity expansion, and technology transfer.".

SEC. 202. UPDATE OF 1988 REPORT TO CONGRESS ON CHILDHOOD LEAD POISONING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the date that is 10 years after the date of enactment of this Act, and as necessary thereafter, the Administrator of the Agency for Toxic Substances and Disease Registry shall submit to Congress a report that updates the report submitted pursuant to section 118(f)(1) of the Superfund Amendments and Reauthorization Act of 1986. Each updated report shall include, at a minimum, revised estimates of the prevalence of elevated lead levels among children and adults in the population of the United States, and estimates of the prevalence of adverse health outcomes associated with lead exposure. The initial report under this section shall include an assessment of the potential contribution to elevated blood lead levels in children from exposure to sources of lead in schools and day care centers.

(b) FUNDING.—The costs of preparing and submitting the updated reports referred to in subsection (a) shall be paid from the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986.

SEC. 203. ADDITIONAL CONFORMING AMENDMENTS.

(a) AMENDMENT TO THE FAIR PACKAGING AND LABELING ACT.—Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) in subsection (b), by striking "or" at the end;

(2) in subsection (c), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subsection:

"(d) The Lead Exposure Reduction Act of 1993 and the amendments made by such Act.".

(b) AMENDMENTS TO THE FEDERAL FOOD, DRUG AND COSMETIC ACT.—

(1) TIME-BASED REQUIREMENTS.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following new subsections:

"(f) For the third 1-year period after the date of enactment of this subsection and thereafter, if any package or packaging component (including any solder or flux) used in packaging the food contains any lead that has been intentionally introduced into the package or component.

"(g) If the incidental presence of lead in any package or packaging component (including any solder or flux) used in packaging the food exceeds—

"(1) for the third 1-year period after the date of enactment of this subsection, 600 parts per million (0.06 percent);

"(2) for the fourth 1-year period after the date of enactment of this subsection, 250 parts per million (0.025 percent); and

"(3) for the fifth 1-year period after the date of enactment of this subsection and thereafter, 100 parts per million (0.01 percent).".

(2) CERAMIC WARE; PROCESSED FOODS; WINE.—Title IV of such Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 413. LEAD REGULATIONS.

"(a) CERAMIC WARES.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in ceramic wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(b) CRYSTAL WARES.—Not later than 30 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in crystal wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(c) PROCESSED FOODS.—Not later than 2 years after the date of enactment of this section, the Secretary shall promulgate regulations to reduce lead in processed foods. The regulations shall determine the processed foods and related manufacturing practices that are significant sources of lead in the human diet and require the greatest degree of reduction of lead in the foods that is achievable in practice.

"(d) WINE.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to establish such tolerance level and testing procedures with respect to lead in wine as the Secretary determines to be necessary to protect public health.".

(3) PROHIBITION RELATING TO CERAMIC WARE.—Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end the following new subsections:

"(u) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(a), the introduction or delivery into interstate commerce of any ceramic ware that is not in compliance with the regulations.

"(v) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(b), the introduction or delivery into interstate commerce of any crystal ware that is not in compliance with the regulations.

"(w) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(c), the introduction, or delivery for introduction, into commerce of any processed food, or other action, in violation of section 413(c).".

SEC. 204. NON-INTERFERENCE.

Nothing in this Act shall interfere with the promulgation of regulations required pursuant to the Residential Lead-Based Paint Hazard Reduction Act of 1992 (106 Stat. 3897 et seq.)

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Except as provided in the amendment made by section 107 of this Act, to carry out this Act and the amendments made by this Act—

(1) $25,000,000 for fiscal year 1994;

(2) $24,000,000 for fiscal year 1995;

(3) $24,000,000 for fiscal year 1996; and

(4) $22,000,000 for fiscal year 1997.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Montana [Mr. BAUCUS] is recognized.

Mr. BAUCUS. Madam President, I am pleased that the Senate is now considering the Lead Exposure Reduction Act.

The legislation was reported by the Environment and Public Works Committee last October, and it is long overdue.

It is the result of numerous hearings and countless discussions with experts over the past several years. It represents the hard work of many Senators most particularly Senator REID, but also including Senators LIEBERMAN, LAUTENBERG, MOYNIHAN, WOFFORD, BOXER, DANFORTH, and others.

Many Members have worked very hard to address the problems of lead poisoning. But none has worked any harder or been more dedicated than the Senator from Nevada, [Mr. REID]. Were it not for Senator REID's tireless commitment to this issue, I am certain that we would not be debating this bill today.

THE HAZARDS OF LEAD EXPOSURE

Madam President, there is ample evidence of the hazards of lead. Past and present data support the conclusion that lead poisoning is a major public health problem.

According to the Centers for Disease Control, lead poisoning is the most common and the most devastating environmental disease of young children.

Lead is a potent neurotoxin. Once lead enters the body it is stored in blood, tissues, bones and teeth. In adults, lead exposure can increase cancer, cause reproductive problems and high blood pressure. In our elderly, it may cause reduced mental functions.

In children, lead is an especially serious health problem. Children are more likely to ingest lead in paint, in soil, in toys and in other products by putting them into their mouth.

And children have less bone tissue to store lead. So leads ends up in the blood where it is free to invade the bodies' organs. And the primary target for lead poisoning is the brain, especially during early child development.

We know that even at low levels of lead exposure, young children can encounter learning and behavioral disorders that continue into adolescence.

At very high level exposure, irreversible mental retardation, seizures, and even death can occur.

All totaled, between three to four million children are at risk mainly from ingesting lead-based paint chips, lead in drinking water systems and lead in soil.

Children in the inner cities are the greatest risk. One in every six inner city children, ages 6 months to 5 years may suffer from lead poisoning.

THE REMAINING PROBLEM

Despite the decline of lead in gasoline, and Federal and State efforts to address hazards from lead in paint and drinking water, millions of children are still exposed to lead.

Our Nation uses more than 1 million tons of lead each year. About 80 percent of all lead is used for batteries. The rest is used in hundreds of products including paint, gasoline, food, cosmetics, prescription drugs, cans, ceramic glazes, crystal, solder, packaging, toys, fertilizers, plumbing fixtures, wine foils, stained glass, fishing weights, curtain weights, construction materials, computer screens, ammunition, medical X-ray equipment, light bulbs, optical glass, and many other products.

Let me be clear. I am not suggesting that these are bad products or that they are inherently dangerous because they contain lead. For many of these products—like x-ray shielding, computer screens, electronic circuitry, lead castings, prescription drugs and others—there is little or no chance of lead exposure from the lead-content.

And there is no denying that many of these products are important, safe and useful to consumers and society.

But in other products like lead-based paint, food packaging or plumbing fixtures, lead can be more easily inhaled, ingested or absorbed. That's when lead becomes a concern.

Clearly, we should reduce and eliminate those lead uses when exposure is likely. At the same time we must be sensitive to the beneficial uses of lead used in many of our products.

THE LEAD EXPOSURE REDUCTION ACT IS GOOD POLICY

Our challenge is to reduce lead exposure without eliminating all current or future uses of lead. The Lead Exposure Reduction Act meets this challenge in a sound and effective manner.

First, it sets lead-content limits for certain products that contain lead at unsafe amounts. It targets paints and primers, toys, inks, plumbing solder and fixtures, where exposure to lead is likely, especially to children. For these products lead-content must be reduced over several years.

Second, it sets up a program for reducing lead used in food and non-food packaging over a seven year period. These restrictions are based on the model legislation issued by the Coalition of Northeastern Governors and adopted by 14 States.

Third, it requires EPA to maintain an inventory of all uses of lead so that we have complete and accurate knowledge of the universe of products that may contribute to the lead problem. And any person who manufacturers or imports any product not on the inventory would have to file with EPA a new use notification.

Fourth, it requires EPA to develop a list of those lead-containing products that may pose an unreasonable risk. Once on the list, products must be labeled so that consumers will be fully informed of the potential hazards.

Fifth, since lead can be easily recycled, this bill also includes mandatory recycling requirements for lead used in batteries.

As I stated earlier, almost 80 percent of all lead is used in batteries so these recycling requirements will have a significant effect. Under this bill, lead batteries could no longer be landfilled or incinerated but would have to be collected by retailers, wholesalers, manufacturers, and then recycled.

Finally, since many more and more young children spend a substantial part of their day in school and day care centers, the bill sets up a grant program to help fund lead inspections at these facilities.

Under the program, States that receive grants will be required to inspect for lead hazards at day care centers and schools built before 1980. If a problem is found, parents and teachers must be notified.

CONCERNS WITH THE BILL HAVE BEEN ADDRESSED

I know that some concerns were expressed over earlier versions of this bill, over the deadlines and other provisions.

In particular, concerns were raised over EPA's ability to implement the lead testing and abatement provisions in the Housing and Community Development Act of 1992 and also meet the requirements in this bill.

As my colleagues may remember, Title 10 of the Housing and Community Development Act of 1992 required that lead-based paint in federally owned housing be reduced.

Both EPA and the Department of Housing and Urban Development are now implementing these requirements. As such, I am pleased that the deadlines in the lead bill have been extended so as to not interfere with implementation of the Housing bill.

Concerns were also raised that some of the product restrictions included in the bill were not necessary because the likelihood of exposure is very low.

To address these concerns, the bill before us no longer restricts the lead used in fishing weights and artist paints and other products with low exposure potential.

There were also concerns regarding to scope of the exposure concern list. The fear is that although many lead uses are not likely to threaten our health or environment such uses would nonetheless be included on an exposure concern list.

That is clearly not the intent. The purpose of such a list is to identify only those lead-containing consumer products that may pose an unreasonable risk.

Concerns with the bar on defenses language in the labeling provisions were also raised. Specifically that the language in the bill could be read to preempt State laws. Again, that was never the intent of the bill and I am pleased that the bar on defenses provision has been clarified.

Finally, there were some concerns about the cost to States of inspecting all day care centers and schools for lead. Three points are worth noting.

First, lead-based paint inspections are only required under the bill if the State receives a grant from the Federal Government.

Second, even after receiving Federal money, the State has considerable discretion to set the priorities for inspections so the worst schools and day care centers are inspected.

Finally, because lead is a special problem for young children, lead inspections are only required in those rooms used by young children and not in every room. This will also help set priorities and spend our resources more wisely.

CONCLUSION

Madam President, let me sum up by stating that I am no stranger to lead issues. Montana is home to one of the Nation's two primary lead smelters. I know the importance of the lead smelter to East Helena, MT, and to the Nation at large.

But I also know the harm that lead exposure can have, particularly to children. And I know the anxiety that lead contamination can have on a community. I have seen it first hand.

At least two Superfund sites in Montana exist, in part, from lead contamination. And the families in these communities want to make sure that their children can safely play outside without getting lead poisoning.

As with so many environmental issues, the key here is balance. We must strike an appropriate balance between vigorously protecting the public health, while at the same time protecting safe lead-based products that the public needs.

Madam President, Senator REID has found that balance. The Lead Exposure Reduction Act provides a responsible and sensible framework for reducing lead exposure. Once again I heartily commend Senator REID for all of his hard work and I urge my colleagues to support this bill.

Mr. President, I have asked Senator REID to manage this bill and he has agreed to do so. So at this time I would like to turn over the responsibilities of managing this bill to the able hands of Senator REID.

Madam President, I asked Senator REID to manage the bill and he has very graciously agreed to do so. I would like to now turn the responsibility over to him.

One more time, let the world, and particularly the State of Nevada, know how hard Senator REID has worked on this bill and what a masterful job he has accomplished.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, prior to the chairman of the committee leaving the Senate Chamber, I want to express my appreciation for the kind words the chairman spread on the record regarding the Senator from Nevada.

But I also want the record to reflect that this process has taken years, and but for the direction and patience of both the chairman, Senator BAUCUS, and the ranking Member, Senator CHAFEE, we certainly would not have been able to be to the point where we can have this legislation now before the American people. It has been a long, difficult struggle. The Members of the committee have worked very hard without exception.

We have had with staff hundreds and hundreds of hours of meetings with various groups of people interested in what this legislation will do.

Madam President, the dangers of lead have been documented centuries and centuries ago. The Greek Dioscorides stated in the second century B.C., "Lead makes the mind give way." The Roman, Pliny the Elder, cautioned that inhaling the fumes of molten lead was dangerous. And we know by reading history that there are many historians who believe the fall of the Roman Empire was a result of lead.

Lead, Madam President, is a metallic element whose properties are very malleable, corrosive resistant, high density and very stable, which make it good for many things. And it has been good for uses for various interests for centuries.

Ancient Egyptians used lead in ornaments and cosmetics. Ancient Romans, as I have mentioned, used it for many purposes, not the least of which were the pipes they used to bring in their water, storage containers, and drinking goblets.

And we know that these storage containers—with the research that we have done that I will talk about a little later—tend to bring the lead out of the container into the substance that is in the container, and it is very dangerous.

Romans even used lead as a sweetener-preservative in wines and cider.

It is interesting to note, Madam President, that the words plumber and plumbing are from Latin. They are derived from the Latin word for lead, which is plumbum.

Despite millennia of warnings about its hazards, lead usage in the United States continues at a very high rate, and in fact continues to go up, and it is used in a wide variety of products, some of which the chairman mentioned. But we know that even today it is used extensively in gasoline and in paint. But there are many other things, of course. Batteries, as the chairman indicated. Seventy-seven percent of all the lead that is produced in the United States goes into lead-acid batteries.

It is used freely in cosmetics, prescription drugs, and cans. At one time, it was used in almost 100 percent of the containers, the cans that we use—now, of course, it is down to a significantly smaller number, about 5 percent—enamels, crystal, solder, packaging, toys, recreational game pieces, stained glass, fishing weights, curtain weights, and numerous other products.

It is used significantly. When you talk about using over 1 million tons of lead, you kind of get the idea we use a lot of it.

Now, Madam President, even though we use huge amounts of lead, the amount that we use today is less than we used in the 1970's, because in the 1970's we used almost all leaded gasoline. And of course, in paint it was significant.

We, Madam President, have recognized the danger of lead in paint and in gasoline. And we will talk about that, how we learned about it.

But it is important to note that lead enters the body in a number of different ways. You can inhale it, as indicated by Pliny the Elder, the Roman. You can ingest it, eat it, as indicated in some of the earlier writings.

But what we did not know, and now do, is that it can be absorbed through the skin. Unlike elements like table salt and other things that we take into our body, lead serves no useful biological purpose. It is of no good to the human body. There are other elements, like gold and zinc and things like that, that you need in your body, but we do not need lead.

It is stored in the blood. It cannot metabolize, so it is stored in the blood, the bones, and the teeth. And the reason that it will not go anyplace is because its half-life is extremely long.

We all know now, or we should know, the dangers of lead to children. It is more severe by far to children than adults. Why? Well, children, of course, ingest and inhale more lead per unit of body weight than do adults and thus are more vulnerable to the effects. In particular, young children are likely to ingest paint in the soil and dust by putting it in their mouths. They also have an absorption rate that is some 40 percent higher than adults.

In effect, to illustrate it, an adult could put that lead-based dirt in their mouth like a baby does and it would absorb much, much slower. In fact, 40 percent for children, and 5 percent for adults, is the absorption rate by eating.

We had the Office of Technology Assessment study the effects of lead on children and they determined without question that the effects of lead on children are significantly more severe than on adults.

They said that children have less bone tissue in which lead is stored, leaving more lead in the blood that is free to exert toxic effects on various body organs.

Nutritional deficiencies in children cause the lead to be absorbed more quickly. And children's nervous systems, especially the blood-brain barrier, which is not developed until later in life, totally cause this substance to go into the brain. Now in the adult, you have the blood-brain barrier, and it is difficult to go through that. And the cognitive effects occur at lower levels in children.

As a result of a congressional directive, the Agency for Toxic Substances and Disease Registry—which we will refer to during our remarks here, Madam President, as the ATSDR—issued a landmark report in 1988 on childhood lead poisoning.

The primary target of poisoning in a child is the central nervous system, especially the brain. The younger you are, the worse it is. Very severe lead poisoning with central nervous system involvement commonly includes coma, convulsions, and profound irreversible mental retardation. Seizures occur and even death develops. I will talk about a number of cases that have been reported in the press in recent years of children dying from lead poisoning.

Less severe, but still serious effects, such as peripheral neuropathy and serious anemia can be caused from lead poisoning. Numerous studies of children related that lower levels of lead exposure affect a constellation of impairments, including delayed development of your ability to think, reduced IQ scores, and impaired hearing—all can occur as a result of children ingesting lead.

Madam President, it is not as if they are eating handfuls of lead. There are cases reported, one here in Maryland recently where a couple bought their dream home. It was a home that was over 50 years old. They were going to rehabilitate and refurbish that home, which they set out to do.

When they moved into the home they had a brand new baby. As they were doing the repair work in this home there was dust all over, and during the construction in the home the baby was sticking its fingers in the mouth. That baby, they noticed, was not the same baby. It started reacting more slowly.

It did not appear to be learning. They took it to the doctor. The doctor did not know what was wrong.

Making a long story somewhat shorter, they ultimately determined that baby had been poisoned by the lead in that construction work in that home. The baby will never be the same. The baby will never have the IQ that child was capable of having when that child was born. That baby will never be able to learn. That baby's personality will be affected.

So we know the report from the Office of Technology Assessment talks about real people—not just statistics.

The most notable study started way back in 1979. Madam President, I doubt if he is watching; he is probably in his lab doing some kind of work, but there is a person we should throw a bouquet to by the name of Dr. Herbert Needleman, who has been working for almost two decades on lead poisoning. When he started talking about this in 1979, people thought he did not know what he was talking about. And to talk about what went on centuries ago with the Romans was so much poppycock.

I think we must congratulate—and I am going to—and applaud Dr. Needleman for his work in this field, for his work and his advocacy. He did more than stay seated in his laboratory and talk about it. He did more than do the research in his laboratory. He came out of his laboratory because he was so concerned about what he had learned in his laboratory, and he has proceeded to educate all the world who will listen to the dangers of lead poisoning.

As I indicated, the most notable of the studies on neurobehavior and IQ deficiencies are those he started way back in 1979. Dr. Needleman published a followup study concerning the children he evaluated in 1979. He did this when they were in high school. When reexamining these young high school students, he found those children who had high lead levels in first grade evidenced poorer classroom performance, reduced vocabulary and reasoning scores, and higher absentee rates in school.

So it was not just a phenomenon that you see in the lower grades. It carried through. There are, we have learned in the development of this legislation, some people who believe the high dropout rates in certain parts of the country are a result of lead poisoning.

We have talked about what happens with children. The effect of lead on fetuses is even worse and more dramatic than on children. We have talked about the vulnerability of children to lead poisoning. The lead in women's bones may be mobilized during pregnancy and lactation, particularly to alleviate a calcium deficiency, and thus expose fetuses and infants through the placenta and breast milk, and causes fetuses to be seriously impaired as a result of lead poisoning.

We have talked about fetuses and about children, but this does not leave adults as risk free. We know they can do a lot of things with lead that children cannot do that will not cause any adverse effects. But adults are also at risk from lead exposure. It has been established that lead is a human carcinogen. Lead may also impact on the human reproductive system because there have been a number of studies that show failure of ovulation, delayed sexual maturity, impotence, sterility, and even spontaneous abortions as a result of lead poisoning.

I indicated that, according to your age, different levels of lead affect you differently. The younger you are the worse it is. But after you reach adulthood, the worse it is: Senior adults may be at significantly greater risk because lead stored in older persons' bones may be mobilized during osteoporosis, or in the normal demineralization of the skeleton with aging. Lead speeds up that process and we all know one of the serious problems of aging Americans is osteoporosis. This process is accelerated as a result of lead.

One witness testified before our subcommittee, "We may indeed, have senior citizen populations who are going to receive their lifetime exposure of lead coming back to them a second time." Such a release of lead in older people may be a cause of reduced mental function.

The chairman talked about where lead is stored. It is in the blood, the bone, teeth—this has been clearly established by examining blood, bones, and teeth, especially the teeth of babies. The one thing we have learned is, the more we study lead, the more we understand the body can take even less lead than we had originally thought. So some of the earlier studies that Dr. Needleman did, and some of the early, early work some people had pioneered, indicated that human beings at all ages could take a lot more lead than we now know they can stand.

We also should come to the realization that, of course, people in certain big cities where we have high population density and old homes with a lot of lead paint—they are at more risk than other people who do not live in the big cities where they have the high levels of lead paint. But we have to understand all children are at risk. This is not a problem that just inner city children face. This is a problem that all American children face.

A good example of potential lead exposure is Las Vegas, NV, one of the newer cities in the United States, certainly the most rapidly growing city in America. You would think in a State like Nevada, a city like Las Vegas, would have no problem with lead. Not true. There have been studies done that show that in fact Las Vegas, NV, has a significant number of children who are subject to exposure to lead.

During any given year we have been told that 400,000 fetuses are at risk of adverse health effects from exposure due to maternal blood levels that would not be there but for the exposure to lead. As I indicated, there have been tests done, for example, on young black children living below the poverty level. That is below $6,000 in central cities of large metropolitan areas. They may have a greater than 95 percent chance of having a blood level that exceeds the minimums. But the report also shows other children have a substantial chance of being at risk. For example, white children in the highest family income category, who do not live in the central cities of large urban areas, have greater than one-third chance of having blood lead in excess of the minimum level.

We know blood lead exposures vary from area to area, with higher exposures estimated for areas with older housing stock, like the Northeast and the Midwest. But as I indicated, in Las Vegas, with new housing, almost 28 percent of the area's children are estimated to have a blood level that exceeds the minimum levels.

And adults, we know they have problems in certain specified industries.

There has been work done around the world recognizing the dangers of lead in certain products prior to when we became interested in them, prior to Dr. Needleman trying to give a clarion call that we, Congress, should do something about this. Other countries reacted more quickly than we did. European countries, as an example, did away with lead paint as much as 50 years ago.

But we, in 1971, enacted the Lead-Based Paint Poisoning Prevention Act, and that was a step in the right direction. But as we learned through the hearings, it has not been enforced very well. Some people have sold paint, that is to be used only for commercial purposes, for residential purposes. Of course, people using it in the residential areas had no knowledge of the kind of paint they were using.

Toys and consumer furniture articles have also been covered, but, again, there has been lack of enforcement. HUD has been criticized for some of the work they have done, but we are making progress.

Gasoline: At one of the hearings we held, one of the witnesses said: If we had glasses that could show the lead particles in certain parts of our country—for example, around service stations that pump lots of gas or around plants that disperse gas—he said, you would not believe what you could see because the ground is poisoned in those areas.

We know that, and in 1973, the EPA issued regulations to do away with much of the leaded gas. The 1985 rulemaking notice proposed a total ban on leaded gasoline. This has never been fi-

nalized. We are still selling hundreds of millions and billions of gallons of leaded gasoline in this country. We think there is no leaded gasoline being sold but there are hundreds of millions, yes, Madam President, billions of gallons of lead gasoline still sold in America. We hope that by 1996, when the Clean Air Act said that would be no more, that lead in gasoline will cease. We hope that period is not extended.

Drinking water: In the Safe Drinking Water Act, EPA has done some good work there.

Occupational exposure: There has been good work done there. But there are still lots of problems remaining, and that is what this legislation is all about.

I indicated that there are a number of cases that affect real, live people. I indicated the situation in Maryland.

Lead poisoning is most dramatically evidenced by the death in 1991 of a 28-month-old boy in Waukesha, WI. He died of ingesting lead-based paint chips. The child had reportedly been exposed to so much lead that this toxic substance had begun to replace the calcium in his bones.

Madam President, one of the people who worked very hard on this legislation is Senator BILL BRADLEY. I have heard him talk about lead. Senator BRADLEY indicated that he became interested in this because he had an uncle who worked in the mines in Missouri. As a result of that, Senator BRADLEY's uncle did not function properly as he got older. He had been lead poisoned.

So there are a number of examples of lead poisoning. We even find that some people—and this is just an assertion; I do not know how much validity there is to it—but I have a report out of the Des Moines Register talking about the deaths of noteworthy composers, and indicated in this newspaper article is that some scientists feel Mozart was murdered by poisoning him gradually, a kind of lead poisoning. I do not know how much validity there is to that, but that is what the Des Moines Register said.

In 1989, a 2-year-old Chicago girl died of lead poisoning because no one followed up on a potentially serious problem indicated by a routine blood test that she had taken. Rather than do something about it, she went back to her home and kept eating the paint chips and died.

We have all kinds of articles that have been written that people are sick—especially children are sick—and doctors do not diagnose the problem. It is hard to diagnose.

We have a story out of one of the Chicago newspapers entitled: "Poison of the Past Cripples Poor Kids, Insidious Lead Still Taking Its Toll."

Here we have an article, that we will make part of the RECORD, about a family. Michael and Desmond Wallace had led a normal life, but that normal life died before they even learned to talk. They were hospitalized for 2 weeks. They did not know what was wrong with them. The doctors finally determined—their legs had swollen, they had tremendous pain—it was lead poisoning. No matter what the parents did, how well-intentioned they were, those children were, in effect, in deep trouble as a result of having been lead poisoned.

"It began with an awful stomachache," the San Diego Union Tribune states in a story of less than a year ago.

> It began with an awful stomachache, but then the 2-year old San Diego girl began to stumble around the house. When her mother took her to the doctor, the child became a grim statistic. Tests of her blood showed the highest lead levels ever seen in a California child.

The level of lead in the paint chips was 272,000 parts per million—453 times today's standard for residential paint—where this little girl lived. This child's blood showed 234 micrograms per deciliter, nearly 24 times today's recommended Federal standard of 10. The family moved away, but her brain was permanently damaged, Madam President. Lead poisoning starts out with anemia, fatigue, headaches, stomach cramps, constipation—hallmarks of many other problems. But the child gets progressively and sometimes suddenly worse, sometimes with nerve paralysis, swelling of the brain and, as we have indicated, it can cause death.

The reason, Madam President, that I am bringing these stories, these articles, these instances to the attention of the Senate is that I want this legislation to be more than a numbers game. This legislation affects human beings, especially tiny, little human beings with no ability to determine where they live or what they eat.

Reading from the Knight-Ridder News Service, I state more specifically what Senator BRADLEY said:

> "My involvement with lead really began 30 or 40 years ago, when an uncle of mine who worked in a lead factory in Herculaneum, MO suffered from a number of health problems," he said. "He died at an early age. It was a sad personal history."
>
> Medical experts say that lead can damage the nervous system of growing children and adults.

Senator BRADLEY, as I have indicated, has become interested in this, and he had a program that he started that was most helpful to my legislation. His program was called Get the Lead Out. It is a program he worked very hard on and I, again, express my appreciation for his good work.

Lead, interestingly enough, Madam President, is potentially toxic wherever it is found, and it is found almost everywhere. The factors listed in the ATSDR report is that lead is indestructible. Once removed from its geologically bound forms by human activities, lead poses a toxic threat for which there are no natural defense mechanisms.

Second, there is an environmental accumulation factor. In effect, lead accumulates indefinitely in the environment so long as input continues, no matter how large or how small the quantity.

The human body accumulation factor—we have talked about that: It comes in, it does not go out. And so even though you may get very, very small dosages, they build up over a period of time.

The risk population accumulation factor—this means the estimates of exposure and toxicities based on data from particular points in time—greatly understates the cumulative risk for a population posed by uniquely persistent and pervasive pollutants, such as lead.

The pervasiveness of the problem. It is everywhere. The U.S. lead problem is not simply a problem of a generally neglected segment of society. At present, little or no margin of safety exists between existing blood lead levels in large segments of the U.S. population and those levels associated with toxicity risk.

As I indicated, Dr. Needleman's work has been significant. Among other things, he made three major points in his testimony before the subcommittee. First is that this is the most serious pediatric problem in the United States today. The second is that it is totally preventable. That is why we are here today. Third is that in preventing it, we can accomplish enormous social good in other areas.

Now, Dr. Needleman has those people who do not accept everything he says. As a result of that, we brought in a number of other people who talked to the committee about the dangers of lead. One man whom I have great respect for is a man by the name of Dr. Vernon Houk, at that time—he is retired now—of the Centers for Disease Control. He called lead poisoning the most common and the most societally devastating environmental disease of young children. He went on to say:

> I can't think of anything more devastating in a population of children with no superior intelligence and geniuses.

Another witness states that

> What lead destroys is what Walt Disney once described as the most valuable natural resource of this country: the minds of our children.

Another witness said that if we had spread across the newspaper tomorrow morning the announcement that 30,000 cases of measles in the city of Baltimore had just occurred, there would be a public outcry, Madam President. However, the health department in Baltimore has publicly announced that there are 30,000 children in that city under the age of 7 who have blood lead levels high enough to cause permanent

brain damage and, as the testimony indicated, there has been hardly a whimper of interest.

Well, there have been a number of whimpers of interest, and that is why we are here, Madam President. We would have hoped there would be no lead in the environment through paint, but there is; 52 percent of all residential housing units in the country are painted with lead-based paint. This number includes almost all pre-1940 housing, 70 percent of the housing constructed between 1940 and 1959, and 20 percent of the 1960 through 1974 housing. It is estimated that 13.6 million children live in housing with lead-based paint. Almost 2 million units, housing over one-half million children, are estimated to have peeling lead-based paint.

HUD found in a 1990 report that 57 million private homes built before 1980 contained lead-based paint and about 10 million of these homes are occupied by children under age 7.

Though the manufacture of lead-based paint for consumer use has been banned since 1978, these regulations have no effect on previously applied lead-based paint, nor do they apply to industrial, traffic, and certain other types of paint. The presence of such paints in the marketplace can result in misuse, as occurred in a Connecticut case where lead paint made for industrial use was found sold as household paint to unsuspecting consumers.

Even where adequate regulations are in place, they provide no guarantee of compliance.

Gasoline: American motor vehicles consumed over 5 billion gallons of lead gasoline in the year 1987. So we are cutting back but we are still, Madam President, using a lot of leaded paint and gasoline.

Drinking water. We have done a good job there.

Lead has accumulated, as I have indicated, in dust and soil in substantial amounts as a result of paint decomposition and fall off from airborne lead generated by motor vehicle and stationary source emissions.

Madam President, at the first hearing I held in the subcommittee, I listened to this testimony and I was stunned. I was stunned because we were having testimony about what happens in old homes—the example in Maryland. And at the time of the hearing, my only daughter was pregnant with her first baby. They had just happily bought a first home here in the Washington, DC, area that was 52 years old, and they were in the process of refurbishing, taking the old paint off and fixing up this home, their first home.

Well, as soon as that hearing ended, I got on that phone and I told my wife, "You have Steve and Lana move in with us. And they can live with us until they get that house taken care of." They then went out and had to hire somebody to find out if their house was lead poisoned, and it was. And it cost a lot of money to make that house so that they could move in with my granddaughter.

Well, that is well and good, Madam President, but most people do not have the ability to do what my daughter and her husband did. All over the country there are people like my little Mattie, my granddaughter, who have not had the ability to have the paint removed from their home, and as a result of that they are not able to do what they should be able to do because they have been sidetracked emotionally and mentally by lead. I repeat, Madam President, these are not mere statistics. These deal with real human beings.

I have talked about lead in cans. It has dropped from over 90 percent as it was in 1979 to now about 4 or 5 percent and going down all the time.

We also learned during our hearings that we have problems with lead in crystalware. A lot of people have crystalware, and we like to show it off and a lot of times put beverages in those crystal containers, and it stays there a long time. Well, it should not because the longer it is in there, as we have learned by studying the Romans, the more the lead leaches out and the more harmful it can become.

So that is the background of why this legislation needs to pass. I have talked about the help of Senator BRADLEY, Senator BAUCUS, and Senator CHAFEE. I appreciate very much the help that they have given. But no one, Madam President, has helped more than Senator LIEBERMAN. Senator LIEBERMAN has attended faithfully every hearing that we have had dealing with lead abatement. He has always come well prepared to ask good, hard questions.

He has been most helpful the last few days while we have been trying to work things out to get this bill to the Chamber. So I am very grateful to Senator LIEBERMAN for his leadership in this legislation.

The reason I mentioned Senator CHAFEE's name, Madam President, is that the entire Committee has become educated on the dangers of lead. This bill is not a Democratic bill. This bill is a bipartisan effort to try to take lead out of the environment.

It has not been easy to get to this point. We have had to compromise things that I did not want to compromise. But we had to do it. This is a bipartisan effort to get a bill. As I said, we have all been educated. A lot of us went into this with different ideas about the dangers of lead. I think my friends on the other side of the aisle also had different ideas as to the dangers of lead and thought maybe that HARRY REID's world was exaggerated. They have been great in understanding why we need this legislation. It has not come easy. We have all taken a long time to be educated.

I have a totally different outlook on lead than I did when I started. One of the things that we have found with lead is that, as bad as it is, it is the only thing that works in certain instances. As bad as lead is, it is the only thing that works for certain uses.

We made a finding in this legislation that lead poisoning is the most prevailing disease of environmental origin among American children today, and that the continued manufacture, import, processing, use of, and disposal of lead-containing products may cause further release of lead into the environment and certain releases contribute to further environmental contamination and result in lead exposure. I understand that. We have made that finding. But having said that and having the legislation match it has not been that easy.

What we have had to do is hold hearings. We have held a number of hearings, the most noteworthy of which was in March 1990, June 1990, February 1991, and June 1993. We have had 53 witnesses that have appeared personally before the committee. We have had scores of other witnesses that have appeared through giving us written testimony. And I repeat, there have been countless hours of meetings held with members of my staff, members of the Environment and Public Works Committee staff, and with various special interest groups who have been concerned about this legislation.

I will briefly go over what the legislation does because I do not want to take more time than necessary because I know that Senator SMITH wants to speak on this and also another matter of business concerning the State of New Hampshire and the country. I want to make sure he has the opportunity to do that.

What we have done in this legislation is in section 103 to regulate the use of lead in several products. The use of lead is not essential in any of the following products and would be restricted: Paint, plumbing fixtures, solder, toys, recreational game pieces, packaging, inks, and curtain rods.

With respect to paint, lead continues to be used in a number of paint and coating applications, including traffic paint. We tried for years literally to come up with some substitute for painting the white lines and yellow lines down the street. We could not come up with anything. You have to have lead or you cannot see it. Bridge paint, similar problems there; motor vehicle primer; refinishing paint; mirror backings. We thought we had something with mirror backings, and could not do it; a variety of other industrial and graphic art coatings. It has been estimated that some 33 million pounds of lead were used by the paint industry alone in 1989.

Madam President, there are certain paints in which a nonlead substitute is

currently not available. We have to recognize that. Even though some would disagree, I think the significant weight of scientific evidence weighs in favor of what the committee has done.

Lead solder is included, to further the ban on lead solder and plumbing that was adopted as part of the 1986 Safe Drinking Water Act. There is evidence that lead solder in plumbing is still being used, significant evidence, and we need to terminate that. Therefore, we require EPA to promulgate regulations to ban lead commonly used in plumbing systems. And, second, we require the EPA to promulgate regulations restricting the sale and display of lead solders that are not commonly used in plumbing systems. The purpose of that, of course, is not to have these in stores so that people come and buy them when there is no reason to do that. They should only be used for specific purposes.

We have addressed the uses involving national security by exemption, which protects paramount interest of the United States. That will be determined by the administration's Environmental Protection Agency and the Secretary of Defense.

In packaging, we want to do what we can to make sure that there is no lead that is intentionally added to any elements of packaging 4 years after enactment. Some States have already done this. It is working out quite well because these heavy metals with lead need not be put in the municipal waste train which pose, of course, a threat to the environment. We had to make an exemption for certain artists for some of the paints that they use which are lead based.

Senator BAUCUS, the chairman of the committee, talked about what we have done with lead acid batteries, which I think is really one of the strong points of this legislation. But, in addition to that, we have an inventory of lead-containing products in new use notification procedures. I am going to send a modification to the desk which has been cleared on both sides that make a number of changes which I will briefly explain.

We have done something in this legislation with product labeling. We want to make sure that people are alerted as to the danger of lead in products that we cannot do away with.

Dr. James Mason, who is retired now, but was at one time the chairman of the Centers for Disease Control, and also an Assistant Secretary of Health and Human Services, has stated studies on health effects of lead over the past 20 years uncover a consistent trend. The more that is learned about lead effects on children and fetuses, the lower the blood level at which adverse effects can be documented. That is why we have to be extremely careful with the labeling aspect of this legislation.

We also have a section that deals with lead contamination of schools and day care facilities. The chairman of the committee covered that adequately. Basically, what we do is provide for testing for lead in day care centers. I must say that my friend from New Hampshire was someone that brought to the attention of the chairman of the subcommittee that what we were doing was creating an unfunded mandate unless we changed it.

As a result of the work of Senator SMITH and others, we now do not have an unfunded mandate. There are some Members of the Senate and the other body who felt we should pass the law and let the States figure out how to pay for it. We have done that so often that we cannot do it anymore. The States cannot afford it. So what we do under this legislation is there is a program that has been authorized to allow States with the direction and help of the Federal Government to test day care facilities and schools for lead. It will not be done all at once. But it will be done. We are not putting this unfunded mandate on the schools and day care centers.

We have also blood lead and other abatement and measurement programs set forth in the legislation. Section 109 establishes the National Center for Prevention of Lead Poisoning, and we are going to establish one or more national centers for the prevention of lead poisoning to be established at higher education institutions or academic medical centers to promote research and development in the reduction of the exposure to lead.

We have some miscellaneous sections in the legislation, Madam President. Beginning in section 201, according to Dr. Vernon Houk, who has already received accolades, he states if there is a threshold below which there are no adverse effects of lead on the young, it is near zero. Further, the majority of children whose intelligent development are being affected by lead are never identified.

That is why we have to do a better job of reporting blood lead levels. Dr. Herbert Needleman, whom we talked about earlier, recommends that children have a blood test for lead after their first birthday and every year thereafter until they are past age 6. So one of the things we have to do is make the test cheaper than what it has been. That is one of the purposes of this section.

The report that we have talked about so much here, the Agency for Toxic Substances and Disease Registry, will be updated on a periodic basis. This legislation calls for that. We talk about restrictions on lead in ceramic ware and crystal, for the reasons I have mentioned earlier.

(Mr. MATHEWS assumed the chair.)

Mr. REID. Mr. President, we have heard from the EPA, of course; the Color Pigments Manufacturers Association; the National Parent-Teachers Association; the National Education Association; the Alliance Against Childhood Lead Poisoning; the National Education Association; Exide Corp. in behalf of Battery Council International; Asarco, Inc., which is one of the companies mining lead; the National School Boards Association; Electronic Industry Association; American Fish and Tackle Manufacturers Association, and others.

I wanted this spread on the RECORD, Mr. President, because I wanted the RECORD to reflect that anyone wanting to come and tell us about the problems with lead, either pro or con, has been given the opportunity to do that.

Mr. President, I have a modification that I am going to offer.

Mr. DANFORTH. Will the Senator from Nevada yield for a question?

Mr. REID. The Senator from Nevada is happy to yield.

Mr. DANFORTH. Section 401(b) of this legislation states that:

> It is the policy of the United States that further releases of lead into the environment should be minimized, and methods should be developed and implemented to reduce sources of lead that result in adverse human or environmental exposures.

My question has to do with the definition of further releases of lead into the environment. It is my understanding that this does not refer to lead mining activities. Instead, it refers to disposal or discharges which result in adverse human or environmental exposures. Is the Senator from Missouri correct in his interpretation?

Mr. REID. The Senator from Missouri is correct in his interpretation.

Mr. DANFORTH. I thank the Senator.

Mr. REID. Mr. President, I yield to my friend from New Hampshire, who is comanaging this bill, and then I will have a few more things to say.

Mr. SMITH. Mr. President, let me just state as a courtesy to my colleagues that this side has no objection to the bill and do not intend to request a recorded vote. At this time, I do not have a request for a recorded vote. If there are any of my colleagues on our side who wish a recorded vote, if they would so indicate to me during the course of the next few minutes, it would be helpful.

Mr. REID. If I could interrupt, I have previously indicated that there probably will have to be a vote on this. But we will work on that.

Mr. SMITH. I understand. There is a possibility of an amendment or colloquy or something regarding the fishing sinker amendment. But at this point I do not have any such language.

Mr. President, I want to start by commending my colleague from Nevada. This is an issue that he has worked a long, long time on, with great passion. It is something that he believes in very deeply. He really sunk his teeth into the issue and stayed with

it tenaciously, and at the same time, he was extremely accommodating to me and all of those who had some differences from time to time with the bill. He was always willing to talk and to negotiate, to try to come to some consensus or agreement. He has done a fantastic job in that regard on this legislation, and I commend him for it.

This bill, S. 729, called the Lead Exposure Reduction Act, is a very important response to the use of lead in instances where there is unreasonable risk of lead exposure, and subsequent risk to human health does exist.

Again, I want to emphasize the words "unreasonable risk" of lead exposure and "subsequent risk" to human health. I think that this bill is a response to that unreasonable risk and subsequent risk.

We all know the adverse health effects associated with lead exposure, and particularly alarming, as Senator REID has pointed out very eloquently, is the impact of lead exposure on our children. These risks have not gone unnoticed to the public. Congress has specifically addressed the lead problem in gasoline; it has addressed the concerns in paint, drinking water, and solid waste, to name just a few.

Most recently, Congress debated the lead issue in the context of the Housing and Community Development Act of 1992. Title X of that act tackled what EPA considers to be one of the major exposure concerns in the environment—lead-based house paint. It included comprehensive provisions for the evaluation and reduction of lead-based paint in our aging stock of federally owned housing. Yet, there is a whole host of other lead-containing products on the market. Some may present a serious risk to human health and the environment, and others may not. I think we try to accommodate concerns of those products that do not in this legislation, as well as dealing with those that do.

That is the focus of S. 729, on lead in consumer products. Unlike the bill which was originally reported on this matter, the legislation before us now does not address the issues of lead exposure during manufacturing and processing. This is quite a change. The aim here in this legislation is to deal with the adverse exposure through the marketplace, where our children are most susceptible. The intent is not to ban legitimate and beneficial uses of lead. Senator REID indicated that there are some areas where we just do not have alternatives, and there is no attempt to ban where there is no reasonable alternative.

The bill is straightforward. It calls on the administrator of the EPA to: One, develop an inventory of all lead-containing products sold or distributed in commerce.

Secondly, it establishes a list of lead-containing products or categories of products that the administrator determines may present an unreasonable risk of injury to human health or the environment.

Thirdly, it provides for the labeling of products included on the exposure concern list.

In addition, the bill restricts the use of lead in paint, plumbing, fittings, fixtures, solders, toys, packaging, and inks.

The legislation also establishes an important mandatory recycling program for lead-acid batteries. Under the bill incineration and landfill incineration of batteries would be prohibited. Rather, such batteries would be managed through a reverse distribution system from battery retailers to smelters for recycling.

I might add that this provision is supported by the Battery Council as well.

Finally, the bill includes several important provisions with respect to research into lead abatement and health protection from exposure to lead.

In conclusion, I would like to touch on one point, Mr. President. Section 107 of the bill provides for lead testing and inspection of schools and day care centers constructed prior to 1980 contingent upon availability of Federal funding, and I emphasize contingent upon availability of Federal funding. Senator REID addressed that. This bill does not mandate cleanup of these facilities. It does not mandate cleanup of these facilities.

It may be the case that there is not a lead problem in these facilities. We do not know at this point. It may be there is. I do know, however, that the bill does not provide funding for lead abatement. Testing, yes; but abatement, no. I make it clear we may have to revisit the issue at a later date. There is some controversy.

We have a letter from the National School Boards Association which I ask unanimous consent to print in the RECORD at this point.

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

NATIONAL SCHOOL BOARDS ASSOCIATION,
May 23, 1994.

Re S. 729, the Lead Reduction Act of 1993.

Member,
U.S. Senate, Washington, DC.

DEAR SENATOR: We are writing on behalf of the National School Boards Association (NSBA). The National School Boards Association speaks on behalf of public education nationwide and represents 95,000 school board members who endeavor daily to provide an excellent public education to every child in the country. School board members are the elected and appointed officials responsible for making the hundreds of difficult choices that balance educational programs against the fiscal realities which they and local voters face.

We understand that the Lead Reduction Act of 1993, S. 729, may be brought up on the Senate floor as early as Tuesday, May 24. Our testimony last summer described several of the problems we have with the bill. Our most fundamental dilemma is that this bill represents another unfunded federal mandate to schools. If Congress views the prevention of lead poisoning as a critical activity for schools to undertake, the federal government should pay for a substantial amount of the cost and require state environmental departments to conduct the abatement. Otherwise schools will be required to pay millions and millions of dollars in abatement costs from local property taxes—the most regressive tax available.

Although lead abatement—removal, encapsulation, or management—is not required in this bill, nevertheless the notification process will create intense pressure to perform abatement. It is disingenuous to suggest that parents can be told that there is lead in their child's school and not expect them to demand abatement. The result is that lead abatement will rob schools of funds that need to stay in the classroom. The abatement of lead paint, dust and lead in the soil and water is extremely costly and requires an understanding of both the environmental hazard and the available abatement procedures. The trained professional in the state environment department would be the most effective in handling the abatement process with a strong communications and scheduling role for the school board. With the state's expert scientific advice, the state department and the school board could develop a plan to ensure that the timing is appropriate for the school calendar, communications with the parents are complete, and accurate and timely information is available to the media and other interested parties.

If you or your staff have any questions, please contact Laurie A. Westley, NSBA's Chief Legislative Counsel, at 703-838-6703.

Sincerely yours,

BOYD W. BOEHLJE,
President.

THOMAS A. SHANNON,
Executive Director.

Mr. SMITH. Mr. President, there is no intention—I want to make it clear, and I will respond to the letter. I will make it clear there is no intention on this Senator's part to create an unfunded mandate, period, no intention.

The purpose here is only to establish a program for testing. In the letter from the School Boards Association, I understand their concern. I used to be a school board member myself. They are basically taking the point that although lead abatement is not required in the bill, nevertheless, the notification process will create intense pressure to perform abatement. That is a decision for the community to make. That is the community's decision. If they look at this and do some studies and they do not feel the lead is in significant amounts or not a health hazard in their community or their school, for whatever reason, that is their decision. We are not mandating at all. Wherever we are requiring testing we are funding it. If we do not fund it, we do not require it.

I think Senator REID has gone a long way, and we all worked a long time on this. I believe it is a reasonable piece of legislation that tries to take into consideration all the factors and all the concerns. It is probably not perfect. I do not know much that is.

I do support the bill and intend to vote for it if there is a recorded vote.

At this time, Mr. President, I see no other speakers on our side. I yield the floor to the chairman.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I thank Senator SMITH.

MODIFICATION TO THE COMMITTEE AMENDMENT

Mr. REID. Mr. President, I have been authorized on behalf of the Committee on Environment and Public Works to modify the committee amendment, and I now send that modification to the desk.

The PRESIDING OFFICER. The committee amendment is so modified.

The committee amendment was modified as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lead Exposure Reduction Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LEAD ABATEMENT

Sec. 101. Findings and policy.
Sec. 102. Definitions.
Sec. 103. Restrictions on continuing uses of certain lead-containing products.
Sec. 104. Inventory of lead-containing products and new use notification procedures.
Sec. 105. Product labeling.
Sec. 106. Batteries.
Sec. 107. Lead contamination in schools and day care facilities.
Sec. 108. Blood-lead and other abatement and measurement programs.
Sec. 109. Establishment of National Centers for the Prevention of Lead Poisoning.
Sec. 110. Conforming amendments.
Sec. 111. Amendment to table of contents.

TITLE II—MISCELLANEOUS

Sec. 201. Reporting of blood-lead levels; blood-lead laboratory reference project.
Sec. 202. Update of 1988 report to Congress on childhood lead poisoning.
Sec. 203. Additional conforming amendments.
Sec. 204. Non-interference.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

(c) REFERENCE TO TOXIC SUBSTANCES CONTROL ACT.—Wherever in title I 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 Toxic Substances Control Act (15 U.S.C. 2601 et seq.), except to the extent otherwise specifically provided.

TITLE I—LEAD ABATEMENT

SEC. 101. FINDINGS AND POLICY.

(a) REDESIGNATIONS.—Sections 401 and 402 through 412 (15 U.S.C. 2681 and 2682 through 2692) are redesignated as sections 402, and 411 through 421, respectively.

(b) FINDINGS AND POLICY.—Title IV (15 U.S.C. 2681 et seq.) is amended by inserting before section 402 (as so redesignated) the following new section:

"SEC. 401. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) lead poisoning is the most prevalent disease of environmental origin among American children today, and children under 7 years of age are at special risk because of their susceptibility to the potency of lead as a neurologic toxin;

"(2)(A) the effects of lead on children may include permanent and significant neurologic and physiologic impairment; and

"(B) additional health effects occur in adults exposed to similar exposure levels;

"(3) because of the practical difficulties of removing lead already dispersed into the environment, children and adults will continue to be exposed to lead for years;

"(4) as a result of decades of highly dispersive uses of lead in a variety of products, contamination of the environment with unacceptable levels of lead is widespread; and

"(5) the continued manufacture, import, processing, use, and disposal of some lead-containing products may cause further releases of lead into the environment, and the releases contribute to further environmental contamination and resultant exposure to lead.

"(b) POLICY.—It is the policy of the United States that further releases of lead into the environment should be minimized, and methods should be developed and implemented to reduce sources of lead that result in adverse human or environmental exposures.".

SEC. 102. DEFINITIONS.

Section 402, as redesignated by section 101(a) of this Act, is amended—

(1) by striking "For the purposes" and inserting "(a) IN GENERAL.—Subject to subsection (b), for the purposes";

(2) by redesignating—

(A) paragraphs (13) through (17) as paragraphs (18) through (22), respectively;

(B) paragraphs (5) through (12) as paragraphs (7) through (14), respectively; and

(C) paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

"(4) DISTRIBUTOR.—The term 'distributor' means any individual, firm, corporation, or other entity that takes title to goods purchased for resale.";

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

"(6) FACILITY.—The term 'facility' means any public or private dwelling constructed before 1980, public building constructed before 1980, commercial building, bridge, or other structure or superstructure.";

(5) by inserting after paragraph (14) (as so redesignated) the following new paragraphs:

"(15) PACKAGE.—The term 'package' means a container that provides a means of marketing, protecting, or handling a product. The term includes a unit package, an intermediate package, a crate, a pail, a rigid foil, unsealed receptacle (such as a carrying case), a cup, tray, wrapper or wrapping film, a bag, tub, shipping or other container, any package included in the American Society for Testing and Materials (referred to in this title as 'ASTM') Specification D-996, and such other packages as the Administrator may specify by regulation.

"(16) PACKAGING COMPONENT.—The term 'packaging component' means any individual assembled part of a package (including any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, or label). For the purposes of this title, tin-plated steel that meets the ASTM Specification A-623 shall be deemed an individual packaging component.

"(17) PERSON.—The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body. The term shall include each department, agency, or instrumentality of the United States."; and

(6) by adding at the end the following new subsection:

"(b) EXCEPTIONS.—As used in this title, the terms 'package' and 'packaging component' shall not include—

"(1) ceramic ware or crystal;

"(2) a container used for radiation shielding;

"(3) any casing for a lead-acid battery;

"(4) steel strapping; or

"(5) any package or packaging component containing lead that is regulated or subject to regulation under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).".

SEC. 103. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

Title IV (15 U.S.C. 2681 et seq.), as amended by section 101 of this Act, is further amended by inserting after section 402, as redesignated by section 101(a) of this Act, the following new section:

"SEC. 403. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

"(a) GENERAL RESTRICTIONS.—

"(1) IN GENERAL.—

"(A) PROHIBITION ON THE IMPORT, MANUFACTURING, OR PROCESSING OF A PRODUCT.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person may import, manufacture, or process a product in any of the product categories described in paragraph (2).

"(B) PROHIBITION ON THE DISTRIBUTION IN COMMERCE OF A PRODUCT.—Beginning on the date that is 2 years after the date of enactment of this subsection, no person may distribute in commerce a product in any of the product categories described in paragraph (2).

"(2) PRODUCT CATEGORIES.—The product categories described in this paragraph are as follows:

"(A) Paint containing more than 0.06 percent lead by dry weight, other than—

"(i) corrosion inhibitive coatings, including electrocoats and electrodeposition primers, applied by original equipment manufacturers to motor vehicle parts and containing no more than 1.9 percent lead by weight in dry film;

"(ii) certain paints and primers for equipment used for agricultural, construction, general, and industrial forestry purposes;

"(iii) paints containing lead chromate pigments; and

"(iv) zinc-enriched industrial paint with respect to which the incidental presence of lead does not exceed 0.19 percent lead by dry weight.

"(B) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight, except for toys and games with respect to which all lead is contained in electronic or electrical parts or components and that meet the standards and regulations for content, manufacture, processing, and distribution established by the Consumer Product Safety Commission under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

"(C) Curtain weights—

"(i) that are not encased in vinyl or plastic;

"(ii) that contain more than 0.1 percent lead by dry weight; and

"(iii) that are common in residential use.

"(D) Inks containing more than 0.1 percent lead by dry weight used in printing news-

papers, newspaper supplements, or magazines published more than once per month.

"(3) GLASS COATINGS.—

"(A) IN GENERAL.—Beginning on the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, or process a product in any of the product categories described in subparagraph (B), and beginning on the date that is 6 years after the date of enactment of this subsection, no person may distribute in commerce a product in any of the product categories described in subparagraph (B).

"(B) PRODUCT CATEGORIES.—The product categories described in this subparagraph are as follows:

"(i) Architectural glass coatings containing more than 0.06 percent lead by dry weight.

"(ii) Automotive window coatings containing more than 0.06 percent lead by dry weight.

"(4) STATUTORY CONSTRUCTION.—Nothing in this section shall prohibit the recycling of any product listed in this subsection if, following the original use of the product, the product is reused as a raw material in the manufacture of any product that is not listed under this subsection.

"(b) MODIFICATION OF RESTRICTIONS.—

"(1) IN GENERAL.—The Administrator may, after public notice and opportunity for comment, promulgate regulations to modify, pursuant to paragraphs (2) and (3), the percentage of the allowable lead content for a product, or a group of products, within a product category described in subparagraphs (A) through (D) of subsection (a)(2) or subsection (a)(3)(B).

"(2) REDUCED PERCENTAGE.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is less than the percentage specified under subsection (a) (including nondetectable levels) for a product, or a group of products, within any product category described in subparagraphs (A) through (D) of subsection (a)(2) or subsection (a)(3)(B) if the Administrator determines that a reduction in the percentage of the allowable lead content is necessary to protect human health or the environment.

"(3) INCREASED PERCENTAGE.—

"(A) IN GENERAL.—The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content that is greater than the percentage specified under subsection (a) for a product, or a group of products, within any product category described in subparagraphs (A) through (D) of subsection (a)(2) or subsection (a)(3)(B) if the Administrator determines that an increase in the percentage of the allowable lead content will not adversely affect human health or the environment.

"(B) REVIEW.—Not later than 2 years prior to the termination date of a regulation promulgated under paragraph (1) in accordance with subparagraph (A), the Administrator shall review the regulation. If the Administrator determines, pursuant to subparagraph (A), that the promulgation of a revised regulation is appropriate, the Administrator, not later than 1 year prior to the termination date of the regulation, may promulgate a revised regulation that shall terminate on the date that is 6 years after the date the revised regulation becomes final.

"(4) WAIVERS FOR TOYS AND RECREATIONAL GAME PIECES.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to waive the requirements of subsection (a)(2)(B) with respect to certain toys and recreational game pieces that are collectible items and scale models intended for adult acquisition.

"(5) EXEMPTION OF PAINTS.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Not later than 5 years after the date of enactment of this subsection, the Administrator shall determine, following public notice and opportunity for comment, whether there is—

"(I) 1 (or more) primer paint suitable for use as an electrocoat or electrodeposition primer (or both) on motor vehicle parts that contains less than 1.9 percent lead by weight in dry film;

"(II) 1 (or more) original equipment manufacturer paint, primer, or service paint or primer for mirror manufacturing or for equipment used for agricultural, construction, and general industrial and forestry purposes that, in the dry coating, has a lead solubility of less than 60 milligrams per liter, as described in the American National Standards Institute (referred to in this title as 'ANSI') standard Z66.1;

"(III) 1 (or more) substitute for paints containing lead chromate pigments for use in any class or category of uses that contains less than or equal to 0.06 percent lead by weight in dry film; or

"(IV) 1 (or more) substitute for zinc-enriched industrial paint for use in any class or category of uses that contains less than 0.19 percent lead by weight in dry film.

"(ii) ADDITIONAL DETERMINATION BY ADMINISTRATOR.—The Administrator also shall determine whether 1 (or more) paint or primer referred to in clause (i)—

"(I) has substantially equivalent corrosion inhibition and related performance characteristics to any paint or primer; and

"(II) does not pose a greater risk to human health and the environment than a paint or primer,

in use for the applicable purpose specified in clause (i) on the date of enactment of this subsection.

"(B) IDENTIFICATION.—If the Administrator determines pursuant to subparagraph (A), that 1 (or more) of the paints and primers referred to in subparagraph (A) meets the applicable specifications under such subparagraph, the Administrator shall identify the lead content of the paint or primer of each applicable category of paints or primers (or both) under subclauses (I) through (IV) of subparagraph (A)(i).

"(C) PROHIBITION ON IMPORTATION, MANUFACTURING, AND PROCESSING.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 3 years after the Administrator makes a determination under subparagraph (B), no person shall import, manufacture, or process any paint or primer with a lead content that exceeds the level identified by the Administrator pursuant to subparagraph (B).

"(D) PROHIBITION ON DISTRIBUTION IN COMMERCE.—For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 4 years after the Administrator makes a determination under subparagraph (B), no person shall—

"(i) distribute in commerce any paint or primer with a lead content that exceeds the level identified by the Administrator; or

"(ii) import, manufacture, or process any new motor vehicle or new motor vehicle part or new equipment part coated with the paint or primer with a lead content that exceeds the level identified by the Administrator.

"(E) EFFECT OF NEGATIVE DETERMINATION.—If the Administrator determines, pursuant to subparagraph (A), that there is no paint or primer suitable for a use referred to in subclause (I), (II), (III), or (IV) of subparagraph (A)(i) that meets the applicable requirements under subparagraph (A)—

"(i) beginning on the date that is 13 years after the date of enactment of this subsection, no person shall import, manufacture, or process any paint or primer for the use specified in the determination pursuant to subparagraph (A); and

"(ii) beginning on the date that is 14 years after the date of enactment of this subsection, no person shall distribute in commerce any paint or primer for the use specified in the determination pursuant to subparagraph (A) (or import, manufacture, or process any motor vehicle or motor vehicle part or new equipment part coated with the paint or primer),

that contains a lead content that exceeds a level of lead content that the Administrator shall determine, on the basis of the identification of the lead content of paints and primers for the use.

"(c) STATEMENTS BY THE ADMINISTRATOR RELATING TO MODIFICATIONS OF RESTRICTIONS.—In promulgating any regulation under subsection (b) with respect to the allowable lead content for a product, or a group of products, under a product category, the Administrator shall, prior to the promulgation of a final regulation, consider and publish a statement that describes the effects of the proposed allowable lead content level for the product, or group of products, under the product category on human health and the environment.

"(d) LEAD SOLDER.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to ban the manufacture, importation, processing, sale, and distribution in commerce of lead solders commonly used in plumbing systems, including lead solder that contains 50 percent tin and 50 percent lead (50–50 tin-lead solder) and lead solder that contains 85 percent tin and 15 percent lead (85–15 tin-lead solder).

"(2) IN GENERAL.—

"(A) RESTRICTIONS ON SALE AND DISPLAY OF LEAD SOLDERS.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall promulgate regulations to restrict the sale and display of lead solders that are reasonably capable of being used in plumbing systems, including, at a minimum—

"(i) a prohibition on the sale or display of the lead solders in the plumbing supply section of a retail establishment;

"(ii) a restriction on the sale or display of the lead solders in a wholesale plumbing establishment;

"(iii) a prohibition on the sale or display of the lead solders in proximity to plumbing materials in an establishment; and

"(iv) a requirement that each of the lead solders be labeled to indicate that the solder is not intended for use in a plumbing system.

"(B) FURTHER RESTRICTIONS ON LEAD SOLDERS.—The Administrator shall by regulation establish a further restriction on the manufacture, sale, display, or labeling of lead solders, if the Administrator determines that the restriction is necessary to prevent the use of lead solders in plumbing systems.

"(e) PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—If a voluntary standard for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion is not established by the date that is 1 year after the date of enactment of this

subsection, the Administrator shall, not later than 2 years after the date of enactment of this subsection, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard shall take effect on the date that is 5 years after the date of promulgation of the standard.

"(2) ALTERNATIVE REQUIREMENT.—If regulations are required to be promulgated under paragraph (1) and have not been promulgated by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.

"(f) PACKAGING.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) INCIDENTAL PRESENCE.—The term 'incidental presence' means the presence of lead in a package or packaging component that was not purposely introduced into the package or packaging component for the properties or characteristics of the lead.

"(B) INTENTIONALLY INTRODUCE.—The term 'intentionally introduce' means to purposefully introduce lead into a package or packaging component with the intent that the lead be present in the package or packaging component. The term does not include—

"(i) the presence of background levels of lead that naturally occur in raw materials or are present as postconsumer additions, and that are not purposefully added to perform as part of a package or packaging component; and

"(ii) any trace amounts of a processing aid or similar material that is used to produce a product from which a package or packaging component is manufactured.

"(2) INTENTIONAL INTRODUCTION.—Beginning on the date that is 4 years after the date of enactment of this subsection—

"(A) no package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor; and

"(B) no product shall be distributed in commerce by the manufacturer or distributor of the product in a package,

if the product includes, in the package, or in any packaging component, any ink, dye, pigment, adhesive, stabilizer, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution (as opposed to the incidental presence of lead).

"(3) LIMITATIONS ON THE AVERAGE OF CONCENTRATION LEVELS FROM INCIDENTAL PRESENCE OF LEAD.—Notwithstanding paragraph (2), the average of the concentration levels from any incidental presence of lead present in any package or packaging component, other than the lead originating from the product contained in the package, shall not exceed—

"(A) for the fifth 1-year period after the date of enactment of this subsection, 600 parts per million by weight (0.06 percent);

"(B) for the sixth 1-year period after the date of enactment of this subsection, 250 parts per million by weight (0.025 percent); and

"(C) for the seventh 1-year period after the date of enactment of this subsection, and for each 12-month period thereafter, 100 parts per million by weight (0.01 percent).

"(4) PROHIBITION.—No package or packaging component shall be sold or distributed in commerce by a manufacturer or distributor, and no product shall be sold or distributed in commerce in a package by a manufacturer or distributor, if the package or packaging component exceeds the applicable level provided under paragraph (3).

"(5) CERTIFICATE OF COMPLIANCE.—

"(A) IN GENERAL.—A certificate of compliance stating that a package or packaging component is in compliance with the requirements of this section shall be prepared and retained by the manufacturer or distributor of the package or packaging component.

"(B) STATEMENT RELATING TO EXEMPTION.—In any case in which compliance with this section is based on an exemption under paragraph (6), the certificate shall state the specific basis upon which the exemption is claimed.

"(C) SIGNATURE OF AUTHORIZED OFFICIAL.—A certificate of compliance shall be signed by an authorized official of the manufacturer or distributor referred to in subparagraph (A).

"(6) EXEMPTION FROM PACKAGING REQUIREMENTS.—Prior to the expiration of the 7-year period beginning on the date of enactment of this subsection, on receipt of an application (in such form and containing such information as the Administrator may prescribe by regulation), the Administrator may exempt from the requirements of paragraph (2), (3) or (4)—

"(A) a package or packaging component manufactured prior to the date of enactment of this subsection, as determined by the Administrator; and

"(B) a package or packaging component to which lead has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of Federal law or the law of any State or political subdivision of a State.

"(g) EXEMPTIONS.—

"(1) IN GENERAL.—The Administrator shall, by regulation, exempt from the restrictions described in subsection (a)(1) on the lead content of paint any products that are imported, processed, manufactured, or distributed in commerce for use by artists in creating, restoring, and preserving works of art, including graphic works of art, if the paint is sold or otherwise distributed in a package labeled pursuant to the requirements under section 405(c)(1).

"(2) EXEMPTIONS.—The Administrator shall, by regulation, exempt from the applicable restrictions on lead content under subsection (a) or (b) any product, or group of products, within a product category used—

"(A) for a medical purpose (as defined by the Administrator, in consultation with the Secretary of Health and Human Services);

"(B) for a purpose in the paramount interest of the United States (as determined by the Administrator, in consultation with the Secretary of Defense);

"(C) for radiation protection (as jointly defined by the Administrator and the Nuclear Regulatory Commission), including any product or product category used in connection with the national security programs of the Department of Energy;

"(D) in the mining industry to determine the presence of noble metals in geological materials; or

"(E) as radiation shielding in any electronic device, or in specialized electronics uses in any case in which the Administrator has determined that no appropriate substitute for lead is available.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section or the Lead Exposure Reduction Act of 1994 and the amendments made by such Act is intended to prohibit the recycling (for use as a raw material or for processing), recovery, or reuse of lead-containing metal, glass, plastic, paper, or textiles, except that any product manufactured or processed from the lead-containing materials shall meet the requirements (including standards) of this section.".

SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 403, as added by section 103 of this Act, the following new section:

"SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS AND NEW USE NOTIFICATION PROCEDURES.

"(a) CREATION OF AN INVENTORY OF USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall, with the active participation of all interested parties, initiate a survey of all lead-containing products sold or distributed in commerce in the United States.

"(2) DEVELOPMENT OF INVENTORY.—

"(A) IN GENERAL.—On the basis of the survey described in paragraph (1), the Administrator shall develop an inventory of all lead-containing products sold or distributed in commerce (referred to in this section as the 'inventory').

"(B) PRODUCT CATEGORIES.—In developing the inventory, the Administrator may group in product categories those products that meet both of the following criteria:

"(i) The products are functionally similar.

"(ii) The products provide similar opportunities for lead exposure or release during manufacturing, processing, or use, or at the end of the useful life of the product (taking into account other applicable regulations).

"(3) PUBLICATION OF DRAFT INVENTORY.—

"(A) IN GENERAL.—The Administrator shall—

"(i) publish the inventory in the Federal Register in draft form; and

"(ii) solicit public comment on the draft inventory and the grouping of products by the Administrator pursuant to paragraph (2).

"(B) PUBLICATION.—Not later than 4 years after the date of enactment of this paragraph, after providing public notice and opportunity for comment on the draft inventory, the Administrator shall publish a final inventory.

"(4) PRODUCTS CONTAINING COMPONENTS INCLUDED ON INVENTORY.—For the purposes of this section, any product that contains lead-containing components included on the inventory shall be deemed to be included on the inventory.

"(5) FAILURE OF ADMINISTRATOR TO PUBLISH INVENTORY.—If the Administrator fails to publish the inventory by the date specified in paragraph (3)(B), the list of products referred to in subsection (c)(6)(C) shall be deemed to comprise the inventory.

"(6) MODIFICATIONS.—The Administrator may, from time to time, after notice and opportunity for comment, make modifications to the inventory published under this subsection. If the Administrator modifies the inventory, the Administrator shall publish the modified inventory.

"(b) LIST OF USES OF LEAD IN PRODUCTS THAT POSE EXPOSURE CONCERNS.—

"(1) IN GENERAL.—Beginning on the date that is 6 years after the date of enactment of

this paragraph, the Administrator shall issue regulations that establish a list (referred to in this section as the 'list') of lead-containing products or categories of products that the Administrator determines may reasonably be anticipated to present an unreasonable risk of injury to human health or the environment due to—

"(A) exposure to lead released during and from use of such a product by a consumer;

"(B) direct exposure of the product to the environment; or

"(C) exposure to lead at the end of the useful life of the product;

taking into account other applicable regulations.

"(2) CRITERIA FOR DETERMINATION TO LIST A PRODUCT OR CATEGORY OF PRODUCT.—Each determination to list a product or category of product shall be based on exposure-related information pertaining to the product or category of products, or to a product or category of products that poses similar exposure risks.

"(3) SPECIFICATION OF LEAD CONCENTRATION.—For each product or category of products, the Administrator shall specify the concentration of lead (as a percentage of the dry weight of the product or category of products) that the Administrator determines to be the maximum concentration of lead found in the product or category of products.

"(4) MODIFICATION OF LIST.—

"(A) ADDITIONS TO LIST.—After promulgating the list, the Administrator may, by regulation—

"(i) add a product or category of products to the list, if the Administrator determines that the product or category of products meets the standard established in paragraph (1); or

"(ii) remove a product or category of products from the list, if the Administrator determines that the product or category of products does not meet the standard established in paragraph (1).

"(B) PETITIONS FOR MODIFICATIONS.—

"(i) IN GENERAL.—Any person may petition the Administrator to make a determination to add a product or category of products to the list, or to remove a product or category of products from the list.

"(ii) ACTION BY THE ADMINISTRATOR.—Not later than 2 years after receipt of a petition under clause (i), the Administrator shall take one of the following actions:

"(I) Grant the petition, initiate a procedure to promulgate a regulation to add or delete the product or product category as requested in the petition, and complete the procedure by not later than 2 years after initiating the procedure.

"(II) Deny the petition and publish an explanation of the basis for denying the petition in the Federal Register.

"(5) CONSTRUCTION.—Nothing in this subsection shall be construed to affect any authority of any person under section 5 or 6 concerning the manufacturing or processing of a lead-containing product or a category of such products.

"(c) NOTIFICATION OF NEW USES OF LEAD IN PRODUCTS IN COMMERCE.—

"(1) IN GENERAL.—

"(A) PUBLICATION.—After the publication of the inventory in final form pursuant to subsection (a)(3), any person who manufactures, processes, or imports a lead-containing product referred to in subparagraph (B) shall submit to the Administrator a notice prepared pursuant to paragraph (2) on the commencement of the manufacture, processing, or importation of the product.

"(B) APPLICABILITY.—Subparagraph (A) shall apply to any lead-containing product for which a notice is required under subparagraph (A) that—

"(i) is not listed in the inventory developed under subsection (a); or

"(ii) is a product that—

"(I) is identified on the list promulgated under subsection (b), or that is included in a category of products identified on the list; and

"(II) utilizes a greater concentration of lead, as a percentage of dry weight, than the concentration identified by the Administrator for the product or category under subsection (b)(3) (unless the concentration is exceeded on a percentage basis solely as a result of efforts to reduce the size or weight of the product, rather than by the addition of greater quantities of lead into the product).

"(2) CONTENTS OF NOTICE.—The notice required by paragraph (1) shall include—

"(A) a general description of the product;

"(B) a description of the manner in which lead is used in the product;

"(C) the quantity of the product manufactured, processed, or imported; and

"(D) the quantity and percentage of lead used in the manufacturing of the product, or the quantity and percentage of lead contained in the imported product.

"(3) REPORT BY THE ADMINISTRATOR.—On an annual basis, the Administrator shall publish a report that provides a nonconfidential summary of new uses identified pursuant to this subsection. The report shall include aggregated information regarding the amount of lead associated with the new uses.

"(4) RELATIONSHIP WITH OTHER PROVISIONS.—The notification requirement under paragraph (1) shall be subject to the confidentiality provisions under section 5, and the research and development exemption under section 5.

"(5) AMENDMENT OF LIST AND INVENTORY.—After the receipt of a notice under paragraph (1), the Administrator shall—

"(A) make such amendments to the inventory established under subsection (a) as the Administrator determines to be appropriate; and

"(B) evaluate whether any new products should be added to the list established under subsection (b).

"(6) DELAY IN PUBLICATION.—

"(A) IN GENERAL.—If the publication of a final list is delayed beyond the date specified in subsection (b), subparagraphs (B) and (C) shall apply.

"(B) PROHIBITION.—Beginning on the date that the final list is required to be promulgated under subsection (b), and until such time as a final list is published, no person shall manufacture, process, or import a product that is listed or included within a product category identified in subparagraph (C), if—

"(i) the product, or a substantially similar product, has not been distributed in commerce prior to the date of enactment of this paragraph; or

"(ii) the product contains a greater percentage of lead than any substantially similar product distributed in commerce before the date of enactment of this paragraph,

unless the person has submitted a notice under paragraph (2).

"(C) LIST OF PRODUCTS OR CATEGORIES.—The list of products or categories of products referred to in subparagraph (B) shall be the products listed under section 403(a)(2) and subsections (d) through (f) of section 403.

"(D) BURDEN OF PROOF.—In any proceeding to enforce subparagraph (B) with respect to a product, the manufacturer, processor, or importer shall have the burden of demonstrating that the manufacturer, processor, or importer had a reasonable basis for concluding that the product (or a substantially similar product) had been distributed in commerce prior to the date of publication of the final list, as referred to in subparagraph (B).

"(d) EXEMPTIONS.—

"(1) IN GENERAL.—Subsections (b) and (c) shall not apply to the following:

"(A) Stained glass products.

"(B) Articles referred to in section 3(2)(B)(v).

"(C) Containers used for radiation shielding.

"(2) AUTOMOTIVE DISMANTLERS.—This section shall not apply to any metal, glass, paper, or textile sold or distributed by the owner or operator of any automotive dismantler or recycling facility regulated by a State or the Administrator.".

SEC. 105. PRODUCT LABELING.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 404, as added by section 104 of this Act, the following new section:

"SEC. 405. PRODUCT LABELING.

"(a) IN GENERAL.—

"(1) LABELING.—

"(A) IN GENERAL.—Not later than 6 years after the date of enactment of this paragraph, the Administrator shall promulgate regulations that provide for the labeling of products included in the list established under section 404(b).

"(B) EXEMPTIONS.—The regulations promulgated under this paragraph shall not apply to—

"(i) lead-acid batteries, to the extent that the labeling of the batteries as to the lead content of the batteries is regulated under any other Federal law;

"(ii) products regulated under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.); and

"(iii) during or after disposal.

"(C) DIFFERENTIATION IN LABELING.—The regulations promulgated under this section may distinguish between—

"(i) labels required for products included in the list established under section 404(b) that present a risk of exposure to lead during distribution or use; and

"(ii) labels required for products included in the list that present a risk of exposure to lead during or after disposal.

"(2) EFFECTIVE DATE OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall take effect not later than the date that is 7 years after the date of enactment of this paragraph.

"(b) CONTENT OF REGULATIONS.—The regulations described in subsection (a) shall specify the wording, type size, and placement of the labels described in subsection (a).

"(c) LABELING OF CERTAIN ITEMS.—

"(1) IN GENERAL.—The Administrator shall promulgate regulations requiring that the following labeling be included in the labeling of the packaging of the following items:

"(A) For any paint for use by artists (including graphic artists) described in section 403(g):

"'**CONTAINS LEAD—FOR USE BY ADULTS ONLY. DO NOT USE OR STORE AROUND CHILDREN OR IN AREAS ACCESSIBLE TO CHILDREN.**'.

"(B) For each toy or recreational game piece that is a collectible item and for each scale model that is subject to the regulations promulgated under section 403(b)(4) and is manufactured on or after the effective date of the regulations promulgated under this subsection:

"'**COLLECTIBLE ITEM, CONTAINS LEAD, NOT SUITABLE FOR CHILDREN.**'.

"(2) CRITERIA FOR REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall specify the type, size, and placement of the labeling described in paragraph (1).

"(3) EFFECTIVE DATE.—Each regulation promulgated under paragraph (1) shall take effect on the date that is 1 year after the date of the promulgation of the regulation.

"(4) LABELS.—If, by the date that is 2 years after the date of enactment of subsection (a)(1), the Administrator has not promulgated regulations that specify the alternate type, size, and placement of the wording for labels referred to in paragraph (1), the wording shall be placed prominently on the package in letters the same size as the largest text letter (except for letters in logos or brand markings) otherwise affixed to the label or packaging of the product until such time as the Administrator promulgates the regulations.

"(d) BAR.—Except as provided (by reference or otherwise) in any Federal, or State, law or judicial decision other than section 404 or this section, compliance with the labeling requirements of this section shall not constitute, in whole or in part, a defense for liability relating to, or a cause for reduction in damages resulting from, any civil or criminal action brought under any Federal or State law, other than an action brought for failure to comply with the labeling requirements of this section. Except as provided (by reference or otherwise) in any Federal, or State, law or judicial decision other than section 404 or this section, nothing in section 404 or this section shall be construed to create any additional liability, to create any additional defense, or to in any other manner increase or decrease the liability (including liability for damages), for any party relating to any civil or criminal action brought under any Federal or State law, other than an action brought for failure to comply with the requirements of such sections.".

SEC. 106. BATTERIES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 405, as added by section 105 of this Act, the following new sections:

"SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.

"(a) PROHIBITIONS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of subsection (c), no person shall—

"(A) place a lead-acid battery in any landfill; or

"(B) incinerate any lead-acid battery.

"(2) DISPOSAL.—No person may—

"(A) discard or otherwise dispose of a lead-acid battery in mixed municipal solid waste; or

"(B) discard or otherwise dispose of a lead-acid battery in a manner other than by recycling in accordance with this section.

"(3) EXEMPTION.—Paragraphs (1) through (2) shall not apply to an owner or operator of a municipal solid waste landfill, incinerator, or collection program that inadvertently receives any lead-acid battery that—

"(A) is commingled with other municipal solid waste; and

"(B) is not readily removable from the waste stream,

if the owner or operator of the facility or collection program has established contractual requirements or other appropriate notification or inspection procedures to ensure that no lead-acid battery is received at, or burned in, the facility or accepted through the collection program.

"(b) GENERAL DISCARD OR DISPOSAL REQUIREMENTS.—Beginning on the date that is 1 year after the date of enactment of subsection (c), no person (except a person described in subsection (c), (d), or (e)) may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at retail or wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(4) An automotive dismantler (as defined by the Administrator).

"(5) A community collection program operated by, or pursuant to an agreement with, a governmental entity.

"(6) A manufacturer of batteries of the same general type.

"(c) DISCARD OR DISPOSAL REQUIREMENTS FOR RETAILERS.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person who sells lead-acid batteries at retail may discard or otherwise dispose of any used lead-acid battery except by delivery to 1 of the following persons (or an authorized representative of the person):

"(1) A person who sells lead-acid batteries at wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A battery manufacturer.

"(4) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) An automotive dismantler (as defined by the Administrator).

"(d) DISCARD OR DISPOSAL REQUIREMENTS FOR WHOLESALERS, AUTOMOTIVE DISMANTLERS, AND COMMUNITY COLLECTION PROGRAMS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection—

"(A) no person who sells lead-acid batteries at wholesale;

"(B) no automotive dismantler; and

"(C) no community collection program operated pursuant to an agreement with a governmental entity,

may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A battery manufacturer.

"(C) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(e) DISCARD OR DISPOSAL REQUIREMENTS FOR MANUFACTURERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, no person who manufactures lead-acid batteries may discard or otherwise dispose of any used lead-acid battery, except by delivery to 1 of the persons described in paragraph (2) (or an authorized representative of the person).

"(2) PERSONS.—The persons described in this paragraph are as follows:

"(A) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(B) A collection or recycling facility regulated by a State or subject to regulation by the Administrator.

"(f) COLLECTION REQUIREMENTS FOR RETAILERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at retail shall—

"(A) accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold; and

"(B) collect a deposit in an amount not less than $10 for the sale of any new replacement automotive type lead-acid battery that is not accompanied by the return of a used automotive type lead-acid battery.

"(2) DEPOSITS.—A person who pays a deposit pursuant to this subsection shall receive from the retailer a refund in an amount equal to the deposit paid, if the person returns a used automotive type lead-acid battery of the same general type as the battery purchased from the retailer not later than 30 days after the date of sale of the battery purchased. All unredeemed deposits shall inure to the benefit of the retailer. The used lead-acid batteries shall be accepted at the place where lead-acid batteries are offered for sale.

"(g) COLLECTION REQUIREMENTS FOR WHOLESALERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at wholesale (referred to in this section as a 'wholesaler') shall accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(2) WHOLESALER WHO SELLS LEAD-ACID BATTERIES TO A RETAILER.—In the case of a wholesaler who sells, or offers for sale, lead-acid batteries to a retailer, the wholesaler shall also provide for removing used lead-acid batteries at the place of business of the retailer. Unless the quantity of batteries to be removed is less than 5, the removal shall occur not later than 90 days after the retailer notifies the wholesaler of the existence of the used lead-acid batteries for removal. If the quantity of batteries to be removed is less than 5, the wholesaler shall remove the batteries not later than 180 days after the notification referred to in the preceding sentence.

"(h) COLLECTION REQUIREMENTS FOR MANUFACTURERS.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who manufactures lead-acid batteries shall accept from customers used lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(i) WRITTEN NOTICE REQUIREMENTS FOR RETAILERS.—

"(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this subsection, a person who sells, or offers for sale, lead-acid batteries at retail shall post written notice that—

"(A) is clearly visible in a public area of the establishment in which the lead-acid batteries are sold or offered for sale;

"(B) is at least 8½ inches by 11 inches in size; and

"(C) contains the following language:

"(i) 'It is illegal to throw away a motor vehicle battery or other lead-acid battery.'.

"(ii) 'Recycle your used batteries.'.

"(iii) 'Federal law requires battery retailers to accept used lead-acid batteries for recycling when a battery is purchased.'.

"(iv) 'Federal law allows you to sell or return used batteries to an authorized battery collector, recycler, or processor, or to an automotive dismantler.'.

"(2) FAILURE TO POST NOTICE.—Any person who, after receiving a written warning by the Administrator, fails to post a notice required under paragraph (1) shall, notwithstanding section 16, be subject to a civil penalty in an amount not to exceed $1,000 per day.

"(j) LEAD-ACID BATTERY LABELING REQUIREMENTS.—

"(1) IN GENERAL.—Beginning on the date that is 18 months after the date of enactment of this subsection, it shall be unlawful for any lead-acid battery manufacturer to sell, or offer for sale, any lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(2) SALES.—Beginning on the date that is 2 years after the date of enactment of this subsection, it shall be unlawful to sell a lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(3) LABELS.—A label described in paragraph (1) or (2) shall be considered to be consistent with the requirements of this section if the label—

"(A) identifies that the lead-acid battery contains lead; and

"(B) contains the following statements:

"(i) 'Federal law requires recycling.'.

"(ii) 'Retailers must accept in exchange.'.

"(4) RECYCLING SYMBOLS.—Nothing in this section shall be interpreted as prohibiting the display on the label of a lead-acid battery of a recycling symbol (as defined by the Administrator) or other information intended to encourage recycling.

"(k) PUBLICATION OF NOTICE.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall publish in the Federal Register a notice of the requirements of this section and such other related information as the Administrator determines to be appropriate.

"(l) WARNINGS AND CITATIONS.—The Administrator may issue a warning or citation (or both) to any person who fails to comply with any provision of this section.

"(m) EXPORT FOR PURPOSES OF RECYCLING.—Notwithstanding any other provision of this section, any person may export any used lead-acid battery for the purpose of recycling.

"(n) DEFINITION.—As used in this section, the term 'lead-acid battery' means a battery that—

"(1) consists of lead and sulfuric acid;

"(2) is used as a power source; and

"(3) is not a rechargeable battery, as defined in section 407.

"SEC. 407. MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT.

"(a) DEFINITIONS.—As used in this section:

"(1) BATTERY PACK.—The term 'battery pack' means any combination of rechargeable batteries containing 1 or more regulated batteries that commonly has wire leads, terminals, and dielectric housing.

"(2) BUTTON CELL.—The term 'button cell', used with respect to a battery, means any button-shaped or coin-shaped battery.

"(3) EASILY REMOVABLE.—The term 'easily removable', used with respect to a rechargeable battery or battery pack, means the battery or battery pack is detachable or removable from a rechargeable consumer product by a consumer with the use of common household tools at the end of the life of the battery or battery pack.

"(4) MERCURIC-OXIDE BATTERY.—The term 'mercuric-oxide battery' means a battery that uses a mercuric-oxide electrode.

"(5) RECHARGEABLE BATTERY.—The term 'rechargeable battery'—

"(A) means any type of enclosed device or sealed container consisting of 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

"(B) does not include—

"(i) any lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

"(ii) any lead-acid battery used for load leveling or for the storage of electricity generated by an alternative energy source, such as a solar cell or wind driven generator;

"(iii) any battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; and

"(iv) any alkaline battery.

"(6) RECHARGEABLE CONSUMER PRODUCT.—The term 'rechargeable consumer product'—

"(A) means any product that when sold at retail includes a regulated battery as a primary energy supply and that is primarily intended for personal or household use; and

"(B) does not include any product that uses a battery solely as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

"(7) REGULATED BATTERY.—The term 'regulated battery' means any rechargeable battery that—

"(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

"(B) has another electrode chemistry and is the subject of a determination by the Administrator pursuant to subsection (b)(5).

"(8) REMANUFACTURED PRODUCT.—The term 'remanufactured product' means a rechargeable consumer product that has been altered by the replacement of a part, repackaged, or repaired, after initial sale by the original manufacturer.

"(b) RECHARGEABLE CONSUMER PRODUCTS AND LABELING.—

"(1) PROHIBITION.—

"(A) IN GENERAL.—No person shall sell to an end user for use in the United States a regulated battery or rechargeable consumer product manufactured on or after the date that is 1 year after the date of enactment of this subsection, unless—

"(i) the regulated battery—

"(I) is easily removable from the rechargeable consumer product;

"(II) is contained in a battery pack that is easily removable from the product; or

"(III) is sold separately from the product; and

"(ii) the rechargeable consumer product and the regulated battery are labeled in accordance with paragraph (2).

"(B) APPLICATION.—Subparagraph (A) shall not apply to—

"(i) the sale of a remanufactured product unless subparagraph (A) applied to the sale of the product when originally manufactured; and

"(ii) a product intended for export purposes only.

"(2) LABELING.—Each regulated battery, battery pack, or rechargeable consumer product without an easily removable battery or battery pack, manufactured on or after the date that is 1 year after the date of enactment of this subsection, whether produced domestically or imported, shall be labeled with—

"(A)(i) 3 chasing arrows or a comparable recycling symbol;

"(ii) proximate to such arrows or symbol—

"(I) on each nickel-cadmium battery or battery pack, the chemical name or the abbreviation 'Ni-Cd'; and

"(II) on each lead-acid battery or battery pack, 'Pb' or the words 'LEAD', 'RETURN', and 'RECYCLE'; and

"(iii) on each regulated battery or battery pack, the phrase 'NICKEL-CADMIUM BATTERY. MUST BE RECYCLED OR DISPOSED OF PROPERLY.' or 'SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.', as applicable;

"(B) on each rechargeable consumer product without an easily removable battery or battery pack, the phrase 'CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.' or 'CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.', as applicable; and

"(C) on the packaging of each rechargeable consumer product, and the packaging of each regulated battery or battery pack sold separately from such a product, unless the relevant label is clearly visible through the packaging, the phrase 'CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.' or 'CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'.

"(3) EXISTING LABELING.—

"(A) SUBSTANTIAL COMPLIANCE.—For a period of 2 years after the date of enactment of this subsection, regulated batteries and battery packs, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages, that are labeled in substantial compliance with paragraph (2) shall be deemed to comply with the labeling requirements of paragraph (2).

"(B) DIFFERENT LABEL.—Upon application by a person subject to the labeling requirements of paragraph (2) or the labeling requirements promulgated by the Administrator under paragraph (5), the Administrator may approve a different label and certify that the different label meets the requirements of paragraph (2) or (5), respectively, if the different label—

"(i) is substantially similar to the label required under paragraph (2) or (5), respectively; or

"(ii) conforms with a recognized international standard and is consistent with the overall purposes of this section.

"(4) POINT OF SALE INFORMATION.—Any retail establishment that offers for sale any battery, battery pack, or product subject to the labeling requirements of paragraph (2) or the labeling requirements promulgated by the Administrator under paragraph (5), shall display, in a manner visible to a consumer, a written notice that informs the consumer that regulated batteries and battery packs, whether sold separately or in rechargeable consumer products, shall be recycled or disposed of properly.

"(5) RULEMAKING AUTHORITY OF THE ADMINISTRATOR.—

"(A) IN GENERAL.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries described in subsection (a)(7)(A) are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries, battery packs, and rechargeable consumer products, and after public comment—

"(i) promulgate labeling requirements for the batteries with different electrode chemistries, battery packs containing the batteries, rechargeable consumer products containing the batteries that are not easily removable batteries, and packaging for the products; and

"(ii) promulgate easily-removable design requirements for rechargeable consumer products designed to contain the batteries or battery packs.

"(B) SUBSTANTIAL SIMILARITY.—The regulations promulgated pursuant to subparagraph (A) shall be substantially similar to the requirements set forth in paragraphs (1) and (2).

"(6) UNIFORMITY.—After the effective dates of a requirement set forth in paragraph (1), (2), or (3) or a regulation promulgated by the Administrator under paragraph (5), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery, battery pack, or rechargeable consumer product that is not identical to the requirement or regulation.

"(7) EXEMPTIONS.—

"(A) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of paragraph (1) in accordance with the procedures under subparagraph (B). The application shall include—

"(i) a statement of the specific basis for the request for the exemption; and

"(ii) the name, business address, and telephone number of the applicant.

"(B) GRANTING OF EXEMPTION.—Not later than 60 days after receipt of an application under subparagraph (A), the Administrator shall approve or deny the application. Upon approval of the application, the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with this subsection and with an equivalent level of product performance without the product—

"(i) resulting in danger to human health, safety, or the environment; or

"(ii) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

"(C) RENEWAL OF EXEMPTION.—A person granted an exemption under subparagraph (B) may apply for a renewal of the exemption in accordance with the requirements and procedures described in subparagraphs (A) and (B). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of granting of the renewal.

"(c) REQUIREMENTS.—For the purposes of carrying out the collection, storage, transportation, recycling, or proper disposal of used rechargeable batteries, used battery packs, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, persons involved in collecting, storing, or transporting such batteries, battery packs, or products to a facility for recycling or proper disposal shall be subject, in the same manner and with the same limitations, to the same requirements as would apply if the persons were collecting, storing, or transporting batteries subject to subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1993, notwithstanding any regulations adopted pursuant to a grant of authority to a State under section 3006 of the Solid Waste Disposal Act (42 U.S.C. 6926).

"(d) COOPERATIVE EFFORTS.—Notwithstanding any other provision of law, if 2 or more persons who participate in projects or programs to collect and properly manage used rechargeable batteries, used battery packs, or used rechargeable consumer products advise the Administrator of their intent, the persons may agree to develop jointly, or to share in the costs of participating in, such a project or program and to examine and rely upon such cost information as is collected during the project or program.

"(e) REPORT TO CONGRESS.—

"(1) REPORT DEADLINES IN GENERAL.—Not later than 3 years after the date of enactment of this subsection, the Administrator, after consultation with and obtaining relevant industrywide data from the States, environmental and consumer groups, and organizations representing rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, and after conducting a public hearing and considering public comment, shall submit to Congress a report that provides the information specified in paragraph (2). In collecting information for the report, the Administrator shall coordinate with such States, environmental and consumer groups, and organizations to minimize the frequency and scope of any reporting requirements associated with the manufacture, sale, or collection of regulated batteries.

"(2) CONTENT OF REPORT.—The report described in paragraph (1) shall include each of the following:

"(A) A review of the activities carried out by the entities listed in paragraph (1) with respect to the labeling, collection, transportation, recycling, and disposal of regulated batteries.

"(B) An estimate, for the period beginning on the date of enactment of this subsection and ending on the date of preparation of the report, of the number of regulated batteries entering the solid waste stream for disposal in incinerators, landfills, and municipal solid waste facilities.

"(C) A review of the recycling and reclamation rates for regulated batteries.

"(D) A review of the availability of permitted facilities sufficient to handle the current and projected volume of used regulated batteries, along with a complete evaluation of potential regulatory impediments to management options.

"(E) A list of entities involved in the production and distribution of regulated batteries or rechargeable consumer products and participating in programs for the collection of regulated batteries.

"(F) A list of entities involved in the production and distribution of regulated batteries or rechargeable consumer products, excluding retailers, that are not participating in programs for the collection of regulated batteries. In formulating the list, the Administrator shall not require any participant to report the name of any such nonparticipant. Prior to listing any entity as such a nonparticipant, the Administrator shall determine that the entity should be a participant, and independently verify with the entity that the entity is not a participant.

"(3) FREQUENCY OF REPORT.—Not later than 2 years after publication of the report required in paragraph (1), and every 2 years thereafter, the Administrator shall issue a report that provides an update of the information specified in paragraph (2).

"(f) LIMITATIONS ON THE SALE OF ALKALINE-MANGANESE BATTERIES CONTAINING MERCURY.—No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cell batteries shall be 25 milligrams of mercury per button cell battery.

"(g) LIMITATIONS ON THE SALE OF ZINC CARBON BATTERIES CONTAINING MERCURY.—No person shall sell, offer for sale, or offer for promotional purposes any zinc carbon battery manufactured on or after January 1, 1995, that contains any mercury that was intentionally introduced as described in subsection (f).

"(h) LIMITATIONS ON THE SALE OF BUTTON CELL MERCURIC-OXIDE BATTERIES.—No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery on or after January 1, 1995. .

"(i) LIMITATIONS ON THE SALE OF MERCURIC-OXIDE BATTERIES.—No person shall sell, offer for sale, or offer for promotional purposes any mercuric-oxide battery on or after January 1, 1997.

"(j) INFORMATION DISSEMINATION.—In consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, the Administrator shall establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and used rechargeable consumer products without easily removable batteries.

"(k) ENFORCEMENT.—For the purposes of this section:

"(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this section, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a reasonable specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $10,000 for each such violation. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(3) Any order issued under this subsection shall become final unless, not later than 30

days after the order is served, the person or persons named in the order request a public hearing. If such a request is made, the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this subsection, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents.

"(4) If a violator fails to take corrective action within the time period specified in a compliance order issued under this subsection, the Administrator may assess a civil penalty of not more than $10,000 for the continued noncompliance with the order.

"(l) INFORMATION GATHERING AND ACCESS.—For the purposes of this section:

"(1) Any person who is required to comply with this section, including—

"(A) a regulated battery manufacturer;

"(B) a rechargeable consumer product manufacturer;

"(C) a mercury-containing battery manufacturer; and

"(D) an authorized agent of a manufacturer described in subparagraph (A), (B), or (C);

shall establish and maintain such records and report such information as the Administrator may by rule reasonably require to carry out this section.

"(2) The Administrator, or an authorized representative of the Administrator upon presentation of credentials, may at reasonable times have access to and copy any records required to be maintained under paragraph (1).

"(3) The Administrator shall maintain the confidentiality of such records or information maintained or reported under this subsection as contain proprietary information.

"(m) STATE AUTHORITY.—Except as provided in subsection (b)(6), or as provided in subsection (c), (relating to requirements and the labeling of rechargeable batteries, battery packs, or rechargeable consumer products or packages containing the products), nothing in this section shall be construed so as to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this section.

"(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 107. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 407, as added by section 106 of this Act, the following new section:

"SEC. 408. LEAD CONTAMINATION IN SCHOOLS AND DAY CARE FACILITIES.

"(a) DEFINITIONS.—As used in this subsection:

"(1) COVERED DAY CARE FACILITY.—The term 'covered day care facility' means the interior and exterior of any building constructed before 1980 that is used as a day care facility that regularly provides day care services for children in kindergarten or younger children.

"(2) COVERED SCHOOL.—The term 'covered school' means the interior and exterior of any building constructed before 1980 that is used—

"(A) as an elementary school (as defined in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))); or

"(B) as a kindergarten that regularly provides education for children in kindergarten or younger children.

"(3) DAY CARE FACILITY.—The term 'day care facility' means any portion of a facility used for day care for children in kindergarten or younger children and owned or operated by a person that provides the day care for compensation, and that—

"(A) is licensed or regulated under State law for day care purposes; or

"(B) receives Federal funds for day care purposes.

"(4) LEAD HAZARD.—The term 'lead hazard' means—

"(A) lead-based paint that is chipping, peeling, flaking, or chalking;

"(B) any surface coated with lead-based paint that is subject to abrasion;

"(C) any surface coated with lead-based paint that can be mouthed by a child under 6 years of age; and

"(D) interior dust that contains a dangerous level of lead, as identified by the Administrator.

"(5) LEAD INSPECTION.—The term 'lead inspection' means an inspection to detect the presence of any lead-based paint or lead hazard.

"(6) LOCAL EDUCATION AGENCY.—The term 'local education agency' means—

"(A) any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)));

"(B) the owner of any private nonprofit elementary or secondary school building; and

"(C) the governing authority of any school operating under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(7) OWNER OR OPERATOR.—The term 'owner or operator', when used with respect to a school, means the local education agency that has jurisdiction over the school.

"(8) SIGNIFICANT USE.—The term 'significant use' means use by more than 1 child at least 2 times per week, and for a total period of at least 2 hours per week.

"(b) COVERED SCHOOLS AND COVERED DAY CARE FACILITIES.—

"(1) IN GENERAL.—Except as provided in subsection (d)(4), not later than 3 years after the date of enactment of this subsection, the Administrator shall promulgate regulations that shall be adequate to carry out this section and be consistent with other regulations promulgated by the Administrator under this title.

"(2) REGULATIONS.—Pursuant to paragraph (1), the Administrator shall promulgate regulations that require each State that receives a grant under subsection (d) to—

"(A) not later than 3 years after the date of promulgation of the regulations or the date on which amounts are allotted to the State under subsection (d)(2), whichever is later, conduct—

"(i) an inspection of—

"(I) each room of each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children to detect interior lead-based paint and an inspection of each covered school that is chipping, peeling, flaking, or chalking; and

"(II) each covered school and covered day care facility to detect exterior lead-based paint; and

"(ii) an inspection of each room at each covered school and covered day care facility that is used daily or receives significant use by children in kindergarten or by younger children for the purpose of detecting any lead-based paint or interior dust in the rooms of the school or day care facility that contains a dangerous level of lead, as identified by the Administrator pursuant to section 412; and

"(B) prepare a report that includes—

"(i) the results of the inspections referred to in subparagraph (A); and

"(ii) recommendations as to whether any lead hazard detected pursuant to an inspection should be alleviated through encapsulation, in-place management, or other form of abatement.

"(3) RANKING.—In conducting inspections of covered schools and covered day care facilities required by paragraph (2), the appropriate official of the State shall—

"(A) rank facilities in the State in order of the severity of the suspected lead hazard of the areas, in accordance with procedures that the Administrator shall establish; and

"(B) give priority to inspecting covered schools and covered day care facilities serving populations at greatest risk.

"(4) PROCEDURES.—The procedures referred to in paragraph (3) shall use factors for assessing facilities, including—

"(A) medical evidence regarding the extent of lead poisoning (as determined through lead screening) of children in the area;

"(B) the ages of children in the area;

"(C) the age and condition of school buildings in the area; and

"(D) the age and condition of the housing in the area,

in order to determine which facilities in the State are most likely to have a lead hazard.

"(5) DISSEMINATION OF REPORTS.—

"(A) IN GENERAL.—Each State shall provide to the owner or operator of each covered school and covered day care facility of the State a copy of the report required under paragraph (2)(B).

"(B) REQUIREMENTS FOR OWNERS OR OPERATORS.—

"(i) IN GENERAL.—Except as provided under paragraph (6), in each case in which an inspection conducted pursuant to the requirements of paragraph (2) indicates the presence of lead-based paint that poses a lead hazard, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412) at a covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall, not later than 60 days after receiving the report under subparagraph (A), provide a copy of risk disclosure information that meets the requirements of subparagraph (C) to all teachers and other school personnel and parents (or guardians) of children attending the covered school or covered day care facility concerned.

"(ii) NOTIFICATION TO NEW PERSONNEL MEMBERS AND PARENTS AND GUARDIANS OF NEW STUDENTS.—During such time as lead-based paint, or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412), continues to be present at the covered school or covered day care facility, the owner or operator of the covered school or covered day care facility shall also provide the risk disclosure information referred to in clause (i) to newly hired teachers and other personnel and parents (or guardians) of newly enrolled children.

"(iii) NO CAUSE OF ACTION.—The failure of a teacher or other school personnel member of a covered school or covered day care facility, or parent (or guardian) of a child (including a newly enrolled child) attending a covered school or covered day care facility, to receive a copy of the risk disclosure information shall not constitute a cause of action under this subsection.

"(C) RISK DISCLOSURE.—

"(i) IN GENERAL.—As part of the regulations required under paragraph (2), the Administrator shall prescribe the contents of the risk disclosure information required to be provided to the persons specified in the regulations.

"(ii) CONTENTS OF RISK DISCLOSURE INFORMATION.—The information shall include each of the following, with respect to each covered school or covered day care facility:

"(I) A summary of the results of the inspection conducted pursuant to paragraph (2).

"(II) A description of the risks of lead exposure to children in kindergarten and younger children, teachers, and other personnel at the covered school or covered day care facility that takes into account the accessibility of lead-based paint or interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412) to children in kindergarten and younger children, and other factors that the Administrator determines to be appropriate.

"(III) A description of any abatement undertaken, or to be undertaken, by the owner or operator.

"(D) METHOD OF PROVIDING INFORMATION.—An owner or operator of a covered school or covered day care facility may provide the risk disclosure information to the parents (or guardians) of the children attending the covered school or covered day care facility concerned in the same manner as written materials are regularly delivered to the parents (or guardians).

"(6) EXEMPTION FROM NOTICE REQUIREMENT.—An owner or operator of a covered school or covered day care facility shall not be required to provide notification under paragraph (5) if, not later than 180 days prior to the date on which the notification would otherwise be required—

"(A) the owner, operator, or the State performs encapsulation, in-place management or other form of abatement;

"(B) the State conducts a reinspection; and

"(C) the owner or operator obtains a report from the State that shows that—

"(i) the lead-based paint that poses a lead hazard; and

"(ii) any interior dust containing a dangerous level of lead, as identified by the Administrator,

have been removed, encapsulated, or managed in place.

"(7) AVAILABILITY OF CERTAIN REPORTS.—In lieu of notification under paragraph (5), an owner or operator that elects to perform encapsulation, in-place management, or other form of abatement under this subsection shall—

"(A) make a copy of the inspection reports for inspections conducted pursuant to this subsection available in each administrative office of the owner or operator; and

"(B) notify parent, teacher, and employee organizations of the availability of the reports.

"(c) RENOVATED AREAS.—With respect to each renovation of a covered school or covered day care facility that commences on or after the date that is 1 year after the date of promulgation of a regulation under subsection (b)(2), for each covered school or covered day care facility in which a renovation will be undertaken, the owner or operator of the covered school or covered day care facility or the State (on the request of the owner or operator) shall, prior to the renovation—

"(1) conduct an inspection of the area to be renovated to detect any lead-based paint that could be disturbed as a result of the renovation; and

"(2) take any action that is necessary to ensure that the renovation does not result in a dangerous level of lead (as identified by the Administrator pursuant to section 412), in interior dust.

"(d) FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Administrator shall make grants to States for the purposes of testing, at covered schools and covered day care facilities, for—

"(i) lead-based paint that poses a lead hazard; and

"(ii) interior dust containing a dangerous level of lead (as identified by the Administrator pursuant to section 412).

"(B) USE OF GRANT AWARD.—A grant awarded pursuant to this subsection may be used by a State only to cover expenses incurred by the State after the date of enactment of this subsection for lead hazard inspection in covered schools and covered day care facilities.

"(2) ALLOTMENT.—For each fiscal year, from amounts appropriated pursuant to the authorization under subsection (j), the Administrator shall allot to each State for the purpose of making grants under this subsection, an amount that bears the same ratio to the appropriated amounts as the number of children under 7 years of age in the State bears to the number of children under age 7 in all States.

"(3) REALLOTMENT.—If the Administrator determines that the amount of the allotment of any State determined under paragraph (2) for any fiscal year will not be required for carrying out the program for which the amount has been allotted, the Administrator shall make the amount available for reallotment.

"(4) RESERVATION BY STATE.—For each fiscal year, from the amounts allotted to a State under paragraph (2), the State shall reserve not more than 5 percent of the amounts for administrative costs.

"(5) LIMITATION ON REQUIREMENT.—

"(A) IN GENERAL.—Except as provided in paragraph (6), the Administrator shall require each State to fulfill the requirements of subsection (b) relating to inspections only to the extent that assistance under this section is available to cover the costs of the inspections.

"(B) REQUIREMENTS FOR REGULATIONS.—

"(i) IN GENERAL.—With respect to any State that fails to carry out an applicable requirement under subsection (b), the Administrator shall take such action as may be necessary to ensure that the State meets all applicable requirements of subsection (b) not later than 2 years after the first day on which the cumulative total of all amounts appropriated to the States pursuant to the authorization under subsection (j) equals or exceeds $90,000,000.

"(ii) PLAN.—With respect to any State that fails to—

"(I) submit to the Administrator, by the date that is 6 years after the date of enactment of this subsection, a plan that the Administrator determines adequate to complete all applicable requirements of subsection (b) by not later than 8 years after the date of enactment of this subsection; or

"(II) implement the plan referred to in subclause (I),

the Administrator shall ensure that the actions are completed within the 8-year period referred to in subclause (I), or by not later than 9 years after the date of enactment of this subsection, in the case of any State that fails to implement the plan.

"(6) REQUIREMENT FOR PAYMENTS.—No payments shall be made under this section for any fiscal year to a State unless the Administrator determines that the aggregate expenditures of the State for comparable lead inspection programs for the year equaled or exceeded the aggregate expenditures for the most recent fiscal year for which data is available.

"(7) STATUTORY CONSTRUCTION.—Nothing in this section is intended to prohibit the expenditure of Federal funds for the purposes authorized under this section in or by sectarian institutions. No provision of law (including a State constitution or State law) shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section. Except as provided in the preceding sentence, nothing in this section is intended to supersede or modify any provision of State law that prohibits the expenditure of public funds in or by sectarian institutions.

"(e) PUBLIC PROTECTION.—No owner or operator of a covered school or covered day care facility may discriminate against a person on the basis that the person provided information relating to a potential violation of this section to any other person, including a State or the Administrator.

"(f) PENALTIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, the amount of any penalty that may be assessed for a violation of this section pursuant to section 16 shall not exceed an amount equal to $5,000 for each day during which the violation of this section continues.

"(2) MANNER OF ASSESSMENT.—Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as for civil penalties assessed and collected under section 16.

"(3) VIOLATION DEFINED.—As used in this subsection, the term 'violation' means a failure to comply with a requirement of this section with respect to a single covered school or covered day care facility.

"(g) USE OF PENALTIES.—In any action against a State or an owner or operator (or both) of a covered school or covered day care facility for a violation of this section, the court shall have the discretion to order that any civil penalty collected under this section be used by the State or the owner or operator (or both) for the cost of inspection and reporting, as required under subsection (b)(2), or lead-based paint abatement activities undertaken for the purpose of complying with this title (or both).

"(h) INSPECTIONS.—An inspection required under this section and any abatement performed in lieu of notification under this section shall be carried out by a lead-based paint abatement contractor who is in compliance with certification requirements under applicable Federal law.

"(i) ANNUAL REPORTS TO ADMINISTRATOR.—Each State shall, not later than 1 year after receiving assistance under this section, and annually thereafter, submit to the Administrator an annual report. The report shall include, with respect to the State—

"(1) a description of the manner in which the assistance provided under this section was used;

"(2) the number of covered schools and covered day care facilities affected by the assistance;

"(3) an estimate of the number of children served by the covered schools and covered day care facilities;

"(4) an estimate of the magnitude and cost of future efforts required to carry out this section; and

"(5) any other information the Administrator may require.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $30,000,000 for the fiscal year 1995;

"(2) $30,000,000 for the fiscal year 1996; and

"(3) $30,000,000 for the fiscal year 1997.".

SEC. 108. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 408, as added by section 107 of this Act, the following new section:

"SEC. 409. BLOOD-LEAD AND OTHER ABATEMENT AND MEASUREMENT PROGRAMS.

"(a) STANDARDS FOR BLOOD ANALYSIS LABORATORIES.—

"(1) IN GENERAL.—

"(A) STANDARDS FOR LABORATORY ANALYSIS.—The Secretary of Health and Human Services (referred to in this subsection as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall establish protocols, criteria, and minimum performance standards for the laboratory analysis of lead in blood.

"(B) CERTIFICATION PROGRAM.—

"(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (4), not later than 18 months after the date of enactment of this subsection, the Secretary shall establish a certification program to ensure the quality and consistency of laboratory analyses.

"(ii) EXEMPTION.—If the Secretary determines, by the date specified in subparagraph (A), that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of the determination, the Secretary shall not be required to establish the certification program referred to in clause (i).

"(2) REPORTING REQUIREMENT.—The quality control program established by the Secretary under this subsection shall provide for the reporting of the results of blood-lead analyses to the Director of the Centers for Disease Control on an ongoing basis. Each report prepared pursuant to this paragraph shall be in such form as the Secretary shall require by regulation.

"(3) LIST.—Not later than 2 years after the date of enactment of this subsection, and annually thereafter, the Secretary shall publish and make available to the public a list of certified or accredited blood analysis laboratories.

"(4) REVIEW OF VOLUNTARY ACCREDITATION.—

"(A) IN GENERAL.—If the Secretary determines, under paragraph (1)(B)(ii), that effective voluntary accreditation programs are in effect for blood analysis laboratories, the Secretary shall review the performance and effectiveness of the programs not later than 3 years after the date of the determination, and every 3 years thereafter.

"(B) EFFECT OF NEGATIVE DETERMINATION.—If, on making a review under this paragraph, the Secretary determines that the voluntary accreditation programs reviewed are not effective in ensuring the quality and consistency of laboratory analyses, the Secretary shall, not later than 1 year after the date of the determination, establish a certification program that meets the requirements of paragraph (1)(B).

"(b) CLASSIFICATION OF ABATEMENT WASTES.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall issue guidelines for the management of lead-based paint abatement debris. The guidelines shall describe steps for segregating wastes from lead-based paint abatement projects in order to minimize the volume of material qualifying as hazardous solid waste.

"(c) SOIL LEAD GUIDELINES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall issue guidelines concerning—

"(A) action levels for lead in soil; and

"(B) mitigation recommendations.

"(2) REQUIREMENTS FOR GUIDELINES.—The guidelines under this subsection establishing action levels and mitigation recommendations shall take into account different soil types, land uses, and other site-related characteristics affecting lead exposure conditions and levels of lead in blood.

"(d) STUDY OF LEAD IN USED OIL.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall conduct a study concerning the effects on the environment and public health of burning used oil.

"(2) REPORT.—On the completion of the study, the Administrator shall submit a report to Congress on the results of the study.

"(3) CONTENTS OF STUDY.—The study shall include an assessment of—

"(A) the volume of lead in used oil released into the environment, and the sources of the lead contaminants;

"(B) the impact of a variety of approaches to regulation of used oil recycling facilities; and

"(C) such other information as the Administrator determines to be appropriate regarding disposal practices of lead in used oil in use at the time of the study and alternatives to the practices, including the manner in which any detrimental effects on the environment or public health (or both) can be reduced or eliminated by the reduction of lead as a constituent of used oil.

"(e) COORDINATOR FOR LEAD ACTIVITIES.—Not later than 30 days after the date of enactment of this subsection, the Administrator shall appoint, from among the employees of the Environmental Protection Agency, a Coordinator for Lead Activities to coordinate the activities conducted by the Agency (or in conjunction with the Agency) relating to the prevention of lead poisoning, the reduction of lead exposure, and lead abatement.".

SEC. 109. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

Title IV (15 U.S.C. 2681 et seq.) is further amended by inserting after section 409, as added by section 108 of this Act, the following new section:

"SEC. 410. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

"(a) ESTABLISHMENT AND RESPONSIBILITIES.—

"(1) IN GENERAL.—The Administrator shall establish a grant program to establish 1 or more Centers for the Prevention of Lead Poisoning (referred to in this section as a 'Center').

"(2) GRANTS.—The Administrator shall award grants to 1 or more institutions of higher education (as defined in 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the United States for the purpose of establishing and funding a Center. Each Center shall assist the Administrator in carrying out this title, including providing for the transfer of technology and serving as a source of information to the general public.

"(b) APPLICATIONS.—The Administrator shall solicit applications from institutions of higher education of the United States for the establishment of a Center. The application shall be in such form, and contain such information, as the Administrator may require by regulation.

"(c) SELECTION CRITERIA.—The Administrator shall select each grant recipient from among the applicant institutions referred to in subsection (b) in accordance with the following criteria:

"(1) The capability of the applicant institution to provide leadership in making national contributions to the prevention of lead poisoning.

"(2) The demonstrated capacity of the applicant institution to conduct relevant research.

"(3) The appropriateness of the projects proposed to be carried out by the applicant institution.

"(4) The assurance of the applicant institution of a commitment of at least $100,000 in budgeted institutional funds to relevant research upon receipt of the grant.

"(5) The presence at the applicant institution of an interdisciplinary staff with demonstrated expertise in lead poisoning prevention.

"(6) The demonstrated ability of the applicant institution to disseminate the results of relevant research and educational programs through an interdisciplinary continuing education program.

"(7) Any other criteria that the Administrator determines to be appropriate.

"(d) FEDERAL SHARE AND DURATION OF GRANT.—

"(1) FEDERAL SHARE.—The Federal share with respect to a grant under this section shall not exceed an amount equal to 95 percent of the cost of establishing and operating a Center and related research activities carried out by the Center.

"(2) DURATION OF GRANT.—A grant awarded under this section shall be for a period of not more than 2 years.".

SEC. 110. CONFORMING AMENDMENTS.

(a) CROSS-REFERENCES.—

(1) PENALTIES.—Section 16 (15 U.S.C. 2615) is amended by striking "409" each place it appears and inserting "418".

(2) SPECIFIC ENFORCEMENT AND SEIZURE.—Section 17(a)(1)(A) (15 U.S.C. 2616(a)(1)(A)) is amended by striking "409" and inserting "418".

(3) AUTHORIZED STATE PROGRAMS.—Section 413, as redesignated by section 101(a), is amended—

(A) by striking "402 or 406" each place it appears and inserting "411 or 415"; and

(B) in subsection (d), by striking "402" and inserting "411".

(b) AUTHORIZATION OF APPROPRIATIONS.—In section 421, as redesignated by section 101(a) of this Act, by striking "There are authorized to be appropriated to carry out the purposes of this title" and inserting "There are authorized to be appropriated to carry out this title (other than sections 403 through 410)".

(c) REFERENCES IN OTHER ACTS.—

(1) Section 302(a)(1)(A) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C 4822(a)(1)(A)) is amended by striking "406" and inserting "415".

(2) Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852) is amended—

(A) in subsections (e)(5), (g)(1), and (n), by striking "402" and inserting "411"; and

(B) in subsection (n), by striking "404" and inserting "413".

(3) Section 1018(a)(1)(A) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852d(a)(1)(A)) is amended by striking "406" and inserting "415".

SEC. 111. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 1 of the Act (15 U.S.C. 2601 et seq.) is amended by striking the items relating to title IV and inserting the following new items:

"TITLE IV—LEAD EXPOSURE REDUCTION

"Sec. 401. Findings and policy.
"Sec. 402. Definitions.
"Sec. 403. Restrictions on continuing uses of certain lead-containing products.
"Sec. 404. Inventory of lead-containing products and new use notification procedures.
"Sec. 405. Product labeling.
"Sec. 406. Recycling of lead-acid batteries.
"Sec. 407. Mercury-containing and rechargeable battery management.
"Sec. 408. Lead contamination in schools and day care facilities.
"Sec. 409. Blood-lead and other abatement and measurement programs.
"Sec. 410. Establishment of National Centers for the Prevention of Lead Poisoning.
"Sec. 411. Lead-based paint activities training and certification.
"Sec. 412. Identification of dangerous levels of lead.
"Sec. 413. Authorized State programs.
"Sec. 414. Lead abatement and measurement.
"Sec. 415. Lead hazard information pamphlet.
"Sec. 416. Regulations.
"Sec. 417. Control of lead-based paint hazards at Federal facilities.
"Sec. 418. Prohibited acts.
"Sec. 419. Relationship to other Federal law.
"Sec. 420. General provisions relating to administrative proceedings.
"Sec. 421. Authorization of appropriations.".

TITLE II—MISCELLANEOUS

SEC. 201. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-LEAD LABORATORY REFERENCE PROJECT.

(a) REPORTING OF BLOOD-LEAD LEVELS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control (referred to in this section as the "Director"), shall identify methods for reporting blood-lead levels in a standardized format by State public health officials to the Director.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that—

(A) describes the status of blood-lead reporting; and

(B) evaluates the feasibility and desirability of instituting a national requirement for mandatory preschool blood-lead screening.

(3) ADDITIONAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall submit a report to Congress that assesses the effectiveness of the blood-lead reporting provisions under the regulations establishing the accreditation and certification programs for blood analysis laboratories described in section 409(a) of the Toxic Substances Control Act (as added by section 108).

(b) ESTABLISHMENT OF BLOOD-LEAD LABORATORY REFERENCE PROJECT.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 258b et seq.), is amended by inserting after section 424 the following new section:

"SEC. 424A. BLOOD-LEAD LABORATORY REFERENCE PROJECT.

"The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish a blood-lead laboratory reference project to assist States and local governments in establishing, maintaining, improving, and ensuring the quality of laboratory measurements performed for lead poisoning prevention programs. The project shall include—

"(1) collaboration with manufacturers of analytical instruments to develop blood-lead measurement devices that are accurate, portable, precise, rugged, reliable, safe, and of reasonable cost;

"(2) the development of improved techniques for safe, contamination-free blood sample collection; and

"(3) assistance to State and local laboratories in the form of reference materials, equipment, supplies, training, consultation, and technology development for quality assurance, capacity expansion, and technology transfer.".

SEC. 202. UPDATE OF 1988 REPORT TO CONGRESS ON CHILDHOOD LEAD POISONING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the date that is 10 years after the date of enactment of this Act, and as necessary thereafter, the Administrator of the Agency for Toxic Substances and Disease Registry shall submit to Congress a report that updates the report submitted pursuant to section 118(f)(1) of the Superfund Amendments and Reauthorization Act of 1986. Each updated report shall include, at a minimum, revised estimates of the prevalence of elevated lead levels among children and adults in the population of the United States, and estimates of the prevalence of adverse health outcomes associated with lead exposure. The initial report under this section shall include an assessment of the potential contribution to elevated blood lead levels in children from exposure to sources of lead in schools and day care centers.

(b) FUNDING.—The costs of preparing and submitting the updated reports referred to in subsection (a) shall be paid from the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986.

SEC. 203. ADDITIONAL CONFORMING AMENDMENTS.

(a) AMENDMENT TO THE FAIR PACKAGING AND LABELING ACT.—Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) in subsection (b), by striking "or" at the end;

(2) in subsection (c), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(d) The Lead Exposure Reduction Act of 1994 and the amendments made by such Act.".

(b) AMENDMENTS TO THE FEDERAL FOOD, DRUG AND COSMETIC ACT.—

(1) TIME-BASED REQUIREMENTS.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(f) For the third 1-year period after the date of enactment of the Lead Exposure Reduction Act of 1994 and thereafter, if any package or packaging component (including any solder or flux) used in packaging the food contains any lead that has been intentionally introduced into the package or component.

"(g) If the incidental presence of lead in any package or packaging component (including any solder or flux) used in packaging the food exceeds—

"(1) for the third 1-year period after the date of enactment of the Lead Exposure Reduction Act of 1994, 600 parts per million (0.06 percent);

"(2) for the fourth 1-year period after the date of enactment of such Act, 250 parts per million (0.025 percent); and

"(3) for the fifth 1-year period after the date of enactment of such Act and thereafter, 100 parts per million (0.01 percent).".

(2) CERAMIC WARE; PROCESSED FOODS; WINE.—Chapter IV of such Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 413. LEAD REGULATIONS.

"(a) CERAMIC WARES.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in ceramic wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(b) CRYSTAL WARES.—Not later than 30 months after the date of enactment of this section, the Secretary shall promulgate regulations to establish such standards and testing procedures with respect to lead in crystal wares as are necessary to make food that contacts the ware not adulterated as containing an added substance under section 402(a)(1).

"(c) PROCESSED FOODS.—Not later than 2 years after the date of enactment of this section, the Secretary shall promulgate regulations to reduce lead in processed foods. The regulations shall determine the processed foods and related manufacturing practices that are significant sources of lead in the human diet and require the greatest degree of reduction of lead in the foods that is achievable in practice.

"(d) WINE.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to establish such tolerance level and testing procedures with respect to lead in wine as the Secretary determines to be necessary to protect public health.".

(3) PROHIBITION RELATING TO CERAMIC WARE.—Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end the following:

"(u) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(a), the introduction or delivery into interstate commerce of any ceramic ware that is not in compliance with the regulations.

"(v) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(b), the introduction or delivery into interstate commerce of any crystal ware that is not in compliance with the regulations.

"(w) Beginning on the date that is 180 days after the date of promulgation of regulations under section 413(c), the introduction, or delivery for introduction, into commerce of any processed food, or other action, in violation of section 413(c).".

SEC. 204. NON-INTERFERENCE.

Nothing in this Act shall interfere with the promulgation of regulations required pursuant to the Residential Lead-Based Paint Hazard Reduction Act of 1992 (106 Stat. 3897).

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act and the amendments made by this Act (other than sections 407 and 408 of the Toxic Substances Control Act, as added by this Act)—

(1) $25,000,000 for fiscal year 1995;
(2) $24,000,000 for fiscal year 1996;
(3) $24,000,000 for fiscal year 1997; and
(4) $22,000,000 for fiscal year 1998.

Mr. REID. Mr. President, this modification consists of seven components. The changes to the original bill have been discussed on both sides of the aisle, and it is my understanding there is agreement to accept this modifying language. However, for Members who are not familiar with the contents of the modification, I will briefly make comments on each item contained in the modification.

Item No. 1: There are a series of technical corrections that have been provided by Senate legislative council. This changes have been made to make the bill consistent with current dates, legislative language, and other technical matters.

These changes, as I understand, have been reviewed by both sides and are acceptable.

Item No. 2: The backings of mirrors have been traditionally constructed by using lead as an inhibitor against corrosion and deterioration of the product. The bill, in its initial language, placed these products on a list of products to be banned in commerce 5 years after enactment of this legislation.

The mirrors industry had agreed with this language because they had discovered what they thought was an adequate substitute for an adhesive. Unfortunately, this substitute was used and subsequently broke down, leaving the mirrors manufacturing industry with no alternative but to ask us to revisit this issue.

A number of my colleagues approached me about this issue and asked for some kind of relief for this particular problem and dilemma. I might point out that there is no direct exposure concern from this product; it is simply a product where it was thought a substitute could be found an utilized.

I have, by way of this modification, placed mirror and mirror manufacturing in an exempt category that will give the Administrator of EPA an opportunity to review this product after 5 years to determine if there is a substitute, and, if so, identify that product and its lead content so that it can be used as a substitute.

Item No. 3: A change to the lead solder language in the bill. The original legislation called for provisions to ask the Administrator of the EPA to promulgate regulations to ban the manufacture, importation, processing, sale, and distribution in commerce of lead solders. This language specifically addressed two lead solders; 85–15 and 50–50 tin lead solders.

On further review, and in consultation with the EPA, and the business and environmental community, it has been determined that it is not important to address or ban specifically measured lead solders when the intent is to ban all lead solders used in plumbing systems. Changes have been made that accomplish that end with more accuracy in the language.

Item No. 4: Plumbing fittings and fixtures. The Safe Drinking Water Act reauthorization that passed the Senate last week had a section dealing with lead in plumbing fittings and fixtures. That language was taken from the bill we are considering here today, with one addition. The language in the safe drinking water bill referenced the voluntary process that is taking place that hopefully will result in a health-effects based performance standard for lead in fittings and fixtures.

To be ensure consistency between the two pieces of legislation, that change was also made in the modification of this legislation that I am now offering.

Item No. 5: A change to section 405, the exposure concern list provisions.

This, Mr. President, was perhaps the most difficult of the changes that were incorporated into this manager's amendment. This legislation has been an effort, by and large, to look at exposures from lead in consumer products.

The language in the original bill regarding the exposure concern list included consumer uses, processing and manufacturing. It came to light, relatively late in the process, that some uses of lead not used in consumer products, but that might possibly pose an exposure concern, such as workplace exposures, might be placed on the list. This could create a misperception about these exposures, in the absence of a regulatory determination, and in so doing cause consumer alarm about such products.

While I believe, as I stated earlier, that TSCA does not always provide us with a sound regulatory basis for looking at such issues, and OSHA may be equally deficient in addressing such concerns, it was nonetheless never my intent nor the goal of this legislation to try and attack those problems by way of an exposure concern list. And though it is just a list with no regulatory-forcing action associated with it, I felt that it was inappropriate to potentially cause a disruption in the manufacture of lead-containing products where a clear exposure concern had not been established.

I would add that I believe that Congress may have to look at existing authorities that regulate the workplace at some point in the future, but not in this legislation. Therefore, processing and manufacturing have been removed from the exposure concern list provisions. I believe this change preserves the basic goal of the legislation while satisfying the legitimate concerns of Senators DANFORTH, BOND, KEMPTHORNE, CRAIG, BURNS, MURKOWSKI, and others who had raised this issue.

Item No. 6: The "bar on defenses" language.

It was the intent of this legislation to remain neutral on the issue of product liability. This would include defenses, new liabilities, and diminution of damages. Legislative Council agreed that the language, in its original construct, had the potential to create a new liability. Language has been worked out to ensure that the bill maintains neutrality in that regard.

Legislative counsel agreed that the language in its original construct will have the potential to create a new liability. We did not want that. Lawyer have plenty to do without our creating work for them. Language was worked out to ensure the bill maintains neutrality in that regard.

Mr. DANFORTH. Mr. President, will the Senator from Nevada yield for a short colloquy on the meaning of section 405(d) of the pending legislation?

Mr. REID. I am glad to yield to the Senator from Missouri.

Mr. DANFORTH. It is my understanding that the labeling section of this bill—section 405—does not create a defense for a manufacturer where none now exists, but it does not impede a manufacturer from using the label in its defense where it is permitted under another federal law or judicial decision or under state law or judicial decision.

Mr. REID. The Senator from Missouri is correct. This section is intended to preserve State and other Federal statutory and common law with respect to whether the labeling requirements of this bill may be used as a defense by a manufacturer in any civil or criminal action brought under Federal or State law. Of course, failure to comply with the requirements of this labeling section itself is actionable.

Mr. DANFORTH. I thank the Senator. I have a question regarding the meaning of section 404 of the bill. As you know, this section creates an exposure concern list. With respect to an action brought against the manufacturer of a product which happens to be on the list, it is my understanding that the bill leaves it to State law and judicial decisions and other Federal law and judicial decisions regarding how this list can be used on questions of liability.

Mr. REID. The Senator from Missouri is correct. The presence of the product on the list does not, by itself, create liability on the part of the manufacturer. Again, of course, failure to comply with the requirements of section 404 is actionable.

Mr. DANFORTH. I thank the Senator for his courtesy.

Mr. REID. Mr. President, the last item that I want to discuss deals with the new battery recycling provisions.

Senator LAUTENBERG introduced S. 1949, along with myself, Senators LIEBERMAN, FAIRCLOTH, and Senator GRAHAM. This has been incorporated in the modifications I am offering.

As I indicated earlier, this would close the loop of recycling batteries totally. It will establish a recycling program for 350,000 small rechargeable batteries that have been traditionally discarded in garbage, like we all do and we should not. But this will set up a new program.

These batteries are in many instances, if not most instances, incinerated, just thrown away.

The language of this modification also includes two other minor changes that correct references in the original bill to ensure consistency, including a study called for on a small sealed lead battery that has been rendered unnecessary by these provisions.

Senator LAUTENBERG has worked extremely hard on this legislation and I am happy that my colleagues and I have been able to include this legislation in this bill.

Mr. LAUTENBERG, I rise in strong support of S. 729, the Lead Exposure Reduction Act. This bill, of which I am an original cosponsor, will address the effects of lead on children's health and educational performance by reducing exposure of our children to lead. I commend Senator REID, the sponsor of S. 729, for his persistence in seeking approval of this legislation.

Mr. President, the facts are clear. Lead can make our kids sick, and can deprive them of the full development of their minds. Children ingest and inhale more lead per unit of body weight than adults and children retain more absorbed lead than adults.

Lead affects the brain and central nervous system. Severe lead poisoning can result in coma, convulsions, profound and irreversible mental retardation, seizures, and even death. Numerous studies have shown that lower levels of lead exposure can result in delayed cognitive development, reduce IQ scores and impaired hearing. Epidemiological studies have shown that the effects of lead as low as 10 to 15 micrograms of lead per deciliter of blood causes neurobehavioral and growth deficits. EPA classifies lead as a probable human carcinogen. And EPA has identified lead as one of 17 high-priority materials on which it's focusing pollution prevention reduction efforts.

Children are our future. And too often, that future is being poisoned with unsafe levels of lead. Former Secretary of Health and Human Services Leon Sullivan declared lead poisoning to be the number one environmental hazard to children.

According to the Agency for Toxic Substances and Disease Registry, between 3 and 4 million children between 6 months and 5 years old may be at risk from lead. And certain groups of children such as blacks, inner-city and lower income have higher percentages of children whose blood-lead levels exceed these threshold levels.

The Congress already has acted to reduce lead in paint and gasoline and has established lead paint abatement and cleanup programs. And in 1986, I joined Senator BRADLEY in amending the Safe Drinking Water Act to ban the use of lead solder in public water systems and plumbing.

But despite the warnings about the hazards of lead, lead usage continues in a wide variety of products. Over 1 million metric tons of lead were used in products in 1989. Seventy-eight percent of the lead was used in batteries.

We need to stop pumping new lead into our children's lives and S. 729 will help accomplish that, by reducing lead in paints, pesticides, and other products. It also adopts the restrictions on lead in packaging which are similar to those found in my bill, S. 966, the Reduction of Metals in Packaging Act. And it contains a series of initiatives to improve our ability to detect lead in homes and soils, to measure the presence of lead in humans and to disseminate information on abatement techniques.

S. 729 also requires the recycling of lead acid batteries. These are the large batteries used in cars. The managers' amendment to S. 729 also addresses smaller batteries. It includes the provisions of S. 1949, the Mercury-Containing and Rechargeable Battery Management Act which I introduced with Senators FAIRCLOTH, LIEBERMAN, REID, and GRAHAM earlier this year. This bill complements the lead acid battery recycling provisions in S. 729. It will achieve three goals. It will reduce the amount of mercury used in disposable batteries; it will protect public health; and it will stimulate the recycling or proper disposal of rechargeable dry cell batteries containing cadmium and lead. As a result, there will be a significant reduction in the amounts of toxic heavy metals entering out air, water and soil.

The battery provisions are strongly supported by the battery industry and I commend the industry for its foresight in dealing with the proper management of used batteries.

Lead, which is the subject of Senator REID's bill, is used in the electrodes of small sealed lead rechargeable batteries. Cadmium, which is used in the electrodes of rechargeable nickel-cadmium batteries, can cause kidney and liver damage. Mercury exposure can cause significant damage to the nervous system and kidneys. Mercury also has been linked to decreased motor functions and muscle reflexes, memory loss, headaches and brain functions disorders. And when mercury enters the aquatic environment, it can form methyl mercury which is extremely toxic to both humans and wildlife.

Mercury, cadmium, and lead are contained in some battery casings and pose no risk while in use. But they can be a significant concern when discarded in our solid waste stream.

In 1992 Americans used approximately 4 billion dry cell batteries each year. While dry cell batteries account for less than one tenth of one percent of the 180 million tons of garbage we generate each year, dry cell batteries have been significant sources of mercury, cadmium and lead in our solid waste stream. According to the Report on Dry Cell Batteries in New York State, mercury batteries accounted for 85 percent of the mercury, and rechargeable batteries accounted for 68 percent of the cadmium in New York's solid waste.

Dry cell batteries in landfills can break-down over time to release their toxic contents and contaminate our waters. In composting facilities, batteries could contaminate and limit the use of the resulting compost. In incinerators, the combustion of dry cell batteries containing toxic metals leads to elevated toxic air emissions, and increases the concentrations of toxic metals in the resulting fly and bottom ash. So it is imperative that we reduce the amount of these metals going to our landfills and incinerators where they can be released into the environment.

Sixteen States, including New Jersey, have passed laws either to regulate certain types of dry cell batteries, or to study their disposal.

Mr. President, dry cell batteries fall into two major categories. The first are primary batteries—which include the familiar disposable alkaline manganese and zinc carbon types used in flash lights, toys, radios, and similar products. Primary batteries do not rely, in most cases, on toxic metals in their electrodes. Instead, most primary batteries incorporate relatively small amounts of heavy metals to suppress the unwanted formation of gases and to extend battery life.

The other type of batteries are the secondary or rechargeable batteries, which include nickel cadmium and sealed lead rechargeable batteries. These batteries often are marketed separately, with rechargers, for the same uses as primary batteries. Alternatively, rechargeable batteries often are permanently installed into a variety of portable rechargeable tools and appliances, such as drills, flashlights and hand-held vacuums.

Because of technological constraints, secondary batteries rely on toxic metals in their electrodes, and therefore contain much higher levels of heavy metals than do regular primary batteries. At the beginning of this decade, rechargeable batteries occupied only about 8 percent of the total dry cell battery market—which is about 350,000 batteries a year. With technological improvements, they are expected to make-up roughly 20 percent of the market within the next decade. Because rechargeables can be re-used for several years, they use relatively less raw

materials than disposable batteries, and thus reduce the environmental costs of extracting virgin metals. And Consumer Reports magazine has said, "[i]n the long run, * * * rechargeables are far more economical [to the consumer] than disposables," and that "for now, * * * rechargeable nickel cadmium cells represent the 'greenest' [consumer] choice." That's why my bill supports the continued use of rechargeable batteries while at the same time encouraging that they are recycled or properly disposed at the end of their useful life.

Mr. President, both primary and secondary batteries contain toxic heavy metals. However, they incorporate them for different reasons and in different amounts, and that is why my bill will treat them differently within a two-pronged Federal regulatory framework.

The first part of this framework will reduce toxic metals at the source, by prohibiting the sale of alkaline manganese, zinc carbon and mercuric-oxide batteries with mercury concentrations that were intentionally introduced by dates established in the bill.

The five companies responsible for most of primary battery sales in the U.S.—Eveready, Duracell, Rayovac, Panasonic, and Kodak—have already begun to reduce their mercury concentrations in line with this schedule, and I commend these companies for their efforts. In 1991, the battery industry consumed 92 percent less mercury than it did in 1984. This part of the bill would focus on those manufacturers who have not yet committed to these reductions.

The second part of this framework would encourage the recycling of rechargeable batteries containing cadmium or lead. These batteries pose a special challenge because current technology does not allow for the toxic metal concentrations in these batteries to be reduced. Yet at the same time, these batteries serve many valuable applications and consumer and environmental benefits.

The Portable Rechargeable Battery Association (PRBA) has proposed a comprehensive program for the collection and recycling of rechargeable batteries. My bill will assist PRBA in carrying out its recycling program.

The bill contains a number of other elements designed to aid recycling efforts. Twelve months after the enactment of the act, rechargeable consumer products must be manufactured in a manner in which the rechargeable battery can be removed easily from the product or is contained in a battery pack separate from the product. Rechargeable batteries and rechargeable consumer products containing cadmium and lead must contain labels advising consumers to recycle or properly dispose of the battery. EPA would be required to establish a battery information dissemination program. Retailers selling rechargeable batteries containing cadmium or lead or rechargeable consumer products must display a notice that the batteries must be recycled or disposed of properly.

Most importantly, the bill changes existing law regarding the handling of these batteries from nonhousehold sources. EPA classifies spent rechargeable batteries containing cadmium or lead as hazardous and subjects them to hazardous waste regulations. This deters the recycling of these batteries without providing commensurate environmental benefits.

My bill would address this problem by legislatively exempting the collection, storage and disposal of nonhousehold dry cell batteries from the hazardous waste requirements if the batteries are to be recycled. The bill will not exempt these batteries if they are destined for disposal in a hazardous waste landfill. Batteries collected from households already are exempted from the hazardous waste requirements under RCRA.

EPA has already established precedent in this area, by excluding the wet cell lead acid batteries used in automobiles from hazardous waste requirements. And EPA has proposed to treat dry cell batteries in a similar matter. But EPA has been slow to take final action.

The bill also authorizes the battery industry to undertake cooperative efforts to collect and properly manage used rechargeable batteries and rechargeable consumer products.

The bill would give EPA the authority to promulgate rules regulating the sale of other dry cell batteries if they are found to pose a threat to human health or the environment. Penalties are established for violations of the Act. And state battery programs, like the one in New Jersey, would not be preempted except for the labeling of batteries, consumer products and their packages.

Finally, EPA would be required to prepare biennial reports to Congress which would document the recycling rate for rechargeable batteries and companies which are and are not participating in the voluntary recycling program. This information will give the Congress and the public information regarding the success and participation rates of the voluntary recycling program. As we have seen from publication of the Toxic Release Inventory established by the Emergency Planning and Community Right to Know Act, giving the public information can help spur voluntary efforts to reduce pollution.

This bill will benefit States like New Jersey which have dry sell battery programs. The bill will further state efforts by: First, requiring the labeling of batteries to facilitate separation and recycling of batteries; second, removing the hazardous waste restrictions from collection, transportation and storage of dry cell batteries; and third, establishing a large, consistent supply of rechargeable batteries with cadmium and lead which will stimulate the growth of a domestic recycling industry.

Mr. President, we have passed many laws to fight against pollution. And nowhere is the fight more important, than when it comes to the health and safety of our children. Often, our children are most susceptible. It is up to us to protect our kids. And one critical need is to get the lead out of their lives. So I urge my colleagues to support S. 729.

Mr. LIEBERMAN. Mr. President, I am very pleased to rise to urge support of passage of S. 729, the Lead Exposure Reduction Act. I am an original cosponsor of this legislation and have been working with Senator REID for 5 years on this issue. I would like to congratulate Senator REID on his extraordinary dedication and commitment to this legislation and thank him for his kind remarks about my work on the bill.

The same lead poisoning that some say hastened the fall of the Roman Empire is still with us today nearly fifteen hundred years later and it is still causing brain damage and death. Doctors, scientists, and health officials all agree that lead is dangerous, that it can severely harm, or kill us.

While human exposure to lead has been dramatically reduced due to the ban of its use in most paints and the majority of the Nation's gasoline, it is still the case that as many as 4 million children have blood lead levels known to be toxic and at least 1 in 9 children have been affected by lead. In my State of Connecticut a 1992 study in the city of Stamford indicated that 1 in 5 children, or 20 percent of the population of children, had dangerously high lead blood levels. More recently, the Environmental Defense Fund has estimated that there are 80,000 children under the age of 6 in Connecticut that are at risk of lead poisoning.

I first became aware of the risks lead posed to children and adults as attorney general of Connecticut. In that position I undertook an education campaign to warn the citizens of Connecticut about the dangers of lead. One of the most disturbing things I discovered as attorney general was that lead paint was being sold in Connecticut stores to unsuspecting consumers for home-use 10 years after lead had been banned from household paint. We sued the paint manufacturers and retailers, and we launched a full scale effort to locate and treat those homes painted with the illegally sold paint.

These efforts made a difference in Connecticut, but there is still a long way to go both in Connecticut and across America. I have been working in

the Senate on legislation to get the lead out since I arrived.

Lead poisoning is entirely preventable, yet its effects are irreversible. Every step we take to reduce exposure to lead protects a child from being poisoned. Until we protect them from lead exposure, children will continue to suffer neurological damage, learning disabilities, and harm to their motor skills. Once lead is in a child's body it stays there. Even after we can no longer detect it in blood samples, it remains—in the bones—where it continues to accumulate over the course of a lifetime.

Because of the way it accumulates in the body, lead—while most dangerous to infants and young children—is also a threat to adults. While lead is in the bones it is biologically inert—it does not appear to impair health. But once the bones begin to loose their calcium—as they do during pregnancy and in old age, the lead comes back into the blood stream. This lead can enter a fetus. Mothers exposed to lead have a higher frequency of premature births, low-birth-weight babies and their babies are more subject to increased infant mortality. Scientific research suggests that mothers with elevated lead may have infants that had retarded neurobehavorial development. That sounds complicated but what it simply means is that the baby's brain is impaired by lead in the mother.

Lead is insidious. It doesn't only affect the young. As all of us age our bones loose some of the lead trapped in our bones. This lead goes back into our blood and can affect us a second time. Some doctors believe that this lead may be a significant cause of general mental deterioration in senior citizens.

Infants, children, pregnant women, the elderly—lead affects us all. It affects not only our organs and bodies but also our ability to reproduce and our minds.

During the last Congress, I cosponsored legislation addressing the most important sources of lead poisoning, lead-based paint and dust in older housing. The approach up to that time had been to wait until children were poisoned and then initiate a clean up. To get action on a problem we had to wait until people were harmed. The Residential Lead-base Paint Hazard Reduction Act, enacted in October, 1992, emphasizes identifying and correcting lead hazards before children are harmed.

That legislation was a critical first step. It addressed the most dangerous area of lead poisoning, old lead paint, and dust in housing. However, the dangers of lead poisoning reach beyond paint and dust.

We should now provide broader protection to our children and to ourselves. This bill does precisely that. It is a comprehensive bill that covers a wide range of lead uses. It will require that the EPA publish an inventory of lead-containing products that are sold so that we know were lead is and it will require companies that introduce new products containing lead, or in certain cases, redesign existing products to include additional lead, to notify the EPA. The bill also requires that EPA publish a list of all products which the administrator determines may reasonably be anticipated to present an unreasonable risk of injury to human health or the environment. The bill requires that these products will have to be labeled so that consumers will know what they are buying and can be alerted to products that may be dangerous.

We must fight lead hazards which pose risks to children and adults. We must attack these hazards by phasing out and banning lead in paint, plumbing fixtures and solder, packaging, toys, newspaper and magazine inks, and other products. This bill does this. It will also require the EPA to establish standards for the amounts of lead that may be in processed foods and wine or that may enter food from ceramic wares or crystal. Further, the bill establishes lead poison prevention centers to assist in research, technology transfer, and dissemination of information to the public.

The bill also deals with batteries which can cause substantial harm to human health and the environment if discarded improperly. The bill requires that lead-acid batteries be recycled to ensure that the dangers of lead are minimized in the environment. Industry is already taking serious steps in this regard; this bill will strengthen and extend these efforts.

The bill also includes provisions from legislation introduced by Senator LAUTENBERG, which I cosponsored. These provisions prohibit the sale of rechargeable batteries unless they can be easily removed from the product that they are used to power. They require that lead-acid and nickel-cadmium batteries be labeled to indicate that they should be recycled or disposed of properly; the section also puts limitations on the future sales of batteries containing mercury, which can pose significant pollution and health problems if they are improperly disposed of. I congratulate Senator LAUTENBERG for his work in this area.

One of most important sections of the bill, and one that I have been working on for some time, will help to ensure that children are safe from lead in day care facilities kindergartens, and elementary schools. Protecting children at home is not enough, children spend much of their days in day care and schools—they need protection there. We cannot wait until their ability to learn and grow is impaired. As we saw last Friday in the Washington Post, this is a local problem. The Peabody Elementary School, 3 blocks from here, has been found to have lead paint in a nursery room. This is an old school, it should have been expected that it contained lead paint. But it was only recently tested because of a parent's complaint.

This bill requires EPA make available grants to the States for inspection and testing of lead hazards in day care centers and schools. It authorizes $90 million over the period 1994 through 1996 to accomplish this task. States which receive the grants must conduct inspections and testing at day care centers and schools. Reports of this testing must be presented to school officials and provided to parents and guardians. If we believe, as scientists, doctors, and public health officials tell us we should, that we are facing a lead poisoning epidemic and that we must do all that we can to protect our children to learn and grow properly and safely, then I believe that we must initiate the testing of the schools and day care centers immediately.

As lead poisons more and more children, we must take every step possible to eliminate those areas which present risks of lead poisoning. Through the joint efforts of the public and the private sector, we can and we must, eliminate the hazards of this entirely preventable disease.

In order to make sure that we are successful in bringing down blood lead levels in children, this bill directs the Center for Disease Control to establish criteria, protocols and performance standards for the laboratory analysis of lead in blood. In addition, the CDC is directed to establish reporting procedures for lead in blood. The bill also continues reporting to Congress, on a 2-year basis, findings on the prevalence of lead levels in children and adults in the United States. With these provisions we can determine whether we are getting the lead out.

Finally, there are some provisions of the bill that I have some concerns about and I will be reviewing them closely as the bill goes to conference.

In conclusion Mr. President, I am proud to have played a part in creating this bill. Its passage will do much to alleviate the proliferation of lead in the environment. I congratulate Senator REID for his work on this bill and I urge my colleagues to vote for this measure so we can begin to better protect our children, to get lead out of their bodies, free their minds from its poisonous effects, and give them hope for a healthier, happier future.

Mr. REID. Mr. President, it is my understanding this has been cleared on both sides. If we can resolve the fishing sinker amendment, that is all that we will have. The leadership has said it would be OK if we entered into an agreement that we could have a vote on final passage of this legislation tomorrow afternoon. There is a vote on cloture and we could have a vote following that.

Mr. SMITH. I have no objection. I think there is a misunderstanding or there may be some misunderstanding. There is no language in this legislation on lead sinkers, but the issue is the EPA proposed promulgation of a rule. So that is what we are talking about right now. That is the issue.

AMENDMENT NO. 1744

(Purpose: To express the Sense of the Senate concerning the manufacture, sale, and use of lead fishing sinkers, jigs, and lures)

Mr. REID. Mr. President, we have an amendment here that the Senator from New Hampshire is going to offer on behalf of Mr. NICKLES and Mr. SIMPSON. And we have reviewed that, it is a sense-of-the-Senate resolution, and we clear it and have no objection to it.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for Mr. NICKLES, for himself, and Mr. SIMPSON, proposes an amendment numbered 1744.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section—

"SECTION. . SENSE OF THE SENATE CONCERNING LEAD FISHING SINKERS.

"(a) FINDINGS.—

"(1) on March 9, 1994 the EPA promulgated a rule to ban the manufacture and sale of lead, zinc, and brass fishing sinkers,

"(2) the proposed rule was developed in response to a Toxic Substances Control Act petition requesting that EPA label, not ban, lead fishing sinkers,

"(3) EPA states in the proposed rule, 'In addition, an accurate number of waterbirds that could receive a lethal dose of lead or zinc from fishing sinkers, or the probability of consuming a lethal dose, cannot be estimated,'

"(4) no one has studied the effectiveness of fishing sinkers manufactured from lead-substitute materials which can cost eight to ten times as much and have physical or chemical limitations,

"(5) a ban on lead fishing sinkers would put small fishing tackle manufacturers at a competitive disadvantage to major fishing tackle manufacturers who can afford to retool and produce fishing sinkers with lead-substitute materials,

"(6) a ban on home manufacturing of lead fishing sinkers would affect up to 1.6 million anglers who make their own sinkers in basements and garages, and

"(7) EPA has commented that a ban on lead fishing sinkers could eventually be expanded to all lead-containing fishing tackle, including lures.

"(b) Therefore, it is the sense of the Senate that the Administrator should finalize no rule or regulation which requires a nationwide prohibition of the manufacture, sale, or use of fishing sinkers, jigs, or lures containing lead, brass, or zinc, until such time as the Administrator gives priority consideration to alternative means of reducing the risk to waterfowl from lead fishing sinkers, including labeling, public education, and state or regional limits."

Mr. NICKLES. Mr. President, in a classic case of big brother gone wild, the Environmental Protection Agency on March 9, 1994, promulgated a rule to ban the manufacture and sale of lead, zinc, and brass fishing sinkers and jigs, which are weighted hooks. This EPA action typifies the increasingly intrusive nature of the Federal Government.

Everyone knows lead is toxic, and everyone can agree that a bird will probably die if it ingests a lead sinker. But in this case, EPA cannot offer any proof that waterfowl are eating lead sinkers and dying.

To provide a little history, this proposed ban was developed by EPA in response to a Toxic Substances Control Act petition by the Environmental Defense Fund [EDF] based on their belief that waterfowl are threatened by lead poisoning caused by swallowing fishing sinkers.

However, it is interesting to note, Mr. President, that in their petition the EDF requested that EPA label, not ban, lead fishing sinkers. To justify this request, the EDF cited numerous studies completed over the last 20 years documenting approximately 60 waterfowl deaths from the ingestion of lead fishing sinkers. That is 60 deaths from a population in the hundreds of millions.

This bill, S. 729, originally contained a provision banning lead fishing sinkers and jibs. However, the bill's sponsor, Senator REID, dropped that provision during committee markup.

I would like to outline my many concerns about this proposed action, Mr. President.

First, the EPA simply cannot demonstrate that lead fishing sinkers pose a danger to the environment. Their proposed ban is not based on hard, scientific facts, but on EPA's beliefs. Few would argue that lead in the environment can be hazardous to wildlife. The question then lies in the probability that lead fishing sinkers will actually be ingested by waterfowl. To conclude that point, I would simply point out two statements taken from the proposed rule.

The number of lead- or zinc-containing sinkers that waterbirds are likely to ingest cannot be quantified.

In addition, an accurate number of waterbirds that could receive a lethal dose of lead or zinc from fishing sinkers, or the probability of consuming a lethal dose, cannot be estimated.

Second, the EPA was not asked to ban lead fishing sinkers and jigs. The EDF petition simply requested that lead sinkers be labeled as potentially hazardous to wildlife if ingested. EPA says a determination was made that labeling would not adequately protect the environment. However the proposed rule also admits that the presence of an environmental hazard cannot be accurately determined.

Third, EPA says much of the basis behind the fishing sinker ban is the availability and cost of alternative materials. Although the EPA estimates only a small increase in cost to anglers, how reliable are those estimates? To the best of my knowledge, no one at EPA has studied the effectiveness of fishing sinkers manufactured from alternative materials and they are not endorsed by any major fishing organizations. Further, most lead substitutes cost 8 to 10 times as much, and most have physical or chemical limitations which make them unsuitable.

Fourth, while major fishing tackle manufacturers can afford to retool and produce sinkers with alternative materials, small mom and pop tackle manufacturers cannot change so easily or cheaply. This proposed ban in effect gives major manufacturers a competitive advantage over their smaller competitors. Further, the proposed rule would ban the home manufacture of lead fishing sinkers, but offers no reasonable way to enforce this ban. It is estimated that up to 1.6 million anglers make their own sinkers in basements and garages.

Finally, Mr. President, there is a great fear that this ban would eventually be expanded to all lead-containing fishing tackle, including lures. In fact a letter I received from the EPA on this issue states that other fishing tackle will be reviewed to determine if it too poses a waterfowl hazard.

American sportsmen are very interested in the protection of waterfowl, and if EPA can prove that a real danger exists from the use of lead fishing sinkers, American anglers will be the first to change to alternative materials.

But right now, EPA has not proven anything, other than their desire to create another unnecessary bureaucratic intrusion into people's lives. The intangibility of the benefits and the failure to identify a hazard are not sufficient to require 60 million fishermen to switch to costly, inefficient alternatives.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. As the Senator from Nevada has indicated, there is an agreement on this amendment. It does clarify the feelings on the fishing sinker controversy. It is a sense-of-the-Senate resolution.

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

The amendment (No. 1744) was agreed to.

The PRESIDING OFFICER. Are there further amendments?

If not, without objection the committee substitute, as modified and amended is agreed to.

The committee substitute, as modified and amended, was agreed to.

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

The bill was ordered to be engrossed for a third reading, and was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that a vote on final passage of S. 729 occur without any intervening action or debate upon the disposition of the nomination of Sam Brown, or upon the failure to invoke cloture on that nomination.

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

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

THE DEATH OF PETER GABARRO

Mr. SMITH. Mr. President, I rise to pay tribute to a very courageous young man, Peter Gabarro, of Dover, NH. Pete died of brain cancer on Sunday, May 22, at the tender age of 12 years.

I first learned about Pete last fall. A seventh grade student at Dover Junior High School, Pete was an outstanding all-star baseball pitcher in the Dover South Little League. In the midst of his Little League's all-star series last year, Pete passed out and was taken to a Boston hospital for tests. Tragically, he was diagnosed with an inoperable brain tumor.

Moved by Pete's plight, many kind and generous people rose to the occasion and made this brave young man's last months of life a time of dreams fulfilled. Thanks to the generosity of the Make-A-Wish Foundation, the Boston Red Sox, and a group of Toronto businessmen, Pete and his family received a free trip to Toronto to watch the first two games of the 1993 World Series.

When I learned that the Blue Jays were Pete's favorite team, I contacted the Office of the Commissioner of Baseball and asked whether the Blue Jays might give brave young Pete some fitting memento. The Commissioner's Office and the Blue Jays responded immediately by sending along a baseball autographed by the entire 1993 World Championship Toronto Blue Jays team. The look on Pete's face when he held that baseball said it all.

As the 1994 baseball season began in Dover on April 30, the very popular Pete Gabarro was honored during opening day ceremonies. His uniform—No. 14—was retired and he received numerous gifts from his many friends and admirers. Dover Mayor Pro-Tam Renny Perry declared April 30 "Peter Gabarro Day." "I was surprised," Pete said modestly from his wheelchair after the ceremony. "I didn't really expect it."

Mr. President, Pete Gabarro was a first-rate baseball player. He got off to a stellar start in his last season by pitching a no-hitter and striking out 14 batters in his team's first game of the year. One of his coaches, Paul Vatcher, called him awesome. "It made you just kind of shake your head," his coach commented. "You could see the potential."

With his great physical talent and his determined mental attitude, Pete Gabarro might well have become a star pitcher for his beloved Toronto Blue Jays some day. But we remember Pete not for what might have been, but for what he was. His Little League's president, Dave Amari, said it best. "We've lost one of our family at South Side," Mr. Amari said. "He was a terrific kid. He was a happy-go-lucky kid. He was very popular, he had lots of friends. He always had a smile on his face. He was," Mr. Amari concluded, "just a good kid."

Mr President, the Mass of Christian Burial is being celebrated for Pete Gabarro tomorrow morning in Dover, NH. As the father of a Little Leaguer just about young Pete's age, my heart goes out to Pete's dad and mom, Ralph and Dorothy Ann Gabarro, and to his two brothers, Seth and Anthony. I pray that they will find comfort in the fact that Pete's friends loved him so much and that he touched so many lives with his tenacity and his bravery.

Being the fine young baseball player that he was, Pete Gabarro never gave up. He pitched the last great game of his life in his courageous battle against cancer. And when the end came, triumphantly, he jogged happily from the mound, off the field, and straight into the arms of his loving Lord. Then, like a blue jay, he flew to heaven and took his place among the other angels. I can think of no better tribute to this special boy than this beautiful quotation of William Shakespeare, from "Romeo and Juliet":

When he shall die,
Take him and cut him out in little stars,
And he will make the face of heaven so fine
That all the world will be in love with night,
And pay no worship to the garish sun.

Mr. President, Pete Gabarro will always be in my Hall of Fame. I am proud to be his Senator.

Mr. REID. Mr. President, I am not sure the RECORD can reflect, which it will not, the emotion that was given in the rendition of this speech by the Senator from New Hampshire.

I hope that the people of New Hampshire, whoever reads this in the RECORD and whoever watched it, will understand that we talk a lot on the Senate floor about legislative issues; we raise our voices and become impassioned in what we talk about. But I have been here 8 years and rarely have I heard anyone make a statement with the emotional content of my friend from New Hampshire.

Mr. SMITH. I appreciate very much the remarks of the Senator from Nevada. I know he is a baseball fan and a father, as well. I know he understands and appreciates this.

Mr. REID. I had a very close personal friend—we were raised together, he and his family. We were neighbors when we were boys. We talked often about his little boy in a Little League baseball game. This is a big, rough family—always very physical. And he was upset because his boy hit a home run and he was so slow coming from third base, and he was upset at his son and told him so. What he did not know is this little boy had leukemia. There being, of course, no cure for it, he died very quickly. So any time I hear a story like this I think of my friend Don.

Mr. SMITH. I wonder if I can add one final point.

You hear so many negative things about professional athletes sometimes, and baseball: In it for the money and all that. But when I made the request of the Toronto Blue Jays regarding the baseball, it was just a matter of days and the ball was there. And one of my staff people, Carol St Clair, who used to teach at Dover Junior High School, presented young Peter the ball.

He was so proud because he could display that baseball to his classmates. I know he was the envy of many of his classmates in school as he proudly displayed that baseball to the other kids.

He was a great kid. He was an inspiration to a lot of people and he will be for a long, long time.

Mr. REID. Mr. President, we hear so many negative things, especially as the Senator from New Hampshire indicated, about stars. I had, yesterday, a 10-year-old girl come to visit me who had AIDS. She had been to see me a couple of years before—a tiny little girl who has the HIV virus.

She sings in Las Vegas. She has sung with Billy Ray Cyrus and Engelbert Humperdinck. Anyway, after she finished singing with Billy Ray Cyrus he asked this girl, "Is there anything that you need?"

And the little girl said, "No, no, I have everything I need." She said, "My

mother needs a car to haul us around, the kids, around, but I have everything I need."

He did not say a word. A week later a brand new minivan was delivered to her house.

Now Billy Ray Cyrus did not issue a press release. There has never been anything said about that. But these people, like the rest of us, are made up of good ones and bad ones, and a lot more good ones than bad ones, I am sure.

A TRIBUTE TO MS. NELL STRICKLAND ON HER RETIREMENT FROM THE ARMY LIBRARY PROGRAM

Mr. NUNN. Mr. President, today I want to congratulate Ms. Nell Strickland, Director of the Army General Library Program, on the occasion of her retirement from Government service.

I am especially pleased to note that she began her distinguished career in my home State of Georgia, at Camp Stewart in 1954. This career spanned nearly four decades of service in three continents with assignments in Japan, France, Germany, Vietnam, Panama, Hawaii, Washington, DC, and Virginia. During her time in Vietnam, Nell established mobile libraries, frequently moving them as the troops relocated. Traveling by helicopter in combat zones, she often came under enemy fire as she visited the libraries. Her tenure in Vietnam is a testimonial to her professionalism, courage and her total dedication and commitment to supporting our Army's fighting troops.

During Operation Desert Shield/Desert Storm, Nell again mobilized the library program in support of our troops. She developed plans for field library service to the Middle East, and coordinated the receipt and delivery of millions of donated books that made their way to all branches of our Armed Forces serving in the region. If you ever saw a picture of one of our soldiers reading a book in the desert, chances are that it was sent there by Ms. Strickland.

Throughout her career, Nell accomplished her duties with a level of professionalism and expertise rarely equalled in her profession. As chief architect of the Morale, Welfare, and Recreation Library Activities Program, she established a library policy that offers a standard of service unparalleled in uniformed service library history. Ever on the lookout for what would serve the soldiers and their families, Nell spearheaded the transition from collections focused primarily on recreation reading materials to a focus on education. As a direct result of Ms. Strickland's expertise and selfless service, Army libraries compete favorably with public library systems across the country, and are consistently rated by soldiers, through Morale, Welfare, and Recreation surveys, as one of the most needed and valuable services offered.

Nell Strickland's breadth of experience has formed the basis of a program today that employs over 650 people and provides professional library services to Army personnel world-wide through 160 libraries. Under her tenure, Army libraries have developed into an integral part of the information network required to support a highly technical and complex Army.

Mr. President, I ask our colleagues to join me in congratulating Ms. Strickland on her retirement and to thank her for her dedicated, professional, and selfless service to the men and women of the U.S. Army and their families.

SUPREME COURT DECISION REGARDING THE PHILADELPHIA NAVY YARD

Mr. SPECTER. Mr. President, I had spoken at some length yesterday about the Philadelphia Navy Yard and about the decision of the Supreme Court of the United States. After reflecting on the matter, I have decided to circulate a Dear Colleague letter among the delegations of Pennsylvania, New Jersey, and Delaware, to the Secretary of Defense asking for his personal review of the conduct of the Department of the Navy.

When I talked to Secretary of Defense Perry shortly before his confirmation proceeding, he said to me that he would not tolerate the kind of misrepresentations and fraud which were alleged in that suit. We did not discuss the matter any further because it was pending in court, and it was really a matter for the lawyers. I am circulating a letter today asking Secretary Perry to personally review what the Navy did, because those matters are now pending. I believe that there ought to be agreement by the Department of Defense to have the navy yard issue resubmitted to the Base Closing Commission, because you have this documentary, undisputed evidence of fraud, where the two reports from Admiral Claman and Admiral Hekman were concealed from the Base Closing Commission.

I know I only have a few seconds left. I will seek recognition later today to amplify these statements and to comment on another Supreme Court decision from yesterday.

I thank Senator PELL for yielding the time.

I yield the floor.

THE ENDANGERED SALMON CRISIS

Mrs. MURRAY. Mr. President, most Americans think of the Northwest as a place of limitless natural bounty. They think of endless tracts of forest, cascading rivers, towering peaks, and abundant wildlife. More than anything else, they envision waters teaming with Pacific Salmon.

I imagine, however, that people here in the Congress know better. All of you, my colleagues, and Members of the other body, have been refereeing debates over Northwest natural resources for years. More than anything, you probably think of the Northwest as the place the Northern Spotted Owl is endangered.

Regrettably, I am here to talk about another crisis in natural resource stewardship: the decline of Pacific Salmon off the continental U.S. coast.

Everywhere we look along the Pacific coast today, we see salmon runs in trouble. In the smallest coastal streams, to the most distant inland tributaries, returning wild salmon have dwindled year after year. Nowhere is this more pronounced than the Columbia River. Let me start by providing a little history.

As long ago as the turn of the century, people recognized the problem of overexploitation of the salmon resource. With fish wheels and canneries lining the banks of the Columbia, hatcheries were developed to augment fish stocks. Later, when the first dams were built on the main stem, fish ladders were installed to enable returning adults to migrate upstream and spawn. However, as we placed every increasing demands on our water—more irrigation, energy consumption, recreation and population growth—salmon populations followed a consistently downward trend.

In 1980, Congress passed the Northwest Electric Power Planning and Conservation Act. This law established the Northwest Power Planning Council—composed of eight members appointed by the four Northwest Governors—and charged it with adopting a regional power plan to ensure, among other things, "successful migration, survival, and propagation of anadromous fish." In addition, the new law required Bonneville Power Administration to "protect, mitigate, and enhance fish and wildlife to the extend affected by development and operation of any hydroelectric project," consistent with the council's plan. By enacting this law, Congress formally linked hydro system operators and users to the survival of salmon.

By some measures, the council and its plan got results for the region. Through the mid-1980's, salmon returns were generally increasing because of hatchery production. But these returns hid the overall decline of wild stock salmon. In 1990, petitions were filed with National Marine Fisheries Service proposing Endangered Species Act protection for five salmon stocks.

In 1990, our colleague from Oregon Senator HATFIELD held a salmon summit, at which all the major stakeholders—public and private utilities, direct

service industries, tribes, fishermen, activists, farmers, and shippers—attempted to forge a regional consensus on salmon conservation.

Despite Senator HATFIELD's best efforts—and I think it is fair to say no Member of this body has done more to move this debate than he—agreement on a regional plan eluded the summit participants. And despite the hard work and sincere efforts of agencies and stakeholders, the salmon has continued to disappear. In December, 1991, the Snake River Sockeye were listed under the Endangered Species Act. In early 1992, they were joined by the Snake River Spring and Fall Chinook. In May 1991, the Power Planning Council was asked by Senator HATFIELD to devise a strategy for basin-wide salmon conservation.

Since then, I have been hearing the same thing over and over: Saving the salmon has immense economic implications for region; therefore, we have to learn the lesson of the spotted owl and act together now to avoid legal gridlock that would paralyze the river system.

I could not agree more. With three listed species, you would think the message would sink in. Ideally all parties should coalesce behind a recovery plan. Sadly, this has not happened. Instead, we have had annual consultation under ESA, lots of study, and numerous lawsuits. Most suits have been in response to actions by various agencies to cope with the problem. There have been suits against every biological opinion; the barging program has been challenged; suits have been filed on fishing allocations, and against eastside forest plans. Each has pushed the river system closer to gridlock.

That brings us to this spring, when Federal district court judge Malcolm Marsh, by all accounts a distinguished jurist, ruled on a suit brought by the States of Oregon and Idaho against the 1993 biological opinion.

Judge Marsh found, among other things, the National Marine Fisheries Service relied on flawed data to guide its conclusion that power dams pose no jeopardy to listed salmon. Overall, the judge condemned government action to date by saying current efforts are:

> Too heavily geared towards a status quo that has allowed all forms of river activity to proceed in a deficit situation—that is, relatively small steps, minor improvements and ajustments—when the situation literally cries out for a major overhaul.

He added, "the agencies have narrowly focused their attention on what the establishment is capable of handling with minimal disruption."

This decision—all at once damning, sobering, and enlightening—has left the Pacific Northwest one judicial step removed from total power system paralysis.

There may be many people out there who disagree with Judge Marsh's characterization of efforts to date. Clearly, immense resources have been spent on salmon conservation efforts. But in my mind, there are two realities we all need to consider: First, the judge has effectively taken control of the issue; the 1994 biological opinion is based on the same flawed data used in the 1993 opinion; and several groups have already filed notice of intent to file suit against it.

Second, we have to look at the numbers: Snake River Spring Chinook averaged 7,200 returning adults the past 5 years. This year, projected returns were 6,200 adults. We are nearing the end of migration season; as of last week, a mere 600 fish—I repeat, 600 fish—have been counted at Bonneville dam. Factor in 10-percent mortality between dams, and we have a catastrophe on our hands, regardless of what the law says.

In my view, we are at a crucial, if bleak, point. We can avoid the problem, either by ignoring it, or by encouraging each affected interest group to dig in its heels in opposition to action. Or, we can collectively decide—as a region and a people—that we are dedicated to recovering this species, and agree to put everything—everything—on the table to achieve this goal.

Mr. President, I vote on behalf of the salmon. I do not want to be the Senator who points to a picture on the wall and tells my grandkids, "those are salmon; we used to have them." I believe the region has begun to face the problem. As I mentioned before, there have been many efforts to establish a salmon policy. My observation, however, is that most discussions to date have focused not on salmon, but on how to protect various economic interests from salmon recovery costs.

We have managed the river to continue access to water, to keep the channels open to shipping at all times, and to avoid rate increases to electricity consumers large and small. I am not saying this is wrong, in fact, it is wholly appropriate to balance these concerns. But efforts to date simply have not produced the desired results.

All of us together, the whole region, need to ask ourselves whether we are committed to recovering salmon to healthy, harvestable populations. If we are, then we must be willing to face the costs, consider every available option, and find a way to share the burden with equity.

So what are we going to do? In situations of great conflict, something always has to give. It seems easiest to follow the path of least resistance. For example, some have suggested we need to change the Endangered Species Act, because it requires us to protect the fish. I have heard people say, "The salmon are listed? No problem; let's just change the law."

I believe there are a number of problems with this approach, not the least of which is: It would be treating the symptom and not the cause of our problems. Beyond that, there are a number of legal structures already in place that make Endangered Species Act requirements look small by comparison.

Let us assume for a moment we dispose of the ESA. The Northwest Power Act, which requires the Power Planning Council to ensure the "successful migration, survival, and propagation of anadromous fish" would still be in effect. Are we prepared to terminate this portion of the council's mission? If so, would we go a step further to relieve Bonneville Power Administration of its requirement to "protect, mitigate, and enhance fish and wildlife to the extent affected by development and operation of any hydroelectric project," and instead make energy production the only objective of river operations?

I think it is highly unlikely anyone here wants to undertake such an action; but again, let us assume we do. In addition to the Northwest Power Act, the Magnuson Fishery Management and Conservation Act, requires "action to conserve and manage the * * * anadromous fish species of the United States." I am fortunate enough today to occupy Senator Magnuson's seat, and I dare say there are few Members who wish to undo one of the crowning achievements of his distinguished career.

But for hypothetical purposes, assume we repeal ESA, the Power Act, and the Magnuson Act. Just take them off the table. That leaves a bilateral agreement between the Governments of Canada and the United States. Among other things, the 1985 United States-Canada Treaty provides for each party "to receive benefit equivalent to the production of salmon originating in its waters." This spring and summer, American citizens will be fishing in Alaskan waters for salmon originating in Canada. Under the terms of this treaty, we are obligated to provide a like number of fish for Canadians off the coast of Vancouver Island. In its current condition, the Columbia River salmon population is utterly incapable of delivering. Is anyone in this Chamber prepared to support unilateral abrogation of this treaty?

Let us not stop here. If we do away with the United States-Canada Treaty in addition to the other laws, one would think there were no requirements on the Federal Government to protect the Columbia Basin salmon. But that would be ignoring the single strongest legally affirmed treaty obligation affecting this debate.

Considering United States versus Washington in 1974, Judge Boldt ruled that, "the right of a treaty tribe to harvest anadromous fish * * * arises from a provision in each of the Stevens treaties * * * which states, 'The right of taking fish, at all usual and accus-

tomed grounds and stations, is further secured * * *'" Judge Boldt went on to clarify that, "because the right of each treaty tribe to take anadromous fish arises from a treaty with the United States, that right is preserved and protected under the supreme law of the land."

In the same opinion, the Judge defined anadromous fish as both hatchery and wild stocks, and effectively obligated the State of Washington to "preserve and maintain the resource."

Mr. President, we could eliminate every Federal law enacted by Congress governing fisheries management, and the 1974 Boldt decision would still bind my State to protect wild salmon and protect the rights of all people in my State to harvest them. I could ask the same question I asked a moment ago: Is the Senate prepared to support unilateral abrogation of this treaty?

In sum, there are no less than four major legal obligations—maybe more—driving the need for salmon recovery in addition to ESA: The Northwest Power Act, the Magnuson Act, the United States-Canada Treaty, and United States treaty obligations under United States versus Washington. I did not even mention the FERC relicensing process and the Clean Water Act, both of which require consideration of factors related to salmon recovery.

So, while ESA may seem like a tempting target, changing it would not solve the problem. If fact, the implied intent behind such action would be a willingness to write off salmon to extinction. I believe this is a short-sighted policy the people of Washington State will not support; I know I will not.

Instead, I believe we need to get serious, take a comprehensive look at the Northwest resource-based economy and make some decisions that will allow all of us to live together with a healthy economy and a healthy environment. As I said a moment ago, everything has to be on the table.

We have to begin with the salmon life cycle. What do we know about it? We know salmon are hatched in the clean gravel of our headwaters. We know they rear in the estuaries where the rivers meet the sea. We know they enter the ocean and live an unknown life, and then return to fight their way upstream to lay the eggs of future generations.

Each of these phases in the cycle must be part of the solution. A number of steps have already been taken. As almost everyone already knows, the entire coastal harvest will be shut down this year as a result of poor ocean conditions. This has led five counties and the State of Washington to declare a state of emergency. In addition, I am hearing from NMFS there will be virtually no fishing permitted on the main stem of the Columbia and Snake rivers.

To date, commercial and recreational fishing interests have gone along with this policy, because they recognize the dire situation we are facing. These steps are correct, and I applaud the people of Washington for supporting them.

President Clinton's forest plan essentially gears forest management toward salmon conservation by recognizing the importance of good spawning habitat. East of the Cascades, the Forest Service is proposing PACFISH, a strategy to create stream-side buffers forest-wide to protect spawning grounds. No one here knows better than I the sacrifices timber communities have been called upon to make these last few years. Yet here they are, facing conservation measures for fish that take more timber out of the harvest rotation.

There are theories about how hatchery fish affect wild salmon. They suggest hatchery fish compete with wild fish for food, among other things, and generally weaken the gene pool. It is my understanding the Power Planning Council has undertaken a major evaluation of hatchery operations and their relationship to wild stock survival. This too is a necessary step.

In terms of the salmon life cycle, therefore, it is safe to say that harvest, habitat, and hatcheries (to a lesser extent) are being addressed in the region through serious, concrete steps. The people and economic activities associated with these issues are facing very real sacrifice. The only other link in the chain is the hydroelectric system.

Because there are three listed salmon stocks, the river system is subject to consultation with NMFS under ESA to ensure operations do not jeopardize the fish. Each successive biological opinion rendered through consultation has gotten more costly and more onerous for the power system. More than one-third of the recent rate increase is attributable to ESA requirements.

The latest opinion—currently subject to challenge as inadequate—calls for additional flows, water conservation, and in-season management. All of these things are costly, and I think Randy Hardy, Rollie Schmitten, Gary Smith, and other Federal officials involved deserve a lot of credit for balancing competing interests under difficult circumstances. But we still have not achieved the desired results.

We are awaiting a recovery plan, pending the consideration by NMFS of recommendations by the recovery team appointed to study the problem. These recommendations, and the way they have been received in public, offer an example of just how complicated this issue is. Everyone seems to agree that we must base our actions on the best available science; I know I do. But the recovery team—held aloft as the latest, best science—calls for no less than nine additional areas of study in migration alone.

The fact of the matter is, the science on this issue is incomplete, and is likely to remain so for a long time. It seems like every meeting I have on this issue begins with a discussion of how little is known about salmon. The sooner we face that reality, the better off we will be.

NMFS announced something last week that again points out the complexity and controversy at hand. Faced with Spring Chinook returns less than 10 percent of normal, NMFS decided to undertake additional in-season management efforts, based on the belief action is needed now to improve adult returns later. In consultation with the Power Council, State agencies, and tribal governments, NMFS decide to expand in-stream smolt migration by increasing the amount of water spilled over eight hydro dams on the Snake & Columbia Rivers.

Needless to say this action cause quite a stir. Concerns have been raised on both coasts, about the costs of this proposal, some $25 to $75 million depending on the duration. In addition, it is possible the spill will harm returning adult salmon. Obviously, this would be counter to recovery efforts. And there is disagreement over whether it is based on sound science.

I am inclined to support the new spill proposal. At best, it may achieve marginal benefit for fish. At worst, it might hurt fish and cost a lot of money. Therefore, we need to view it as experimental. And we should only proceed with approved, careful monitoring in place.

The real value in the spill proposal extends beyond what it does for fish. For the first time, the region had to face precipitous action in response to an emergency situation. And though the spill program is a small measure comparatively, it represents the kind of decisions the region must face in the future if we are to be serious about salmon recovery. We must face the reality that we may have to base certain actions on subjective judgments.

Mr. President, I do not want to fault the dams; I do not want to fault anyone. This is not a time to point fingers and further divide my region. Besides, the Columbia Basin system of dams, locks and irrigations facilities was a visionary undertaking of historic proportions. Who can forget Woody Guthrie singing "Roll on Columbia, roll on?"

This whole situation suggests, to me, we need to rethink our approach. First and foremost, we have to have a strong, well-reasoned recovery plan that addresses each phase of the salmon life cycle. Beyond that, we need a region-wide strategy to conserve all salmon stocks. The Power Planning Council made a good start with its "Strategy for Salmon."

In the future, it will be imperative for the work of the council and the

Federal Government be collaborative and complimentary. And I cannot emphasize strongly enough: we must constantly remind ourselves the cost of acting now may be infinitely less than being forced to act later.

Mr. President, my bottom line is this: the Federal Government needs to equip BPA to respond to this problem. We are asking BPA simultaneously to be more competitive and recover the salmon. But these missions would appear to be mutually exclusive. If we want BPA to do both—compete with other energy sources and conserve the salmon—maybe that would be reflected in what it returns to the Treasury.

There are a number of options we should consider. They include requiring a Treasury payment that reflects annual water conditions; instituting lower power rates for poor water years; extending BPA's debt repayment schedule; or forgiving a portion the debt attributable directly to salmon recovery. There may be other ideas.

The Treasury Department, OMB, and BPA have recently been discussing debt refinancing. To the extent this would require legislation, I believe it is appropriate to consider the options I have mentioned here in Congress. The goal should be to build flexibility into the current situation for the lead agency to lead. As I said before, everything must be on the table.

I want all my colleagues to understand something: the waters of the Columbia have carried this Nation forward. They generated power for the smelters that produced aluminum for the bombers that soared over the Axis powers in World War Two. They cooled the reactors that forged America to victory in the cold war. And they made the arid fields of eastern Washington and Oregon fertile, creating an export economy unparalleled in the world.

This system has spurred the Pacific Northwest to economic might. But no one—here, or anywhere else—can deny the benefits of this system to the entire Nation over the years.

Just as I point out to my colleagues benefits to the Nation from the Columbia River system, I will be frank with my constituents. I will not lie to them, and I will not sugar-coat it; despite all our efforts to date, the results simply are not there.

Consider the 1944 Snake river projections: The Spring Chinook run is estimated at less than 2,000; Fall Chinook returns are estimated at less than 400; and Sockeye returns to Redfish Lake are estimated at less than 10. Ten fish. We have a very serious problem, and it is going to cost a lot to fix.

Coastal fishermen and charter boaters are sacrificing; loggers and millworkers have already sacrificed. The rest of us need to decide what we can contribute to making this situation better for our State, our region, and the country. Because we must face this salmon crisis, I urge all stake holders not to fear change; rather, I encourage you to consider different ways to do the things you have always done.

Residential electricity consumers need to decide whether they are willing to accept higher power rates to recover salmon. Farmers need to decide whether they can ship their commodities at specific times, or by different transportation modes, to recover salmon. And policy makers need to decide whether to support stronger measures in order to recover salmon.

No one wants to take away jobs; no one wants to diminish any industrial sector; it is in our collective interest to foster a strong, growing economy. With this in mind, we have to remember that salmon were here first. Everything that has happened since has affected salmon; not vice versa. They signify our culture; they nurtured our forebears; and they helped our region grow. If we value our identify as Northwesterners, then we cannot forget that salmon are a metaphor for our heritage.

I do not know how long it will take to resolve this problem, or even if it can be resolved. But I pledge myself to do everything I can to support salmon recovery. I pledge not to cast blame, but to encourage all to contribute something to the debate. I pledge to work with my colleagues in the delegation and the Congress to find solutions that bring people together, that serve our region and our Nation well. Hopefully, together, with wisdom, conviction, and not a small amount of trust, we can find our way.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Monday, May 23, the Federal debt stood at $4,590,487,523,297.75. This means that on a per capita basis, every man, woman, and child in America owes $17,604.57 as his or her share of that debt.

BUDGET SCOREKEEPING REPORT

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

This report shows the effects of congressional action on the budget through May 19, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.9 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated May 18, 1994, Congress has approved for the President's signature the Airport Improvement Program Temporary Extension Act (S. 2024), changing the current level of budget authority.

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

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 23, 1994.

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

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through May 19, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 16, 1994, Congress has approved for the President's signature the Airport Improvement Program Temporary Extension Act (S. 2024), changing the current level of budget authority.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS MAY 19, 1994

[In billions of dollars]

	Budget Resolution (H. Con. Res. 64)[1]	Current Level[2]	Current Level Over/Under Resolution
ON-BUDGET			
Budget Authority	1,223.2	1,218.4	−4.9
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–98	5,153.1	5,122.8	−30.3
Maximum Deficit Amount	312.8	311.7	−1.1
Debt Subject to Limit	4,731.9	4,503.6	−228.3
OFF-BUDGET			
Social Security Outlays:			
1994	274.8	274.8	(*)
1994–98	1,486.5	1,486.5	(*)
Social Security Revenues:			
1994	336.3	335.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

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

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

* Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS MAY 19, 1994

[In billions of dollars]

	Budget Authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Total enacted this session	(2,683)	(643)	
PENDING SIGNATURE			
Airport Improvement Program Temporary Assistance Act (S. 2024)	(65)		
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	(5,562)	1,326	
Total Current Level [3] [4]	1,218,395	1,217,056	905,429
Total Budget Resolution	1,223,249	1,218,149	950,349
Amount remaining:			
Under Budget Resolution	4,854	1,093	
Over Budget Resolution			80

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

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

[3] In accordance with the Balanced Budget and Emergency Deficit Control Act of 1985, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

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

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

TRIBUTE TO FOUR HEROIC YOUNG MEN FROM MISSOURI

Mr. BOND. Mr. President, I rise today to pay tribute to the heroic actions of four teenagers from rural Missouri. James Eddleman, Joshua Brandt, David Karlstromer, and Joshua Dunaway, all students at the Newburg, MO, high school, rescued a 9-year-old girl from a flooded creek near where they were camping.

On April 10, 1994, the four boys, who were camping near Mill Creek, awoke to a flood and the faint sound of a child crying. Upon reaching the edge of the water, the boys saw a child on the opposite side of the flooded river and a car almost completely submerged in the river. James Eddleman and Joshua Dunaway went into the river; the other two boys went for help. The rampaging waters were almost too much—but James Eddleman managed to reach the child, who had spent the entire night stranded by the river. Her mother's car had stalled crossing a low-river bridge and had been swept away in the flood. Tragically, rescue personnel later found the bodies of the child's mother and brother in the river.

These four boys deserve to be recognized for their quick thinking and heroic actions. Missouri is proud to honor these boys, and I commend James, Joshua, David, and Joshua for their actions.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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–2688. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Hong Kong; to the Committee on Banking, Housing, and Urban Affairs.

EC–2689. A communication from the Secretary of Veterans' Affairs, transmitting a draft of proposed legislation entitled "Veterans' Benefits Cost-of-Living Adjustment Act of 1994"; to the Committee on Veterans' Affairs.

EC–2690. A communication from the Administrator of the Small Business Administration transmitting, pursuant to law, a report on minority small business and capital ownership development for fiscal year 1993; to the Committee on Small Business.

EC–2691. A communication from the Secretary of Education transmitting, pursuant to law, a report of final regulations on direct grant programs and the National Early Intervention Scholarship and Partnership Program; to the Committee on Labor and Human Resources.

EC–2692. A communication from the Secretary of Education transmitting, pursuant to law, a report of final regulations on the Federal Family Education Loan Program; to the Committee on Labor and Human Resources.

EC–2693. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorization of appropriations for certain youth program under the Anti-Drug Abuse Act of 1988; to the Committee on Labor and Human Resources.

EC–2694. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorization of appropriations for the Family Resource and Support Program; to the Committee on Labor and Human Resources.

EC–2695. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the report on assistance to people with developmental disabilities for fiscal year 1992; to the Committee on Labor and Human Resources.

EC–2696. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Substance Abuse and Mental Health Services Amendments of 1994"; to the Committee on Labor and Human Resources.

EC–2697. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the report on the Comprehensive Child Development Program; to the Committee on Labor and Human Resources.

EC–2698. A communication from the Chairperson of the National Institute For Literacy transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Labor and Human Resources.

EC–2699. A communication from the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation entitled "Pesticide Reform Act of 1994"; to the Committee on Labor and Human Resources.

EC–2700. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on the employment of minorities, women, and people with disabilities in the Federal government for fiscal year 1991; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1952. A bill to authorize the minting of coins to commemorate the 175th anniversary of the founding of the United States Botanic Garden.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Philip N. Diehl, of Texas, to be Director of the Mint for a term of 5 years;

Alan S. Blinder, of New Jersey, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years;

Alan S. Blinder, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1982; and

Steven Mark Harte Wallman, of Virginia, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1997.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. HEFLIN, Mr. DASCHLE, Mr. HARKIN, Mr. GRASSLEY, Mr. WELLSTONE, and Mr. FEINGOLD):

S. 2145. A bill to authorize the Secretary of Agriculture to determine which programs of the Department of Agriculture are eligible for State mediation and to certify States to administer mediation for the programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS:

S. 2146. A bill to amend the Internal Revenue Code of 1986 to provide a special valuation of sensitive environmental areas for estate tax purposes, and for other purposes; to the Committee on Finance.

By Mr. DECONCINI:

S. 2147. A bill to amend chapter 21 of title 28, United States Code, to clarify the standard by which a justice, judge, or magistrate shall disqualify himself from a hearing; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. HEFLIN, Mr. DASCHLE, Mr. HARKIN, Mr. GRASSLEY, Mr. WELLSTONE, and Mr. FEINGOLD):

S. 2145. A bill to authorize the Secretary of Agriculture to determine which programs of the Department of Agriculture are eligible for State mediation and to certify States to administer mediation for the programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL MEDIATION ACT OF 1994

• Mr. CONRAD. Mr. President, I am introducing the Agricultural Mediation Act of 1994. This legislation gives the Secretary of Agriculture the authority to allow USDA-certified State mediation programs to offer mediation on a variety of issues, such as wetlands determinations, farm program compliance, rural water loan programs, grazing on national forest lands, and pesticide usage. It is modeled after, and intended to work in conjunction with, the USDA-certified Agricultural Credit Mediation Program which has been remarkably successful in resolving thousands of farm credit disputes.

I introduced versions of this bill in 1992 and 1993 as part of S. 3119 and S. 1425, respectively, both entitled the USDA National Appeals Division [USDA NAD] Act. Companion legislation was introduced in the House in 1992 and 1993 by Congressmen Espy and TIM JOHNSON, respectively. In addition, Congressman POMEROY has introduced H.R. 4153, the Agricultural Mediation Improvement Act of 1994, which is similar to the bill I am introducing today. This legislation was requested by the Coalition of Agricultural Mediation Programs [CAMP] and has the support of many farm and housing groups.

There are currently 18 programs in the country that are certified by the Farmers Home Administration [FmHA] to provide mediation on agricultural credit issues. Mediators in these programs operate as facilitators to help disagreeing parties address the facts and reach a mutually acceptable solution within the constraints of the law and regulations. These State mediation programs have proven to be very capable in assisting farmers and their creditors. They have resolved the majority of the disputes, and have done so quickly. As a result, mediation has enabled participants, the Federal Government, and other creditors to avoid the time and expense of appeals and litigation. It has helped keep farmers on the farm. When necessary, mediators have helped farmers who could no longer make a decent living on the farm make the transition to other ways of life. And they have helped the Federal Government and other creditors recover as much delinquent debt as possible.

However, current law restricts the State mediation programs to providing mediation only on agricultural credit issues. The bill that I am proposing would allow them, and other qualified State mediation programs, to respond to local regions' needs for mediation on other USDA issues, such as farm program compliance, rural water loans, and other issues. I intend that USDA participants could use these mediators during their informal hearings with an agency prior to appealing the agency's adverse decision. Appeals would be made to the USDA NAD established through the provisions of my bill, S. 1425, that are included in S. 1970, the Department of Agriculture Reorganization Act.

S. 1970 passed the Senate on April 13, 1994. Used in conjunction with one another, mediation and an independent, objective appeals system will ensure that disputes are resolved quickly, fairly, and consistently, and will reduce litigation.

It is time that we applied the proven expertise that exists in these mediation programs to the many contentious disputes that arise in USDA programs other than FmHA. The State mediation programs are excellent examples of Federal programs that actually save money. USDA matches up to 70 percent of the cost of administering these programs, with the State providing the remaining funding. It is estimated that for each $1 of Federal funds spent on these mediation programs, the financial savings to the Government—from reduced legal costs, fewer appeals, and spreading losses between other creditors and borrowers—is $3.20 to $5.59. As further evidence of the programs' success, States using these mediation programs have shown a decrease in the delinquency rate for FmHA borrowers.

In fact, Vice President GORE's Report of the National Performance Review, "Creating a Government That Works Better and Costs Less," praised these mediation programs and proposed increasing their use. His review stated that "this type of innovation"—the mediation programs—"should spread faster and further across the Federal Government."

These programs can also help USDA comply with the Administrative Dispute Resolution Act of 1990, which requires Federal agencies to adopt a policy that encourages the use of mediation, conciliation, arbitration, and other means of alternative dispute resolution. In fact, USDA could expand the excellent State mediation programs that already exist in order to comply with the act.

Finally, allowing these mediation programs to resolve disputes on a variety of USDA programs will assist in USDA reorganization. The mediation programs will be able to fully serve the newly combined programs, and they will help the administration realize its goal of a farmer-friendly, reasonable USDA.

USDA programs are becoming increasingly complex and interconnected. It just makes sense to use mediation to help resolve disputes arising from these programs when possible. USDA participants and the Federal Government alike will benefit from mediation programs. I urge my colleagues to pass this legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 2145

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 "Agricultural Mediation Act of 1994".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) AGRICULTURAL MEDIATION PROGRAM.—The term "agricultural mediation program" means a program administered by a State (in accordance with this Act) for the mediation of disputes arising under an eligible Department program.

(2) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(3) ELIGIBLE DEPARTMENT PROGRAM.—The term "eligible Department program" means a program of the Department under which disputes may be resolved under an agricultural mediation program, as determined by the Secretary under section 4.

(4) MEDIATION.—The term "mediation" means a process of negotiation in which an impartial third party attempts to assist parties in negotiating a mutually agreeable resolution of a dispute.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. PURPOSES.

The purposes of this Act are to provide the Secretary with the authority to—

(1) determine which programs of the Department are eligible for mediation, which has proven to be a valuable means of alternative dispute resolution; and

(2) certify States to administer mediation for eligible Department programs.

SEC. 4. DETERMINATION OF ELIGIBLE DEPARTMENT PROGRAMS.

(a) DETERMINATION.—The Secretary is authorized to determine which programs of the Department are eligible Department programs.

(b) DETERMINATION FACTORS.—In making the determination, the Secretary shall consider—

(1) the complexity and technical nature of the Department program;

(2) the protection of the interests of program participants; and

(3) whether mediation as a form of dispute resolution would achieve fairness for program participants and the Department.

SEC. 5. NOTICE OF ELIGIBLE DEPARTMENT PROGRAMS.

Not later than 120 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register—

(1) notice of which programs of the Department are eligible Department programs; and

(2) a solicitation to States to apply for certification to administer agricultural mediation programs for the eligible Department programs.

SEC. 6. CERTIFICATION OF STATES TO ADMINISTER AGRICULTURAL MEDIATION PROGRAMS.

(a) IN GENERAL.—For purposes of this Act, a State is qualified to administer an agricultural mediation program if the Secretary certifies that a proposal by the State to administer the program satisfies the requirements of this section.

(b) DETERMINATIONS.—The Secretary shall determine whether a State is qualified to administer an agricultural mediation program of the State not later than 30 days after the Secretary receives from the State a description of the proposed agricultural mediation program and a statement certifying that the State has met all of the requirements of subsection (c).

(c) CERTIFICATION REQUIREMENTS.—To obtain certification to administer an agricultural mediation program, a State must—

(1) demonstrate a need for the agricultural mediation program within the State based on the agricultural activity, and the number of participants, involved;

(2) ensure that mediation services will be offered to all individuals who are or may be eligible to participate in the eligible Department program;

(3) ensure that the agricultural mediation program is administered by the State or an authorized agent of the State;

(4) provide for the training of mediators;

(5) ensure that confidentiality of the mediation sessions will be maintained; and

(6) ensure that persons and agencies of the Department affected by the program, as determined by the Secretary, receive adequate notification of the agricultural mediation program.

SEC. 7. RECERTIFICATION.

(a) IN GENERAL.—To retain certification to administer an agricultural mediation program, a State must—

(1) recertify the program in a manner prescribed by the Secretary; and

(2) provide affected agencies of the Department with all information required by the Secretary (in consultation with interested parties) on the disputes mediated under the program, subject to the confidentiality requirements of Federal and State law.

(b) PUBLIC AVAILABILITY.—The information described in subsection (a)(2) shall be made available by the Secretary to the public.

SEC. 8. MATCHING GRANTS TO STATES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide matching grants to a State for the administration and operation of an agricultural mediation program.

(b) AMOUNT.—Subject to the availability of appropriations, the Secretary may pay up to 70 percent of the cost of the administration and operation of an agricultural mediation program by a State.

(c) USE.—A State that receives a matching grant to administer an agricultural mediation program under this section may use the financial assistance only to administer and operate the program.

(d) PENALTY.—If the Secretary determines that a State has not complied with subsection (c), the State shall not be eligible for additional matching grants under this section.

SEC. 9. ADMINISTRATION.

(a) INFORMATION.—If the Secretary receives a request from a person for information or analysis that is relevant to a mediated dispute (as determined by the Secretary), the Secretary shall provide the information or analysis to the person.

(b) PARTICIPATION BY SECRETARY.—Subject to subsection (c), the Secretary shall participate in each agricultural mediation program established under this Act.

(c) MEDIATION NONBINDING ON THE SECRETARY.—The Secretary shall not be bound by a decision or negotiated agreement resulting from mediation conducted under an agricultural mediation program if the Secretary has not agreed to the decision or agreement.

SEC. 10. REGULATIONS.

The Secretary shall issue regulations to carry out this Act not later than 120 days after the date of enactment of this Act.

SEC. 11. CONSTRUCTION.

The authority provided by this Act is in addition to, and in no way affects, the authority provided under title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5101 et seq.).

SEC. 12. CONFORMING AMENDMENTS.

(a) WAIVER OF FARM CREDIT MEDIATION RIGHTS BY BORROWERS.—Section 4.14E of the Farm Credit Act of 1971 (12 U.S.C. 2202e) is amended by striking "the agricultural loan" and inserting "an agricultural".

(b) WAIVER OF FMHA MEDIATION RIGHTS BY BORROWERS.—Section 358 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006) is amended by striking "the agricultural loan" and inserting "an agricultural".

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $7,500,000 for each of fiscal years 1995 through 1998.

(b) FEES.—The Secretary is authorized, subject to the availability of funds appropriated in advance, to expend such funds as are necessary to pay any fees charged to an agency that administers an agricultural mediation program for mediating individual disputes to which the agency is a party.

SEC. 14. TERMINATION OF AUTHORITY.

The authority provided by this Act shall terminate on September 30, 1998.

SEC. 15. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

(b) TRANSITIONAL PROVISION.—During the 2-year period beginning on the date of enactment of this Act, a State that (on the date of enactment of this Act) is certified to carry out an agricultural loan mediation program under title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5101 et seq.) shall be considered certified (under section 6 of this Act) to administer any agricultural mediation program.•

By Mr. JEFFORDS:

S. 2146. A bill to amend the Internal Revenue Code of 1986 to provide a special valuation of sensitive environmental areas for estate tax purposes, and for other purposes; to the Committee on Finance.

WETLANDS AND GREENSPACE PRESERVATION ASSISTANCE ACT OF 1994

• Mr. JEFFORDS. Mr. President, I introduce the Forests, Wetlands, and Greenspace Preservation Assistance Act. When passed this bill will remove tax regulations which encourage destruction of environmentally sensitive areas.

The bill is modeled after the family farm exemption already codified in our Tax Code. Under this existing regulation, farm land is assessed at its use-value for purposes of computing estate taxes, provided the descendants continue faming the land for 10 years. If the family stops farming the land, then the estate taxes are recaptured by retroactively assessing the land at its highest and best use value.

My bill essentially extends this special valuation to other environmentally sensitive lands, such as wetlands and forests, provided the descendants agree to keep the lands in their natural stage for at least 20 years. In this bill, green space is taxed as green space, if the land remains as green space.

Mr. President, throughout this Congress we have been actively debating a number of environmental measures. Many of these measures are directly related to land preservation, such as the need to protect wetlands, the importance of our ancient forests and the value of watersheds to the health of surface and ground water. All these policies ask that we preserve these lands, undeveloped, for the good of the community, the health of the environment, and for use and enjoyment by future generations.

One year ago, the President traveled to the Pacific Northwest in order to resolve the longstanding conflict between preserving the old-growth forest of the region and maintaining a viable economy for the small timber dependent towns in the area. As many have stated, this situation had reached the "train wreck" stage.

Such train wrecks are not unique to the Pacific Northwest. In Vermont, and

all though the northern hardwood forest region, we are experiencing a more subtle erosion of our natural resource base as landowners, for a variety of reasons, feel increasing pressure to abandon traditional management practices.

In the hope of better understanding the dynamics and mechanics of changing ownership and use patterns, in 1990 Congress passed legislation establishing the Northern Forest Lands Council. The Council recently published draft recommendations designed to reinforce the traditional patterns of land ownership and uses of large forest areas in the northern forest of Maine, New Hampshire, New York, and Vermont, which have characterized these lands for decades.

Among its 33 recommendations was a call to change estate tax policy to reduce the pressure on heirs to sell, convert, or otherwise change the character of family forest ownership. The bill I am introducing today, which is similar to S. 887, I introduced in the 102d Congress, addresses this concern.

The bill being introduced today is not directed specifically toward the northern forest issues, as this bill would apply nationally to a broader inventory of properties. Nor is this bill meant to solve all the issues of the northern forest, as I expect to join a delegation effort in introducing comprehensive legislation once the Council's recommendations are final.

Mr. President, current rules on estate taxes are having an unintended, negative impact on private property ownership and natural resource stewardship. We should revise this tax policy and remove other policies which directly conflict with the goals of many of the bills we are working to reauthorize this year.

We should not tax people into developing land they would rather preserve. This bill gives beneficiaries time to think about the fate of any land they inherit. Often, those who inherit green space are forced to sell this land to developers in order to pay high tax bills. This bill gives beneficiaries time to seriously consider permanently preserving the land. Taxing the landowner on current use allows them to hold this valuable resource as open space, avoiding the rash decision to develop and holding off the tax man wile they review their options.

The key component of the bill is choice and time to make this choice. National policies must be made consistent. I support programs that protect our environment. Now I am working to change policies which may adversely impact the environment. Forest lands, wetlands, prairie lands, and other green space are an invaluable component of our Nation. Let us give beneficiaries of valuable green space a choice. Protecting these ecosystems will avoid future train wrecks and go a long way toward preserving these lands for future generations.

I am taking action on this single issue today in order to maintain its visibility in the 103d Congress. I think it makes great sense, and I hope to have a chance to debate this issue should Congress consider other tax changes. I welcome the comments of my colleagues and others on this bill.•

By Mr. DECONCINI:

S. 2147. A bill to amend chapter 21 of title 28, United States Code, to clarify the standard by which a justice, judge, or magistrate shall disqualify himself from a hearing; to the Committee on the Judiciary.

JUDICIAL BIAS LEGISLATION

• Mr. DECONCINI. Mr. President, I introduce legislation which will preserve the integrity of our court system by reaffirming statutory standards for the recusal of a judge who demonstrates bias against a party before him. In a recent Supreme Court case, Liteky versus United States, the Court determined that comments or actions made by a judge, during a judicial proceeding, that were unfairly prejudiced for or against a party were not grounds for disqualification, unless there was a showing that a fair judgment is impossible. Under current law, a judge should step down from a case when impartiality might reasonably be questioned. This standard, as interpreted by the Supreme Court in the Liteky case, is now a showing of impossibility.

I believe that the new standard created by the Court is unnecessarily stringent and flies in the face of our Nation's long history of judicial impartiality. The bill I am introducing today would amend the current Federal law, 28 U.S.C. §455, which deals with disqualification of judges, and overrule the Supreme Court's interpretation of that law under Liteky.

The integrity of our entire judicial system rests on the impartiality of our judges. The United States Constitution's guarantee of a fair trial is zealously guarded by the requirement that a judge remain impartial in the proceedings. The Judicial Canon of Ethics, the Judicial Oath and Federal law all require that judges maintain an appearance of impartially so as not to taint the propriety of the bench. Under the Liteky standard imposed by the Supreme Court, a judge could let his or her partiality and prejudice show freely, because the only way he or she would have to step down from a case is if there is a showing that fair judgment is impossible. I believe that judges must do all they can to win the confidence of the American people that our system of justice, created and protected by the constitution, is being fairly and impartially administered.

I am introducing this bill today to protect the right of American citizens to a fair trial. I am not suggesting that judges rescue themselves any time that they hold an opinion. Nor does this bill require judicial recusal in cases where statements were made at a prior trial or where an unfavorable ruling was rendered in a prior case. It is only to ensure that extreme judicial or personal bias and prejudice does not inhibit the rights of citizens to fair and impartial trials.

This bill would provide that a judge should disqualify him or herself in any proceeding in which his or her judicial or extrajudicial statements, conduct or actions would lead a reasonable person to believe a fair and impartial hearing is unlikely. The standard required under this bill is less rigorous than the one articulated by the Supreme Court in the Liteky case. A litigant would not have to meet the strict and unfair standard of impossibility.

The standard for rescual required by this bill is better tailored to fit the needs of litigants and will prevent judges from abusing their discretion in hearing cases in which they cannot remain impartial. Enactment would also restore public confidence that the judicial system is fair and impartial.

Mr. President, I ask unanimous consent that the entire text of the bill be printed in the RECORD.

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

S. 2147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISQUALIFICATION OF JUSTICE, JUDGE, OR MAGISTRATE.

Section 455(a) of title 28, United States code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) For purposes of paragraph (1), the impartiality of a justice, judge, or magistrate shall be reasonably questioned if the judicial or extrajudicial actions or statements of such justice, judge, or magistrate would cause a reasonable person to believe that an impartial proceeding is unlikely.

"(B) The provisions of subparagraph (A) shall not be construed as the only basis to reasonably question the impartiality of a justice, judge, or magistrate, such as a question of such impartiality on the basis of—

"(i) a financial interest of a justice, judge, or magistrate; or

"(ii) any other basis described under subsection (b).".•

ADDITIONAL COSPONSORS

S. 764

At the request of Mr. WOFFORD, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 764, a bill to exclude service of election officials and election workers from the Social Security payroll tax.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cospon-

sor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1096

At the request of Mr. SIMPSON, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1096, a bill to amend the Foreign Assistance Act of 1961 to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, and for other purposes.

S. 1266

At the request of Mr. MACK, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1266, a bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid program, and for other purposes.

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1464

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1464, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure gender equity in education, and for other purposes.

S. 1465

At the request of Mr. HARKIN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1465, a bill to amend certain education laws regarding gender equity training, dropout prevention, and gender equity research and data.

S. 1509

At the request of Mr. DOMENICI, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1509, a bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico.

S. 1539

At the request of Mr. INOUYE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1539, a bill to require the Secretary of the Treasury to mint coins in commemoration of Franklin Delano Roosevelt on the occasion of the 50th anniversary of the death of President Roosevelt.

S. 1693

At the request of Mr. REID, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1693, a bill to amend the Internal Revenue Code of 1986 to delay the effective date for the change in the point of imposition of the tax on diesel fuel, to provide that vendors of diesel fuel used for any nontaxable use may claim refunds on behalf of the ultimate users, and to provide a similar rule for vendors of gasoline used by State and local governments.

S. 1983

At the request of Mr. HEFLIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1983, a bill to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmaster.

S. 2030

At the request of Mr. ROTH, the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Mississippi [Mr. LOTT], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 2030, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 2077

At the request of Mr. HATFIELD, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2077, a bill to provide for waivers of the requirements of the Davis-Bacon Act with respect to certain Federal programs as such requirements relate to volunteers, and for other purposes.

S. 2102

At the request of Mr. STEVENS, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of S. 2102, a bill to amend the Public Health Service Act to expand cancer screening and cancer treatment research, and for other purposes.

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from Maine [Mr. COHEN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Iowa [Mr. GRASSLEY], and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

AMENDMENTS SUBMITTED

LEAD EXPOSURE REDUCTION ACT OF 1994

NICKLES (AND SIMPSON) AMENDMENT NO. 1744

Mr. SMITH (for Mr. NICKLES for himself and Mr. SIMPSON) proposed an amendment to the bill (S. 729) to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section—

"SECTION . SENSE OF THE SENATE CONCERNING LEAD FISHING SINKERS.

"(a) FINDINGS.—

"(1) on March 9, 1994 the EPA promulgated a rule to ban the manufacture and sale of lead, zinc, and brass fishing sinkers,

"(2) the proposed rule was developed in response to a Toxic Substances Control Act petition requesting that EPA label, not ban, lead fishing sinkers,

"(3) EPA states in the proposed rule, 'In addition, an accurate number of waterbirds that could receive a lethal dose of lead or zinc from fishing sinkers, or the probability of consuming a lethal dose, cannot be estimated,'

"(4) no one has studied the effectiveness of fishing sinkers manufactured from lead-substitute materials which can cost eight to ten times as much and have physical or chemical limitations,

"(5) a ban on lead fishing sinkers would put small fishing tackle manufacturers at a competitive disadvantage to major fishing tackle manufactures who can afford to retool and produce fishing sinkers with lead-substitute materials,

"(6) a ban on home manufacturing of lead fishing sinkers would affect up to 1.6 million anglers who make their own sinkers in basements and garages, and

"(7) EPA has commented that a ban on lead fishing sinkers could eventually be expanded to all lead-containing fishing tackle, including lures.

"(b) Therefore, it is the sense of the Senate that the Administrator should finalize no rule or regulation which requires a nationwide prohibition of the manufacture, sale, or use of fishing sinkers, jigs, or lures containing lead, brass, or zinc, until such time as the Administrator gives priority consideration to alternative means of reducing the risk to waterfowl from lead fishing sinkers, including labeling, public education, and state or regional limits."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 24, 1994, at 9:30 a.m. in executive session, to discuss markup on the national defense authorization request for fiscal year 1995.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. 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 Tuesday, May 24, beginning at 10 a.m. to conduct a markup on the following bills and nominations; S. 1902, the Export Administration Act of 1994; Alan Blinder to be Federal Reserve Board member and Vice-Chairman; Steven Wallman to be a member, Securities and Exchange Commission; Philip Diehl to be Director of the U.S. Mint; S. 1952, the U.S. Botanic Garden Commemorative Coin Act.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 24, 1994, at 10 a.m. on public interest considerations and S. 1822.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 a.m., May 24, 1994, to receive testimony on the reauthorizing of the Energy Policy and Conservation Act and on S. 2032, the Emergency Petroleum Supply Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. 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., May 24, 1994, to receive testimony on the science concerning global climate change.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, Tuesday, May 24, 1994, at 10 a.m., to hear testimony on the Social Security earnings test.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, May 24, at 2:45 p.m. to continue ambassadorial nomination hearings on Mr. Frank G. Wisner, to be Ambassador to the Republic of India.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, May 24, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 2075, to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the act; and S. 2074, the Crime Victim Assistance Improvement Act.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, May 24, 1994, beginning at 2:30 p.m., in 628 Dirksen Senate Office Building on S. 2075, to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the act; and S. 2074, the Crime Victim Assistance Improvement Act.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on May 24, 1994, at 8 a.m., recessing at 12 noon, and reconvening in the afternoon, for an executive session to consider the Health Security Act.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 24, 1994, at 4 p.m. to hold an open markup.

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

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation and Forestry be allowed to meet during the session of the Senate on Tuesday, May 24, 1994, at 9:30 a.m., in SR-332, on review of USDA's zero tolerance meat inspection policy.

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

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, May 24, 1994, at 10 a.m., to hold a hearing on medical malpractice.

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

ADDITIONAL STATEMENTS

THE EXPORT ADMINISTRATION ACT OF 1994

• Mr. D'AMATO. Mr. President, today the Committee on Banking, Housing and Urban Affairs marked up the Export Administration Act of 1994 [EAA]. The EAA is the legal authority for implementing both multilateral and unilateral export controls. Our need to continue an effective and enforceable export control system did not disappear with the end of the cold war. Instead, our Nation and the world are faced with new security threats posed by terrorists and others who support the proliferation of weapons of mass destruction.

To put it in perspective, one must look at the big picture. Not only are we faced with reauthorizing the Export Administration Act [EAA] but a number of other things are happening on the export and the export control front.

Currently, on the international front, the United States has no agreement with our allies on a successor regime to CoCom which expired on March 31. The new multilateral regime is critical to controlling the worldwide proliferation of militarily critical products and technologies to rogue regimes. Many members of this committee, on a bipartisan basis, joined me earlier this year in supporting a resolution which passed the Senate expressing the importance of this goal. Without a multilateral organization, the United States could end up controlling these items unilaterally, a situation that is good for neither security or economic interests.

On the domestic front, the administration has decontrolled approximately 70 percent of United States export controls through regulation, including significant decontrols to Russia and China. In fiscal year 1993, there were over 25,000 license applications. In fiscal year 1995, the number is expected to drop to under 8,500. While there was justification for some export decontrol, these efforts appear extreme. From the exporter's point of view, this massive decontrol has resulted in a minimum of $30 billion in new export opportunities for U.S. businesses.

On the legislative front, I commend my colleagues, Senator RIEGLE, Senator SASSER, and Senator MACK for their diligence in attempting to provide a bill that balances the security and economic interests of this country. While I support certain aspects of the bill, I have concerns including concerns regarding the decontrol that is occurring around us. Multilateral control and regulatory decontrol are intricately tied to the effectiveness of what we can accomplish in reauthorizing the EAA. The committee bill and the inclusion of my amendments addressed a number of these concerns.

The committee bill strengthens the U.S. terrorism controls, our most serious security threat today, by making controls mandatory for exports to states which support terrorism. These mandatory controls cover national security and nonproliferation items as well as exports which could contribute to the military potential of those states or to their ability to support terrorism.

The committee bill helps to cut the redtape faced by the exporter when going through the license application process. This bill allows for more timely consideration of U.S. exporter's license application reducing the time spent in the bureaucracy from 120 days down to 60 days. The U.S. exporter should not be disadvantaged in trade due to bureaucratic redtape.

While this EAA bill takes those important steps, there are also areas which concern me greatly. I fully realize the need to help our economy and expand our exports but I do not believe that we can endanger our future security by allowing dangerous dual-use technology to make its way into the hands of the uncontrollable rogue states that threaten the security of the United States and its allies. I believe a number of my colleagues share that goal.

I am afraid that this threat becomes a critical issue in this debate due to: First, the lack of a multilateral successor regime to CoCom to control the proliferation of militarily critical products and technologies to rogue regimes; and, second, the reduction in authority given to the Department of Defense in stopping exports that impact our national security and the nonproliferation of weapons of mass destruction.

My first amendment to the committee bill leaves in place the ability for the Department of Defense to veto an export license if the export threatens our national security. This authority shall remain in place until such time as the President certifies that a new multilateral regime has been established and serves the national security interests of the United States.

Currently, this is section 10(g) of current law. Every EAA proposal on the table completely eliminates this authority in favor of a majority vote by relevant agencies, tilting the scales away from license denial and toward license approval.

The amendment also sets forth strong negotiating objectives for multilateral regimes including that regime members should have verifiable export control systems—Russia wants to be a member but still exports arms to Iran; and, that members and prospective members should seek to prevent arms and other sensitive exports to dangerous states like Iran, Iraq, North Korea, Libya, and any other terrorist nations that are contributing to tensions in the Middle East and elsewhere.

The amendment also requires accountability by the administration in the ongoing negotiations for a multilateral organization by requiring a status report within 30 days of the bill's enactment and requiring the Secretaries of State, Defense, and Commerce to testify before the Banking Committee every 6 months on the progress of the multilateral negotiations.

Another amendment directs all relevant agencies in the license review process to develop an on-line system so that agencies know what is available to review and can do so in the most timely manner. The current licensing system is based on referrals by the Commerce Department. Under this bill, each agency in the licensing review process is allowed to review any license application it chooses. Thus, in the case of DOD, they can see more licenses but take less action.

Lastly, the bill includes my amendment which requires Defense and Commerce to provide licensing information and certify that licenses approved for export did not pose a threat to national security or nonproliferation interests of the United States.

Once again, I do not believe that we can endanger our future security by allowing dangerous dual-use technology to make its way into the hands of the uncontrollable rogue states that threaten the security of the United States and its allies. I look forward to continuing to work with my colleagues on this important issue throughout the legislative process.●

THE CRIMEAN SITUATION

● Mr. DECONCINI. Mr. President, one of the most potentially dangerous hot spots in the former Soviet Union is the Crimean Peninsula, located in Ukraine. Recently, the situation there has become increasingly tense, as the Crimean Parliament voted on May 20 to revert to a 1992 constitution that Ukrainian authorities view as the first step towards secession. The Ukrainian Parliament responded with an ultimatum giving Crimean Parliament 10 days to reverse its decision and bring its laws into line with Ukraine's. The Ukrainian Government is clearly and understandably alarmed at the implications of Crimea's decision with respect to Ukraine's territorial integrity.

Crimea's 2.7 million population is about two-thirds ethnic Russian, one-quarter Ukrainian, and 10 percent Crimean Tatar. In 1991, the population of Crimea voted, albeit narrowly, for Ukrainian independence. Since that time, the economic situation in Ukraine has deteriorated, fueling tendencies in Crimea toward integration with Russia. Even the Ukrainian Government's granting of broad autonomy to Crimea in 1992 apparently has not dampened Crimean moves toward secession. In March 1994 elections, Crimean voters overwhelmingly approved proposals in a nonbinding plebiscite for greater autonomy and closer ties with Russia.

Though Russia's Government has refrained from openly questioning Ukraine's territorial integrity, the question of jurisdiction over Crimea is an obvious flashpoint between Ukraine and Russia. The issue is complicated by the dispute over the Black Sea fleet, based in the Crimean port of Sevastopol. Negotiations between Russia and Ukraine on dividing the fleet collapsed last month, with Russia insisting on retaining full control over Sevastopol.

Both Ukraine and Russia insist that they want to avoid conflict; Ukraine's Foreign Minister has stated Kiev will not use force unless provoked. Russia's Government has pledged not to interfere, although there are troubling reports about Russian chauvinists asserting their readiness to go fight in Crimea and, most recently, Ukrainian President Kravchuk has accused Russian officials of making statements inflaming the situation. The Ukrainian and Russian Prime Ministers are meeting to try to diffuse the situation. They have been joined by the Crimean Deputy Prime Minister. Parliamentarians from Crimea are also in Kiev to discuss the situation. Both the United States and Germany have given their support to Ukraine, noting that Ukraine is acting in a manner consistent with CSCE principles.

Let us hope that efforts continue to reduce tensions and find a solution to the problem in a manner consistent with the principles of the Helsinki Final Act. The Crimean Parliament should think through the implications of its decision and work with the authorities in Kiev to preserve stability in the region. Crimea already enjoys significant autonomy. At this tense moment, Moscow should make clear to Crimea that Russia will not allow itself to be manipulated into a dangerous showdown with Ukraine.

Mr. President, the violation of independent Ukraine's territorial integrity could have unpredictable and far-reaching consequences. I urge all parties to actively avoid confrontation, to take a responsible and conciliatory approach, and to act in a manner consistent with CSCE principles.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that 15 people were killed this week in New York City by gunshot, bringing the total this year to 382.●

CONCERNING THE SECRETARY OF STATE

● Mr. D'AMATO. Mr. President, I rise today to address an article that ap-

pears in the May 30, 1994 issue of Time. The article speculates on who the successor to Secretary of State Warren Christopher might be should he leave office. First among the names mentioned, is one that has been mentioned before, Strobe Talbott. If Mr. Christopher's departure is imminent and President Clinton is contemplating Deputy Secretary of State Talbott's nomination for the position, I offer only one admonition: Don't.

Mr. President, I ask that the article from Time, be included in the RECORD following my remarks.

The article follows:

IS IT TIME FOR HIM TO GO?

(by Michael Kramer)

Earl Weaver, the former Baltimore Orioles manager, was famous for an off-color vocabulary even a Hell's Angel might envy. When he was particularly upset with an unfavorable call, however, Weaver would stow the four-letter words and calmly ask the offending umpire, "Are you going to get any better, or is this it?" The same question (and the identical implied answer) could be asked of Bill Clinton when it comes to the President's feeble and often feckless foreign policy. In fact, experts have been asking it for months, but "it's getting heavy now," concedes a senior Administration official. "All the polls show it. Real people are getting real nervous. The perception of ineptitude is growing. The public doesn't like foreigners' thinking the President is out of his depth. Americans don't like being embarrassed. It's hurting the President's overall job-approval ratings, and it'll continue hurting unless something's done about it."

But what? How about a sacrifice? Unlike baseball managers, Presidents can't be fired until the next election. In politics, it's the appointed players who go. Soon that player may be Warren Christopher. Friends and associates of the Secretary of State are quietly discussing his possible departure, hints of which can be found in last week's statements from the Middle East. During Christopher's latest diplomatic shuttle between Israel and Syria, the guarded descriptions of progress contained a caveat. Both Jerusalem and Damascus, U.S. officials said, want Christopher even more involved as the "honest broker" in their negotiations. "Now, what if that's ratchetted up?" asks a Clinton adviser. "What if a comprehensive peace is seen to require Chris' full-time attention and he becomes our special Middle East envoy? Or maybe he can get some declaration of principles signed and just walk off. Either way, he could save face and claim a legacy, right?"

As trial balloons go, this one has more air than most. But who would replace Christopher? Five people are mentioned by those familiar with the Administration's desire to project a new certitude abroad. From among the current insiders are Deputy Secretary of State Strobe Talbott, an intellectually gifted friend of the President's; and National Security Adviser Tony Lake, who appears to have the greatest day-to-day influence on Clinton when the subject is foreign affairs. The question, though, is whether anyone from the present roster would be seen as a credible "agent of change," to borrow a favorite Clinton phrase. Leading the list of new-blood types from outside the inner circle:

Lee Hamilton. Despite his reputation as a dispassionate analyst, the House Foreign Affairs Committee chairman has at times blasted Clinton's weak performance abroad. On Haiti, for example: "We don't know what the policy is, but we know what kind of underwear [Clinton] wears." Cracks like that one can't endear him to the President. But Hamilton "would bring some professionalism to the amateur hour around here," says a State Department official. "If we'd changed our refugee policy on Lee's watch, you can bet there would have been some interim way of dealing with the Haitian boat people before we got the new procedures in place. We wouldn't be turning people back and looking ridiculous. After all, the reason for our change is that those we've sent back so far are being brutalized when they're returned."

Walter Mondale. The former Vice President and current U.S. ambassador to Japan is a cool, straight-talking pol. During his losing race against Ronald Reagan in 1984, Mondale resisted promising what he knew or suspected he couldn't deliver. Clinton needs to learn what Mondale seems to know instinctively: disaster haunts those whose rhetoric doesn't match reality. On North Korea, a Mondale-inspired policy would probably avoid any further "public blue-skying about U.S. options," says Leslie Gelb, president of the Council on Foreign Relations. "What's needed there now is a forthright expression of our goal—the denuclearization of the Korean peninsula; an articulated willingness to trade improved relations and economic assistance as the means to get the North to play ball; a sternly delivered reminder that we stand by our pledge to defend the South—with the specifics left purposely vague; and then an intense but completely private diplomacy." For tasks like those, Mondale fills the bill. He is exceptionally well disciplined and has the standing to ensure that everyone reads from the same script—and shuts up when told to.

Colin Powell. The former Joint Chiefs chairman is a long shot, but he would bring instant credibility and remove a possible 1996 rival to the President. Powell is as risk-averse to military adventures as Clinton is, but that could be a strength. Given his background and especially his command of Desert Storm, Powell alone may possess the stature necessary to make diplomacy work when the President's primary objective is to avoid the use of force.

A shift at State may be clever and helpful, but in diplomacy as well as in baseball, it's the manager who sets the tone. The players can make the President look good, but only if he sets the goals and pursues them resolutely. If he doesn't, the losses, both real and perceived, will mount. Before long, that weakness could spark a crisis that dwarfs Bosnia, Somalia and Haiti—a crisis that the evidence so far indicates Clinton would bungle miserably.●

ADDITIONAL CONFEREES—H.R. 3474

Mr. REID. Mr. President, I ask unanimous consent that the following Senators be added as conferees to H.R. 3474, the Community Development Banking Act: From the Committee on Finance for matters solely within the Finance Committee's jurisdiction, including 209, 210 and 408 of the Senate amendment, Senators MOYNIHAN, BAUCUS and PACKWOOD.

This has been approved by the finance and banking committees.

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

MEASURES INDEFINITELY POSTPONED

Mr. REID. Mr. President, I ask unanimous consent that the Calendar Nos. 112, 325, 331, 365 and 366 be indefinitely postponed.

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

Mr. REID. 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. PELL. 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 PASSING OF BANCROFT LITTLEFIELD

Mr. PELL. Mr. President, I rise today to note the passing Sunday in Providence, RI, of Bancroft Littlefield, a very distinguished attorney and public-spirited citizen of my State. Mr. Littlefield was a partner in the prominent Providence firm of Edwards and Angell for over 52 years before retiring in 1989. He was active in the affairs of his alma mater, Brown University, and contributed generously of his time and his immense talents to a host of important organizations and causes in my State.

I would also note that his son, Nick Littlefield, serves in the Senate most ably and fairly as the staff director of the Committee on Labor and Human Resources. I extend my sympathy to Nick, his mother and all of his family.

I ask unanimous consent that an account of Mr. Littlefield's death, which appeared in this morning's edition of the Providence Journal, be printed in the RECORD.

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

BANCROFT LITTLEFIELD, 80; LAWYER, SOLDIER

PROVIDENCE.—Bancroft Littlefield, 80, of Medway Place died Sunday at the Bethany Home. He was the husband of Anne (Davidson) Littlefield.

Born in Providence, he was a son of the late Ivory and Mary R. (Walley) Littlefield.

Mr. Littlefield was a lawyer in the firm of Edwards & Angell from 1937 until retiring as a senior partner in 1989. He attended Brown University, was elected to Phi Beta Kappa, and graduated in 1934, after a year at the University of Paris. He received his law degree from Harvard Law School in 1937.

He was a member of the Rhode Island, Massachusetts and American Bar Associations. He was a fellow of the American College of Trust & Estate Counsel. During World War II, he served as a major in Army Intelligence.

Mr. Littlefield served as a trustee at Brown University from 1966 to 1971, and as a member of the board of fellows from 1971 to 1981. He was a member of Central Congregational Church, and a member of the permanent diaconate for 40 years. He served as a

member of the distribution committee of the Rhode Island Foundation from 1965 to 1988. He was affiliated with the Rhode Island Commission for Higher Educational Facilities, the Providence Building Sanitary & Educational Association, the Mary C. Wheeler School, and the Meeting Street School. He was a member of the Providence Art Club, and the Shop Club.

Besides his wife he leaves a son Bancroft Littlefield Jr. of Washington, D.C.; two daughters, Anne B. Littlefield of Princeton, Mass., and Mary R. Littlefield of Waltham, Mass.; a brother, John W. Littlefield of Owings Mills, Md.; two sisters, Miriam P. Brooks of Weston, Mass., Katharine L. Poor of Princeton, and four grandchildren. He was brother of the late Ivory Littlefield Jr.

A memorial service will be held Friday at noon at Central Congregational Church, Angell Street, Burial will be private.

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

The PRESIDING OFFICER. A quorum has been questioned. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. 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.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Wednesday, May 25; 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 immediately thereafter, the Senate proceed in executive session to resume consideration of the motion to invoke cloture on the nomination of Sam W. Brown, Jr. as provided for under the provisions and limitations of a previous unanimous consent agreement.

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

RECESS

Mr. MITCHELL. 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 7:07 p.m., recessed until Wednesday, May 25, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 1994:

DEPARTMENT OF ENERGY

PATRICIA FRY GODLEY, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JAMES G. RANDOLPH, RESIGNED.

DEPARTMENT OF JUSTICE

LARRY REED MATTOX, OF VIRGINIA, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS, VICE WAYNE B. BEAMAN.

THE JUDICIARY

JOSE A. CABRANES, OF CONNECTICUT, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE RICHARD J. CARDAMONE, RETIRED.

INTER-AMERICAN FOUNDATION

HARRIET C. BABBITT, OF ARIZONA, TO BE MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2000. (REAPPOINTMENT)

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

MICHAEL MAREK, OF ILLINOIS, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 2 YEARS, VICE MARK MC CAMPBELL COLLINS, JR., RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS STATED, AND FOR THE OTHER APPOINTMENT INDICATED:

FOR APPOINTMENT AS A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE; CLASS OF COUNSELOR, AND A CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ARTHUR F. SALVATERRA, OF PENNSYLVANIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANTHONY FRANCIS ROCK, OF NEW HAMPSHIRE

AGENCY FOR INTERNATIONAL DEVELOPMENT

BETSY HULNICH BROWN, OF NEW YORK
DARREL L. DOLLEY, OF FLORIDA
JAIRO JOSEPH GRANADOS, OF CALIFORNIA
WILLIAM ROWAN GRANGER, OF PENNSYLVANIA
ROGER MAX WALTON, OF TEXAS
JERRY J. WOOD, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

P.E. BALAKRISHNAN, OF CONNECTICUT
CHRISTOPHER M. BROWN, OF NEW YORK
RICHARD J. CAIN, OF FLORIDA
JATINDER K. CHEEMA, OF VIRGINIA
ALAN RUSSELL CHITWOOD, OF ARIZONA
COLETTE CLAUDE COWEY, OF MARYLAND
VERNITA PEARL FORT, OF CALIFORNIA
JAMES R. FUNKEY, OF FLORIDA
KATHERINE MARION JONES-PATRON, OF VIRGINIA
MARY E. LEW, OF CALIFORNIA
ERIC R. LOKEN, OF FLORIDA
KENNETH PARTICK LUE PHANG, OF TENNESSEE
ANDREW H. MALINER, OF TEXAS
INGRID PETERS, OF VIRGINIA
TIM C. RIEDLER, OF CALIFORNIA
PAT RENEE SHAPIRO, OF NEW YORK
GEORGE R. THOMPSON, OF CALIFORNIA
TERESE W. WHITE-HENRY, OF CALIFORNIA

FOR REAPPOINTMENT IN THE FOREIGN SERVICE AS A FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

UNITED STATES INFORMATION AGENCY

RICHARD G. BROWN, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ELLIOTT D. MC CARTY, OF CALIFORNIA
GEORGIA TYISKA WRIGHT, OF MICHIGAN

DEPARTMENT OF COMMERCE

JON L. KUEHNER, OF IOWA

AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN L. ANDERSON, OF VIRGINIA
GREGG R. BAKER, OF MARYLAND
ROBERT BONCY, OF CALIFORNIA
WILLIAM R. BRANDS, OF VIRGINIA
CLAUDIA CONTELL, OF FLORIDA
CAROL CAROLUS, OF VIRGINIA
FRANK EDWARD CAROPRESO, OF NEW JERSEY
CARMEN MARGARITA CASTRO, OF VIRGINIA
E. LEWIS CONNER, OF TENNESSEE
ANTOINETTE FERRARA, OF CALIFORNIA
KAREN L. FREEMAN, OF VIRGINIA
BRAD FUJIMOTO, OF CALIFORNIA
JOSE MANUEL GARZON, OF CALIFORNIA
EARL GAST, OF CALIFORNIA
CAROLE JUANITA JONES, OF COLORADO
KIMBERLY KESTER, OF CALIFORNIA
NEIL MC DONALD KESTER, OF CALIFORNIA
CHERYL ANDERSON KIAI, OF MARYLAND
ELLEN LEDDY, OF TEXAS
DAVID LIEBERMAN, OF ALASKA
CHARLES ELROY LLEWELLYN III, OF NORTH CAROLINA
MIGUEL ALBERTO LUINA, OF WASHINGTON
DENNIS B. MC CARTHY, OF WASHINGTON
LAWRENCE A. MESERVE, OF VIRGINIA
PAULA SILVEY MILLER, OF FLORIDA
ROBERT W. NORMAN, OF CALIFORNIA
MONICA STEIN OLSON, OF ILLINOIS
ABEL ORTUNIO, JR., OF TEXAS
ELIZABETH E. PALMER, OF ARIZONA
HOWARD E. PFEFFER, OF VIRGINIA
KENNETH D. REAGER, OF NEVADA
CAROLJO RUSHIN-BELL, OF OREGON
FREDERIC G. SCOTT, OF WISCONSIN
DAVID ALLEN SOROKO, OF CONNECTICUT
GAIL MONIQUE SPENCE, OF CONNECTICUT
JAMES IRWIN STEIN, OF MISSOURI
AUDON TRUJILLO, JR., OF NEW MEXICO

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

RICHARD H. ADAMS, OF CALIFORNIA
ASPEN AMAN ARVANDI, OF MARYLAND
CLARE ALISON BARKLEY, OF MARYLAND
WILLIAM BELLIS, OF TEXAS
RANDALL CLIFFORD BUDDEN, OF MICHIGAN
KELLY SCOTT CECIL, OF VIRGINIA
KEES CABOT DAVISON, OF NEW YORK
SUSAN MARSH ELLIOTT, OF CONNECTICUT
TIMOTHY L. FORSYTH, OF OREGON
KAREN E. GALLEGOS, OF NEW MEXICO
PATRICIA ANN GREGORY, OF WASHINGTON
MARY THERESE BUTLER GUDJONSSON, OF MINNESOTA
DANIEL HALL, OF TEXAS
ELIZABETH JANE JORDAN, OF COLORADO
EDMUND R. LEATHER, OF RHODE ISLAND
STEPHEN MC LEOD LISTON, OF CALIFORNIA
WILLIAM L. MC CULLA III, OF VIRGINIA
JOHN WALTON MERIWETHER, OF OREGON
WILLIAM JEFFREY MERRELL, OF MARYLAND
DOUGLAS JOHN MEURS, OF NEW YORK
STEPHANIE ANNE MILEY, OF MARYLAND
ELIZABETH E. MOORE, OF VIRGINIA
BRIAN R. MORAN, OF CONNECTICUT
WILLIAM B. PLUMMER, OF MARYLAND
ELIZABETH MABEL WHALEN PRATT, OF THE DISTRICT OF COLUMBIA
CELINA B. REALUYO, OF NEW JERSEY
HENRY MASSIE RECTOR, OF ARKANSAS
JOHN NEIL RIES, OF OHIO
ALVIN H. STREETER, JR., OF THE DISTRICT OF COLUMBIA
MARA ROXANNE TEKACH-BALL, OF NEW YORK
SCOTT BRIAN TICKNOR, OF VIRGINIA
DENISE A. URS, OF TEXAS
JESSICA WEBSTER, OF FLORIDA
TERRENCE EDWIN WEST, OF CALIFORNIA
MICHAEL K. YEN, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

INDRAN J. AMIRTHANAYAGAM, OF NEW YORK
STEPHEN CHRISTOPHER ANDERSON, OF MISSOURI
TANIA E. ANDERSON, OF VIRGINIA
TANYA CECELIA ANDERSON, OF PENNSYLVANIA
THOMAS J. ANDAHL, OF VIRGINIA
ALINA ARIAS-MILLER, OF INDIANA
MARK A. AUGUSTINE, OF VIRGINIA
KAREN B. BACON, OF VIRGINIA
ROBERT L. BATCHELDER, OF COLORADO
RICHARD C. BOLY, OF WASHINGTON
EDWIN LLOYD BRAUCHLI, OF VIRGINIA
NORAH H. BROADBENT, OF VIRGINIA
LISA BRODEY, OF WASHINGTON
JOANNE BROOKS, OF CALIFORNIA
GREGORY L.D. BROWN, OF VIRGINIA
GRACE MORSE BRUNTON, OF NEVADA
KATHARINE C. BRYAN, OF VIRGINIA
RONALD N. CAPPS, OF FLORIDA
CATHERINE L. COLEMAN, OF VIRGINIA
CARYN R. COSSAREK, OF VIRGINIA
J. CHRISTOPHER COX, OF VIRGINIA
CRAIG A. CURTIS, OF VIRGINIA
LISA A. CURTIS, OF VIRGINIA
SHANNON L. EISEN, OF VIRGINIA
ANGELA BARBANO EMERSON, OF VIRGINIA
JOSEPH B. FAIST III, OF VIRGINIA
LETICIA FERNANDEZ, OF VIRGINIA
RENITA J. FRY, OF VIRGINIA
STEVEN A. GARCIA, OF VIRGINIA
DAVID ROBERT GREENBERG, OF NEW JERSEY
LISA B. GREGORY, OF PENNSYLVANIA
PAUL B. GRIFFITH, OF VIRGINIA
BONNIE SUE GUTMAN, OF CALIFORNIA
BRIAN L. HALLA, OF VIRGINIA

HELEN MARIE HAMER, OF WEST VIRGINIA
TIMOTHY D. HARRELL, OF VIRGINIA
CAROLINE R. HARTZLER, OF VIRGINIA
LISA MIRIAM HEILBRONN, OF PENNSYLVANIA
LISA A. HENDERSON, OF PENNSYLVANIA
SHEILA M. HOBAN, OF ARIZONA
PATRICIA HOFFMAN, OF VIRGINIA
LAURA TERESE HON, OF VIRGINIA
ANDREW COCHRANE HOYE, OF CALIFORNIA
KENNETH G. HUCK, OF VIRGINIA
JAMES JOSEPH HUNTER, OF VIRGINIA
MARK P. HUPPERT, OF VIRGINIA
LOWELL E. INGOLD, OF VIRGINIA
RUTHANN A. IRISH, OF ILLINOIS
RICHARD G. IRWIN, OF VIRGINIA
ANTHONY P. JACOBY, OF VIRGINIA
COURTNEY RENE JOHNSON, OF MARYLAND
MARY B. JOHNSON, OF INDIANA
WENDY M. JOHNSON, OF CALIFORNIA
KIM JUDKINS, OF ARIZONA
JEREMY KELLER, OF THE DISTRICT OF COLUMBIA
MICHAEL E. KIRSCHMAN, OF VIRGINIA
BRUCE P. KLEINER, OF IDAHO
MARY ELLEN NOONAN KOENIG, OF MISSOURI
DOUGLAS A. KONEFF, OF FLORIDA
KATHLEEN A. KRIGER, OF THE DISTRICT OF COLUMBIA
CAROL JEAN NESSLER LOCKE, OF FLORIDA
JOSEPH T. LYNCH, OF NEW YORK
GLENN R. MANSFIELD, OF VIRGINIA
ANDREW W. MARTIN, OF THE DISTRICT OF COLUMBIA
MARK F. MATHIES, OF VIRGINIA
KEN DAVID MC CLAIN, OF VIRGINIA
MARGARET GRAN MITCHELL, OF VIRGINIA
JEFFREY A. MOFFATT, OF CONNECTICUT
CHRISTOPHER MONDINI, OF CALIFORNIA
THOMAS M. MORAN, OF MARYLAND
JAMES D. MULLINAX, OF WASHINGTON
BRIAN P. O'CONNOR, OF VIRGINIA
CHRIS G. PALMER, OF OREGON
CHARLES D. PARTLOW, OF VIRGINIA
DAVID S. PERINE, OF VIRGINIA
JOAN A. POLASCHIK, OF VIRGINIA
KETHLEEN E. REILLY, OF CALIFORNIA
FREDERICK R. RIOS, OF MARYLAND
DAVID G. ROBERTSON, OF VIRGINIA
ASHLEY ELIZABETH RODEMACHER, OF TEXAS
SHAUN J. RYAN, OF VIRGINIA
KIMBERLY A. SANCHEZ, OF VIRGINIA
LISA SELDON, OF NEW JERSEY
WILLIAM DAVIES SOHIER III, OF MASSACHUSETTS
WILLIAM FRANCIS SPALDING, OF THE DISTRICT OF COLUMBIA
MICHAEL A. STODDARD, OF VIRGINIA
PATRICIA H. SULLIVAN, OF VIRGINIA
JAMES HARLAN THIEDE, OF CALIFORNIA
ROMAN MICHAEL TIRAMBULO, OF VIRGINIA
STEWART D. TUTTLE, JR., OF CALIFORNIA
VON H. VAN HORN, OF VIRGINIA
STEPHEN H. WAGNER, OF VIRGINIA
JOSEPH J. WALKER, OF FLORIDA
BENJAMIN A. WATSON, OF VIRGINIA
CHARLES P. WENNERMARK, OF VIRGINIA
KENNETH M. WETZEL, OF VIRGINIA
JOHN P. WHALEN, OF MASSACHUSETTS
FRANK J. WHITAKER, OF VIRGINIA
JAN W. WIERENGA, OF NORTH CAROLINA
ANTHONY MERRITT WILSON, OF VIRGINIA
MARGARET G. WOODBURN, OF MINNESOTA
ROBIN L. YEAGER, OF NEW JERSEY
BARBARA B. YODER, OF VIRGINIA
KENNETH HUGH YOUNG, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE PREVIOUSLY PROMOTED INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 24, 1993, NOW TO BE EFFECTIVE OCTOBER 20, 1992:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

BRUCE T. MULLER, M.D., OF MICHIGAN

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. ROBERT C. OAKS [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. WALTER KROSS [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. BRUCE L. FISTER [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL E. STEIN [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAY M. GARNER [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate May 24, 1994:

DEPARTMENT OF DEFENSE

CLARK G. FIESTER, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

DEREK SHEARER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FINLAND.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8351, AND 8374, TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. WILLIAM M. GUY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8351, AND 8374, TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. PAUL A. WEAVER, JR. [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE, UNITED STATES ARMY FOR A PERIOD OF 4 YEARS, UNDER SECTION 3038, TITLE 10, UNITED STATES CODE:

To be chief, Army Reserve

MAJ. GEN. MAX BARATZ, [redacted] UNITED STATES ARMY

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ALONZO E. SHORT, JR. [redacted]
LT. GEN. SAMUEL N. WAKEFIELD [redacted]
LT. GEN. THOMAS P. CARNEY [redacted]
LT. GEN. JAMES R. ELLIS [redacted]
LT. GEN. MERLE FREITAG [redacted]
LT. GEN. LEO. J. PIGATY [redacted]
LT. GEN. HAROLD T. FIELDS, JR. [redacted]
LT. GEN. PAUL G. CERJAN [redacted]
LT. GEN. JEROME H. GRANRUD [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. LESLIE M. BURGER [redacted]
BRIG. GEN. JAMES B. PEAKE [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JOHN G. COBURN [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED BRIGADIER GENERALS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. CLAUDE W. REINKE [redacted]
BRIG. GEN. CARLTON W. FULFORD, JR. [redacted]
BRIG. GEN. CAROL A. MUTTER [redacted]
BRIG. GEN. FRANK LIBUTTI [redacted]
BRIG. GEN. TERRENCE R. DAKE [redacted]
BRIG. GEN. JAMES L. JONES, JR. [redacted]
BRIG. GEN. JOHN E. RHODES [redacted]
BRIG. GEN. THOMAS L. WILKERSON [redacted]
BRIG. GEN. PETER PACE [redacted]
BRIG. GEN. RAY L. SMITH [redacted]

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. NORMAN E. EHLERT [redacted]
LT. GEN. ROBERT A. TIEBOUT [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JERRY L. UNRUH [redacted]

IN THE AIR FORCE

AIR FORCE NOMINATION OF CATHY J. SCHOORENS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1994.

AIR FORCE NOMINATIONS BEGINNING MAJ. ROBERT A. BAKER, [redacted] AND ENDING MAJ. BRADLEY M. KASSON, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1994.

AIR FORCE NOMINATIONS BEGINNING CHARLES E. AMOS, AND ENDING MARJORIE S. PAULSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1994.

AIR FORCE NOMINATIONS BEGINNING MAJ. RONALD D. BROOKS, [redacted] AND ENDING MAJ. JEFFREY D. BREYMAIER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 3, 1994.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WILLIAM M. CASEY, AND ENDING BENJAMIN F. LUCAS II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING CHRISTIAN ANDERSON, AND ENDING CARL V. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING STEPHEN L. ELDER, AND ENDING DONALD R. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING JOHN C. ATKINSON, AND ENDING STEVEN A. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING JOSEPH B. FLATT, JR., AND ENDING MICHAEL F. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING HUMBERTO J. ACOSTA, AND ENDING RICHARD M. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING STEPHEN G. ABEL, AND ENDING HOWARD W. YELLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

ARMY NOMINATIONS BEGINNING THOMAS E. AYRES, AND ENDING *JOEL E. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1994.

ARMY NOMINATIONS BEGINNING VALERIE J. RICE, AND ENDING JAY J. BREYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 3, 1994.

ARMY NOMINATIONS BEGINNING WILLIAM G. BUTTS, JR., AND ENDING MICHAEL T. MC CABE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 3, 1994.

ARMY NOMINATIONS BEGINNING ERIC D. ADRIAN, AND ENDING RULY YOEDIONO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 3, 1994.

ARMY NOMINATION OF MAJ. MILLIE E. HUGHES-FULFORD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 5, 1994.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING CLIFFORD M. ACREE, AND ENDING DAVID H. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

MARINE CORPS NOMINATIONS BEGINNING RONNIE L. PATRICK, AND ENDING ROBERT F. CASTELLVI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

MARINE CORPS NOMINATIONS BEGINNING RICHARD M. DUNNIGAN, AND ENDING RONALD L. BAILEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1994.

MARINE CORPS NOMINATION OF MICHAEL S. FAGAN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1994.

MARINE CORPS NOMINATION OF STEPHEN F. MUGG, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 21, 1994.

MARINE CORPS NOMINATIONS BEGINNING JASON A. ABELL, AND ENDING MARK W. ZIPSIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 5, 1994.

IN THE NAVY

NAVY NOMINATIONS BEGINNING FRANK HENRY ARLINGHAUS, AND ENDING WILLIAM ALFRED SYVERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993.

NAVY NOMINATIONS BEGINNING RONALD LEE ALSBROOKS, AND ENDING WILLIAM J. STEWART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1994.

NAVY NOMINATIONS BEGINNING DIANA B. BARRETT, AND ENDING CYNTHIA A. WILKES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1994.

NAVY NOMINATIONS BEGINNING CRAIG L. ABRAHAM, AND ENDING HEATHER M. ZWYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 5, 1994.

HOUSE OF REPRESENTATIVES—*Tuesday, May 24, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mrs. LLOYD].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 24, 1994.

I hereby designate the Honorable MARILYN LLOYD to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, February 11, 1994, and Monday, May 23, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority and minority leaders, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

ADMINISTRATION FOREIGN POLICY

Mr. GILMAN. Madam Speaker, it is 16 months since the Clinton administration came into office. When President Clinton received the mantle of leadership from President Bush, the world was a far different place than when President Bush had assumed the Presidency 4 years earlier.

When Mr. Clinton took the oath of office, the threat of nuclear war between the United States and the Soviet Union, after hanging over the entire world for two generations, was gone—as was the Soviet Union.

The Berlin Wall, a symbol of Soviet communism for more than 30 years, was a pile of rubble. The United Nations, freed from the frozen confines of the cold war, was being used for humanitarian purposes.

The United States had proven itself as a leader and reliable partner in world affairs, as was seen in the coalition we built to fight the Persian Gulf war. Nations emerging from years of totalitarian darkness in the cold war were seeking—with our help—to translate our ideals into action.

After 16 months into the Clinton administration it is time to ask: Where in the world do we stand? Seeking that answer has many shaking their heads in wonderment. Let us examine the record:

The high hopes of the United Nations as a force for humanitarian purposes foundered in the deserts of Somali on the rocks of nationbuilding and a posse hunted down a war lord.

In peacekeeping, the United Nation's credibility is under strain. The use of American dollars appears to sustain operations that provide little return for high cost.

A confused command structure has held the United Nations up to ridicule as it struggles to define and implement policy.

In world capitals, our Nation is being challenged by adversaries and allies alike. Many are questioning whether Mr. Clinton has the sense of purpose of his predecessors.

During the Reagan-Bush years, the United States sought to define U.S. foreign policy in lines that were clear and bright so that allies and adversaries would know just where we stood on the issues.

We succeeded largely because we understood that, to succeed, our foreign policy required bipartisan support.

The Clinton administration contends that it seeks a bipartisan foreign policy—and we would welcome a bipartisan foreign policy. But bipartisanship is a two-way street.

This administration's brand of bipartisanship asks Republicans not how to help chart the course but to cushion the crash landings of its foreign policy initiatives.

In his candidacy, President Clinton promised to "focus like a laser on the economy." The implication of that statement was that foreign policy did not require the same kind of concentrated thinking which he planned to devote to domestic issues.

But, just as we observe on such issues as the trade status of China, export controls over dual-use technology, and other such concerns, foreign policy and economic policy become inseparably interwoven.

Regrettably, the administration's approach to foreign policy looks and sounds more like a pinball machine—all flashing lights and buzzers, not knowing where the ball is going to land.

Headlines in the news media tell the story: From the Chicago Tribune of May 18—"U.S. Steps Back From U.N. Mission in Rwanda"; from the Philadelphia Inquirer of May 19—"White House Weighs Face-Saving Measures on Chinese Trade"; from yesterday's Washington Post—"Clinton's Solution on Chinese Trade May Be Problem."

An editorial in the Baltimore Sun of May 17 described the administration's latest peace initiative in Bosnia as "an American retreat from untenable policy positions."

The respect and regard with which our Nation is held in the world cannot long withstand the repeated effects of such a disjointed approach to foreign policy.

We must not squander our Nation's resolve and determination which has been built up over the years, and our support for the democratic ideals for which our Nation stands.

It is time for the administration to take up the mantle of world leadership that it sought, received, and with which it was invested 16 months ago.

ACCOMPLISHING SOMETHING POSITIVE IN HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Madam Speaker, like many Haitians, administration foreign policy is adrift in a leaky boat. It's not the what, it's the how. We agree that the goal in Haiti is to restore democracy, but how can we accomplish that goal? For the fifth time since the 1991 coup that ousted Haiti's popularly elected President, Jean Bertrande Aristide, the United States this weekend escalated punishing economic sanctions against Haiti. Aimed at the military regime, the latest round of stronger sanctions are proving to be just as off-target as their predecessors. They are further demoralizing and impoverishing Haiti's poor, who are again building leaky boats and taking to the seas. Even United States activist Randall Robinson, who has already had a clear impact on the President's policy toward Haiti, now insists sanctions will not work. Yesterday, Mr. Robinson, said, "Because the sanctions will not work we have no choice but to pursue ultimately a solution of military intervention." If the sanctions are not hitting the military, what are they doing? American businessmen who have weathered many political storms to continue providing jobs and productivity in Haiti, are finally having to

fold up shop. One Florida businessman from my district closed his operation this weekend and took with him the livelihood of 180 Haitians. "This is the hardest thing I've ever done" he said, "There's no welfare here. When these people walk out on the street, they have nothing." In a country where more than 75 percent of the population lives in abject poverty one paycheck often supports an extended family of 10.

The administration may be pleased with a Dominican Republic pledge for stronger enforcement of the embargo, but even Randall Robinson knows that the end result will be tougher times for the Haitian people while the military finds the loopholes—and there will inevitably be loopholes.

There is a better solution to a misdirected embargo and military invasion of Haiti. For the last 18 months I have offered a plan for a safe haven on Haitian soil—such as the Ile de la Gonave—under the auspices of the OAS and the United Nations. Under this plan, day-to-day economic, political, internal security, and other decisions would be Haitian responsibilities. External security would be provided to the island by one Coast Guard cutter passing periodically through the channel between the island and the Haitian mainland, it is already there. We know 88,000 people already live on this 269-square-mile island, and it is virtually free of military shenanigans. We also know the Haitian military has neither the interest nor the ability to overrun it.

The return of the democratically elected government to Haitian soil would provide the morale boost so desperately needed by the beleaguered Haitian people.

In addition, the safe haven would be the ideal place to provide support services and humanitarian relief for refugees leaving the mainland. The immigration magnet would be shifted away from United States shores, to a Haitian island 16 miles across the Gulf of Gonave. Rather than pounding the poorest country in our hemisphere with more economic punishment, the safe haven would pave the way for long-term democracy and economic stability.

This is not a new idea. The United Nations High Commission on Refugees used a similar approach in Sri Lanka in the early 1990's with its open refugee center program on Mannar Island.

While there were some difficulties in providing for the external security of these centers, that problem is easily solved on island haven of Gonave. Today, Members have the chance to vote for this type of positive proposal, which avoids United States military invasion, provides for an immediate lifting of the misery embargo, offers safe haven and hope to Haitian refugees and actually accomplishes something for democracy in Haiti.

Don't be fooled—the Dellums-Hamilton amendment approach, for all its four pages of nice words, does not solve the problem for Haiti. We are gratified that it now seems to include strong language against military intervention. However, apparently this is still a moving target and may be further updated. Vote for the Goss safe haven amendment.

□ 1040

INTRODUCTION OF THE LAUNCH SERVICES CORPORATION ACT OF 1994

The SPEAKER pro tempore (Mrs. LLOYD). Under the Speaker's announced policy of February 11, 1994, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 5 minutes.

Mr. HEFLEY. Madam Speaker, today I would like to talk about a subject that has bothered me since I came to Congress in 1987, and that is the steady erosion of America's eminence in space, and particularly the space launch industry.

When I came to Congress, we had just lost the *Challenger* in 1986, and for all practical purposes, we were out of space for 2 years because we simply could not get things together to get back into our space program.

In space, money matters. It costs about $9,000 to launch a pound into orbit aboard Europe's Ariane, the world's most successful commercial rocket. This figure outstrips our Titan III. Our Atlas and our Delta are competitive for now. Next year's launch of an improved Ariane could leave only Delta as a competitive rocket. Even these figures do not take into account entry into the commercial market of nonmarket economies such as China and Russia.

These two are pursuing a pricing trend which may stabilize at $4,000 a pound, half of what anyone else charges.

All of this has resulted in the loss of 70 percent of the world commercial launch market over the past few years. We used to have 100 percent. We have lost about 70 percent. We now have about 30 percent.

How have we reacted to this? We have tried diplomacy. We tried to limit the number of commercial satellites China and Russia can make. We have made incremental improvements to our existing fleet. We have spent about $2 billion and $3 billion over the last 6 years studying ways of making launches cheaper.

Where is the action? The American launch industry is insulated from the market pressures other businesses face. The Federal Government is overwhelmingly the biggest customer of the U.S. space-launch industry.

Commercial space, in contrast, is inelastic with a small profit margin. Thus industry has little incentive to lower cost. Until recently, a few in the launch industry were unwilling to admit there was even a problem.

Industry initiative has atrophied over 40 years of cold war command-and-control programs. Most companies today believe all of this could be solved if a lead agency was named and enough government money was provided.

Government has no money for such investments. Thus, we continue to tinker with what we built for 40 years. We continue to build race cars instead of trucks, and we base it on old ballistic missiles.

The solution, competing in today's world market, means controlling it. Controlling that market requires lowering launch costs to a level that can compete with Russian and French carriers even without trade restrictions.

Only an entity responsive to market pressures has the initiative to meet such a standard.

With these reasons in mind, I am introducing the Launch Services Corporation Act of 1994, based on the highly successful Communications Satellite Act of 1962.

The President would be directed to issue a set of national requirements for space launch and then bring about a corporation to raise private capital and provide launching services. To support this effort, the Government would negotiate a guaranteed number of launches, provide some money to cover nonrecurring costs, provide access to launch facilities, and help with research and development.

The arrangement in my bill is similar to what the Government did for the fledgling aviation and airline industries earlier in this century.

After 6 years the Government would get out and the corporation would have to make it on its own as a private for-profit corporation. Admittedly, this bill carries some risks, but these are things that should and must be debated.

This bill is my attempt to get this 30-year debate off the dime. Clearly, we cannot go on the way we have been.

I believe that, unless we take steps to revitalize our launch industry, those companies which helped us win the cold war may wind up as the last casualties of that war.

WOMEN AND CHILDREN ARE EXPLOITED IN CHINA AS PRESIDENT CLINTON CODDLES THEIR OPPRESSORS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from New Jersey [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of New Jersey. Madam Speaker, for the last year and a half one foreign affairs crisis after another has burst onto the world stage, and

this administration always seems to be unprepared, indecisive, and sadly lacking principle.

This morning I want to highlight but one example of how Mr. Clinton's foreign policy is in disarray. Mr. Clinton arrived in Washington 16 months ago, and his penchant for obfuscation and indecision is causing people around the globe to question and to lose faith in the ability of the United States to stand firm for what is right, for what is honorable and true, to fight even for our own national interests and to base decisions on a consistent human rights agenda.

United States relations with China is but one example. Mr. Clinton has failed, in my view, to even hold to his own words regarding respect for human rights.

The White House has become a Tower of Babel, and as we look back over the past year, we saw many voices speaking, sometimes pro-human rights linkage, sometimes against it. At other times they only emphasized certain human rights, diminishing the others. When you take it all together, the White House has been a virtual Tower of Babel speaking with so many tongues.

This is also true in the area of the population control program in the People's Republic of China, one of the most heinous crimes being committed against women today, crimes of gender, crimes against women, the exploitation of women, and yet this administration has not only been silent, paying only lip service to it, but its actions have spoken much louder in the opposite direction.

Madam Speaker, each year population control fanatics in China forcibly abort about 10 million children, and that is each year, out of approximately 13 million annual Chinese abortions. That is as many children per year as the combined totals of the entire populations of Nicaragua and El Salvador.

Forced abortion, properly construed to be a crime against humanity at the Nuremberg war crimes trials, is today employed with chilling effectiveness and unbearable pain, especially against women. Women in China are required to obtain a birth coupon, because conceiving a child is out of bounds if she is not given permission by the Government.

The New York Times pointed out in its April 25, 1993 exposé that when the Chinese authorities discover an unauthorized pregnancy, in other words, an illegal pregnancy, they normally apply a daily dose of threats and browbeating. Those who resist are often assessed massive fines, and many times, this is many times, their per-capita income.

Peasants in many provinces say their homes are routinely knocked down if the fines are not paid, the Times reported.

Clearly the population gestapo and their use of coercion wears down many women. They finally give up, because they cannot fight back. They know they cannot win. And yet this administration has not stood by those women.

In December 1993, the Chinese Government also issued a draft eugenics law which would nationalize discrimination against the handicapped, much of which is already in effect at the provincial level. Taking a page right out of Nazi Germany, the Chinese Government is aggressively implementing forced abortion against handicapped children simply because they may be suffering from some anomaly like Down's syndrome.

When the rest of the world moves to protect the rights and dignity of handicapped persons, China is seeking ways to exterminate them. Sadly, again, the Clinton administration has turned its back on this massive exploitation of women and of children.

Syndicated columnist Bob Novak in yesterday's Washington Post provided a very, very distressing insight into this daily occurrence. He points out:

On April 25, Alan Lin, a Chinese immigrant working for a bank in Concord, California, called Senator Dianne Feinstein's office pleading for help. His 5-months-pregnant wife in China faced abortion demanded by the Communist authorities. Could the Senator prod the INS to grant a visa?

As the story goes on to say, and I urge Members to read this, it goes on to say that he, on behalf of his wife, was met with deaf ears on behalf of or by the Senator from California and also, sadly to say, by the administration.

Madam Speaker, I am including that newspaper article at this point in the RECORD as follows:

[From the Washington Post, May 23, 1994]

FORCED ABORTION IN CHINA

(By Robert D. Novak)

On April 28, Alan Wanrong Lin, a Chinese immigrant working for a bank in Concord, Calif., called the San Francisco office of Sen. Dianne Feinstein pleading for help. His five-months pregnant wife in China faced an abortion demanded by Communist authorities. Could the senator prod the Immigration and Naturalization Service bureaucrats to grant Mrs. Lin a visa to enter the United States?

According to a memo Lin typed at 8 o'clock the next morning, David Swerdlick, the Democratic senator's case officer, "told me not to waste time." The aide was quoted as saying: "The senator is not interested in the birth-control policies in another country."

Lin said Swerdlick wanted him to "give up," adding: "He makes me feel that I am fighting against the senator and the president, but I only want to fight the inhuman Chinese government." Fearing the Chinese would order a "delayed abortion to kill my wife," he told her to succumb. The baby was aborted that day, April 29.

This abortion, one of millions forced by China's draconian birth-control policy, shows what happens in official U.S. circles when human rights and abortion rights collide. The administration and its congressional allies threaten to sever trading relations with China if it does not treat its citizens more kindly, but they flinch from an antiabortion posture.

It is a dilemma for well-intended liberals such as Feinstein: how to press China for a more humane treatment of its citizens while maintaining noninterference with abortion policies around the world.

Feinstein on Feb. 1 voted to continue pressing for human-rights progress in China. "Some would say," she said, "that human rights are a matter of a country's internal affairs. However, I believe we are our brother's keepers."

But Feinstein has introduced a bill to repeal Section 4 of President Bush's Executive Order No. 12711, of Jan. 29, 1990. She proposed ending "enhanced consideration" for immigration of persons fleeing a country because of "forced abortion or coerced sterilization." Actually, under President Clinton, Bush's mandate has not been complied with—as Lin soon found out.

His wife is 22 years old—one year too young to suit Fujian Province requirements for a "birth license." To avoid a forced abortion, she went into hiding in Fuzhou City while awaiting a U.S. visa—a process that will take at least another year. To escape Chinese birth-control police, the Lins asked for her immediate entry on a "humanitarian parole."

On April 4, 15 Democratic and 37 Republican congressmen wrote Attorney General Janet Reno pleading for help. GOP Rep. Christopher Smith tried repeatedly to get the attorney general on the telephone.

On April 25, the INS district director in Bangkok denied the Lins' request on grounds it was not based on "emergency conditions."

After I noted on television May 7 the Feinstein office's treatment of the Lins, the senator expressed shock. Her case worker denied to his superior the words attributed to him by Lin.

On May 10 Feinstein wrote Lin regretting that "my staff did not bring your plea to my attention" and added this postscript in her own hand: "I am so sorry!"

On May 11, she wrote Secretary of State Warren Christopher, Reno and INS Commissioner Doris Meissner. Calling the abortion a "personal tragedy," Feinstein said: "The suffering they have endured will never be erased, but the United States can still act now to bring them together immediately."

U.S. authorities blame the Lins for their own misery.

"We did not believe that this would have been required by the Fuzhou City government authorities," Assistant Attorney General Sheila F. Anthony argued. "We regret that Mr. and Mrs. Lin determined that she should undergo the abortion."

But Steven W. Mosher, an authority on Chinese birth-control methods, denies U.S. government arguments that no abortion would have been forced. He contends that "coercion is not limited to a handful of offending provinces or officials but is found throughout China." Feinstein's letter to Lin noted that "your wife underwent surgery to terminate her pregnancy as ordered by the Chinese government."

"I still feel that there are still a lot of nice and humanitarian people," Lin wrote, "* * * even though [they are] weaker than the evil power." What is hard for him to understand is how the officials of his new country could tolerate the evil.

□ 1050

I tried repeatedly to get Attorney General Janet Reno on the phone to

ask, to plead that this poor woman with a 5-month-old baby in her womb, that she be given a humanitarian parole. She was already approved for a visa. Already approved. It was a matter of expediting the timetable. She was turned down. This administration could not care less.

Madam Speaker, there are many, many examples of how this administration has turned its back on Chinese women. The Justice Department has suppressed a Bush administration regulation that would have provided enhanced consideration for others seeking asylum. It has doubled the amount of money, provided $100 million to the United Nations Population Fund [UNFPA], an organization that has a hand-in-glove relationship with the Chinese Government.

I suggest that my colleagues ask themselves the following question: If you were a Chinese leader witnessing these actions, would you take the administration's professed concern about human rights in China seriously?

The continued coercive measures used to enforce the population control program and the eugenics policy, which scholars from the United States Holocaust Museum have likened to Nazi-era programs and which would target the most vulnerable members of Chinese society, have failed to arouse any meaningful response from the Clinton administration. Sure, the Secretary of State has said that he is appalled by news reports of these atrocities but lip-service is not enough. I truly believe that it is fair to ask whether President Clinton is genuinely concerned about the rampant practices of forced and eugenic abortion in China.

None of us can close our eyes to, squint, or in any way downplay or overlook the abysmal human rights record of the People's Republic of China. Let us be candid, China has been and remains a dictatorship—its leaders routinely and cruelly violate the rights of its citizens and the trend is ominously moving in precisely the wrong direction. The United States Department of State in the annual Country Report on Human Rights Practices says that China's "overall human rights record in 1993 fell far short of internationally accepted norms"—not just short, far short.

In the face of this ongoing repression, the Chinese Government is getting mixed signals from the Clinton administration regarding its seriousness about human rights. We are certainly not getting a mixed message from the People's Republic of China. The human rights record of that country has continued to decline in the past year. Not only that, the Chinese Government has chosen times and opportunities to show their contempt for United States commitment to human rights which have been most embarrassing.

Madam Speaker, during my visit to China in January I attended a Mass celebrated by Bishop Su Zhi Ming. Bishop Su has spent 15 years in Chinese prisons and suffers physical disability because of the beatings, torture, and mistreatment at the hands of security police. Shortly after our visit, on January 20, the very day that Secretary Bentsen was in China discussing the future of United States-Sino relations, Bishop Su was arrested and detained for 9 days. He was interrogated at length about his meeting with us. His crime—leading a worship service for foreigners.

Bishop Pei was also to say Mass for our delegation. We were told that he had to go for an emergency anointing of the sick. I have recently found out that the person who came to get him was actually a security officer who took Bishop Pei to the police offices so that he could not say Mass for our delegation.

Another Catholic priest, Father Wei Jingyi, was also arrested on January 20. His whereabouts are unknown. Even now, the authorities deny he is being detained, although they have accepted clothing for him from his sister. According to information I received, it is believed that he is being held because of his position in the underground Catholic Church and that the Government is trying to obtain information from him.

New religious laws which further restrict the religious activity of foreigners and Chinese were issued on January 28. These laws outlaw activities even done in the privacy of one's home and give the green light to security policy to arrest, imprison, and torture religious believers. The police have already moved to enforce these laws. One victim has been Rev. Dennis Balcombe, an American citizen, who was detained for 4 days, unable to contact the U.S. Embassy. Before he was finally deported, all of his belongings were confiscated.

All religious believers in China are asking for is the ability to worship freely and openly. Right now those who do not belong to the government-sponsored churches have no place to worship, many of them are denied housing and work permits, and countless numbers are harassed, detained, tortured—and some have been martyred for their faith.

The U.S. Government needs to speak out clearly, consistently and unequivocally about these deplorable abuses of fundamental human rights. In addition, we need to take action which conveys our seriousness about these issues. The constant vacillation by the Clinton administration—not only toward China but throughout the world—severely undermines our ability to bring about improvements in these tragic human rights conditions.

Madam Speaker, this administration has failed to create a coherent foreign policy. The President's decisionmaking process results in confusion—confusion among U.S. policymakers, confusion among our allies, and the exploitation of that confusion by our adversaries. When foreign policy is in such disarray, people throughout the world lose. Most serious of all, Madam Speaker, the American people lose.

DISCHARGE PETITION FOR REGULATORY FLEXIBILITY AMENDMENTS ACT OF 1993

The SPEAKER pro tempore (Mrs. LLOYD). Under the Speaker's announced policy of February 11, 1994, the gentleman from Illinois [Mr. EWING] is recognized during morning business for 5 minutes.

Mr. EWING. Madam Speaker, I rise today to ask my colleagues to sign Discharge Petition No. 19, which would discharge an open rule for the consideration of H.R. 830, the Regulatory Flexibility Amendments Act of 1993. This bill has over 250 cosponsors.

The Regulatory Flexibility Act was passed by Congress and signed by President Carter back in 1980. In passing the RFA, Congress recognized that Federal regulations have a disproportionate impact on small businesses and small governmental entities and that Federal regulations ought to be written flexibly, to take this impact into consideration.

The RFA requires regulators to prepare a regulatory flexibility analysis for any new regulation which will have a significant impact on small entities and to find ways to minimize those effects. The RFA requires regulators to find the least costly way to implement regulations.

Because judicial review of agency compliance with the RFA is prohibited, there is no recourse against Federal bureaucrats who ignore the RFA. Most Federal agencies routinely ignore the RFA by passing boilerplate exemptions from the act. Without judicial review, these determinations cannot be challenged. In short, the regulators are judge, juror, and executioner.

H.R. 830 would put some much-needed teeth into the RFA by allowing judicial review, and would otherwise strengthen the act.

H.R. 830 is strongly supported by the small business community. A coalition of nearly 50 small business groups has come together to urge Congress to pass this legislation. This coalition includes the U.S. Chamber of Commerce, the National Roofing Contractors, the National Association for the Self Employed, and the National Federation of Independent Business.

Vice President GORE's National Performance Review studied the RFA, and concluded that judicial review is necessary to force regulators to start complying. In fact, judicial review of the RFA was their No. 1 recommendation for the Small Business Administration.

Why has this bill not moved? Because the bureaucrats oppose it. No greater special interest frustrates small businesses more or makes them madder than the biggest special interest group in Washington, DC—the bureaucracy. We created it. It is the tail that wags the dog. Let us help put a stop to that now by signing Discharge Petition No. 19.

I would like to thank each of the 251 cosponsors of H.R. 830 for their help in bringing this issue to the attention of Congress. The bill has received widespread bipartisan support, including both the chairman and ranking member of the Small Business Committee. We have worked to bring H.R. 830 through the regular legislative process. However, the chairman of the subcommittee with jurisdiction over the bill has given no indication that he will mark up this legislation before Congress adjourns this fall.

Madam Speaker, when a bill has over 250 cosponsors, which is well over half the House, it would seem fair that the bill should at least be debated and voted on by the full House.

Once again, I encourage my colleagues to sign Discharge Petition No. 19, which will bring forward an open rule for consideration of H.R. 830.

WE NEED AN IMPROVED FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. ROYCE] is recognized during morning business for 5 minutes.

Mr. ROYCE. Madam Speaker, I rise today to express some of my concerns about the state of our foreign policy. In recent weeks we have seen a gathering crisis of confidence emerge in regard to the President's handling of foreign policy. Polls show that only 13 percent of the American public believes that the President has a coherent foreign policy. I take no pleasure in these facts. But who can dispute them?

The revolution in communications brings frightful sights to our screens—murdered American soldiers being dragged through the streets of Somalia; Haitian thugs turning away the United States Navy; strutting dictators and their nuclear swagger, and even at home, our World Trade Towers smoldering—these things are very real and very unsettling. From this Chamber to "Nightline," the question of foreign policy is beginning to vex so many. Americans are beginning to feel uncomfortable.

They are beginning to sense that all of this turbulence might just mean there is no pilot up front. Senior-most members of the President's own party, in both Houses, have joined commentators, analysts, and statesmen around the world in expressions of apprehension and incredulity. This week's Time magazine asks if its time for Warren Christopher to say goodbye; but I say that the President of the United States is supposed to be the pilot, and sacrificing a navigator is not going to solve the problem.

Goals, when articulated, seem to lapse into excuses and rationalizations. Human rights, nonproliferation, and democracy are posited, and China, North Korea, and Haiti result. A commitment is made to preserving America's hard earned role as a force for good in the world, and then Bosnia belies the lack of resolve and underscores the absence of vision. The use of force is hinted at, or expressly threatened, and then withdrawn as if it were a campaign ad.

When the parameters that will define our security for the next century are in such uncertain focus, there are those who would rush to severely constrain our defense and intelligence capacities. We must not fall into the trap of having a crisis of credibility compounded by a crisis in capability.

Speaking of crises, I want to speak for just a moment about the nuclear issue. The administrator says, and rightly so, that nuclear proliferation is the greatest threat to U.S. security and global stability. They claim a goal of a global ban on fissile-material production, yet they have sought to skirt the only piece of nonproliferation legislation we have on the books.

The administration has vacillated on North Korea's nuclear threat while that threat continues to grow. First, the President says a North Korean bomb will not be tolerated, then within weeks the CIA says there are probably two, and possibly more, bombs in hand or in the works. The President's response to North Korea's nuclear shell game is to cancel our joint exercises with the South, send Patriot defense batteries by the slow boat, and tell us to pray for our 37,000 troops.

□ 1100

Now the news comes this past weekend that North Korea has purchased 40 nuclear-missile-capable submarines from the former Soviet Union. You can bet they did not arrive by slow boat. Kim Il-song has listened to our threats, measured our resolve, and shrugged. The crisis on the Korean Peninsula is real; it will not go away with a gentleman's passing grade from the IAEA. Kim Il-song will continue to build, and sell, his weapons, including his ballistic missiles to all takers. He will continue to threaten the region, and this threat can be expected to impel others in the region unfortunately to enhance their forces as well.

The administration rightly asserts that the number one nuclear threat in the world—what it calls the principal threat to United States national security—is the former Soviet Union. That is why it is so troubling to me that the $800 million of Nunn-Lugar funds for the dismantling of that threat remains largely unspent. This means that the dismantling of the world's largest nuclear arsenal, in Russia and the three other nuclear States of the former Soviet Union, though agreed to during the last administration, remains a distant task under this administration. Moreover, the $12 billion buydown of the former Soviet Union States' fissile-materials supply will last well in to the next century. In the meantime, Russia is supplying submarines to North Korea, and may, according to administration officials, supply Iran and other terrorist states with the nuclear reactor technology and materiel they are so desperately seeking.

Madam Speaker, I see a troubling pattern emerging—a pattern which sends a signal to the Saddam Husseins, Kim Il-songs, and Slobodan Milosevics—and to all those like them waiting patiently in the wings around the world, a signal that the United States will not stand in their way, and will not take their measure until it is too late and too costly. The United States cannot afford to send this signal. Fledgling democracies around the world remain fragile and cannot suffer our lack of focus distraction; the Middle East peace process is in its infancy and cannot be stillborn from our indifference; in Latin America, Asia, and Africa, new transitions to markets are being tested and cannot afford to fall victim to regional instability or shifting alliances. In Russia and China, military apparats and their followers need to know that their old systems cannot be fixed, and that pluralism and peace are the path forward.

So much has been brought to the fore with the end of the cold war and the opportunities are great. The corollary of course, is that so much is at risk. Sustained leadership attention is critical; episodic attention will not suffice. Foreign policy leadership is not a Presidential option; it is a high duty.

We have an obligation to keep faith with those people who placed their faith in us during the cold war and its struggles. By the same token, we have a duty to maintain and strengthen the institutional arrangements and alliances which served the peace longer than any others in modern memory. We should not hasten into new arrangements for the sake of some imagined order. We do not need redefinition; we need resolve. We do not need a policy guided by polls and hunger strikes; We do not need global town meetings. We need a policy rooted in principle and underpinned by strength. We need a policy that clearly sets forth what we view as the acceptable rules of international behavior in the post-cold-war era and what price we attach to their violation.

RECESS

The SPEAKER pro tempore (Mrs. LLOYD). There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 11 o'clock and 2 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mrs. LLOYD] at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God our help in ages past, our hope for years to come, prompt us to offer gratefulness and praise for the gifts of this day. May the rich association between friends and colleagues enlighten our tasks; may the awareness of splendor and beauty in the world increase our joy; may our perception of new ideas for difficult problems encourage and inspire us, and may Your message of reconciliation and compassion between peoples lead us in the paths of peace. 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.

Mr. TRAFICANT. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TRAFICANT. Madam 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. Pursuant to clause 5, rule I, further proceedings on this vote are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Ohio [Mr. GILLMOR] will lead the House in the Pledge of Allegiance.

Mr. GILLMOR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of House is requested, a bill of the House of the following title.

H.R. 4277. An act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4277) "An Act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MOYNIHAN, Mr. BAUCUS, Mr. BREAUX, Mr. PACKWOOD, and Mr. DOLE, to the conferees on the part of the Senate.

VOTE "NO" ON THE DEFENSE AUTHORIZATION BILL

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Madam Speaker, communism is dead, and the cold war is over. The major enemy that we face today, the major threat to our national security, is not the Soviet Union, not China, not North Vietnam. The major crisis that our country is facing is the declining standard of living of our workers, 22 percent of our children who live in poverty, the millions of elderly who are struggling to stay alive on meager Social Security payments.

Madam Speaker, I will vote against the Department of Defense authorization because we have got our priorities all wrong and because we do not need to spend $250 billion a year on defense. We do not need more research and development on nuclear weapons, we do not need more money for ballistic missile defense, and we do not need to spend $100 billion a year defending Europe and Asia against a nonexistent enemy.

Madam Speaker, let us get our priorities right; let us vote for our workers, our children, and the elderly.

Please vote "no" on the defense budget.

THE INDEPENDENT COUNSEL CONFERENCE COMMITTEE

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Madam Speaker, did you know that the independent counsel conference committee is going to meet again?

Apparently, the Democrats who control this Congress have finally found a compelling reason to pass the independent counsel legislation to help President Clinton pay his legal fees in the Whitewater affair.

Here is how it works: By giving Robert Fiske the title "independent counsel" rather than "special prosecutor," the Democrats have discovered that they will be able to stick the American people with Mr. and Mrs. Clinton's legal bills. Since the President has so many legal problems these days, this inspired them to get moving again on the independent counsel conference.

Is it not amazing how greed can motivate what a simple, sincere desire for good government apparently cannot?

So, colleagues, you may wish to think twice about the ramifications of this independent counsel conference, because American taxpayers should not be stuck with the President's legal fees.

ON PREVENTING TERRORISM IN THE UNITED STATES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, last year four terrorists bombed the World Trade Center, 6 Americans were killed, over 1,000 Americans were wounded. News reports today are now breaking saying that these four terrorists will get life imprisonment without parole, life imprisonment without parole.

Tell me, America, who is being punished? These four creeps, or the Americans taxpayers who will pay $50,000 per criminal in prison per year—$200,000 a year to keep these creeps alive?

I think it is time, Congress, to stretch their necks. And I believe, further, that Phil Donahue should be allowed to broadcast it overseas so that every terrorist could see that if you kill an American citizen, Congress is going to stretch your neck. They have had it.

Think about it.

FOREIGN POLICY IS FOREIGN CONCEPT TO ADMINISTRATION

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Madam Speaker, is foreign policy a foreign concept to the administration? This week's Time magazine includes a quote from an unnamed White House staffer who

gushed the following about the administration's policy toward Haiti: "The policy wasn't working, and we realized, hey, we're the White House; we can change it." This fickle and sophomoric attitude illustrates the current confusion in Washington over the lack of a coherent White House foreign policy.

The President and his top foreign policy advisers cannot seem to keep the car on the road. On one hand, we have the lack of direction in Bosnia and Haiti, and on the other the apparent indecision on whether to recommend most-favored-nation trading status to China.

In my view the Clinton administration's foreign policy is functioning like a ship without a rudder—it lacks the focus, the ability to stay the course and the unified voice necessary to provide the world a clear and concise understanding of our Nation's priorities.

Former Secretary of State James Baker perhaps hit the nail on the head when he described the Clinton administration as "uncomfortable with the concept of American power" and said its foreign policy was damaging U.S. credibility in the world.

The world today is in a changing revolutionary state, demanding extraordinary leadership from the United States. And as a nation, Madam Speaker, we cannot tolerate amateur foreign policy—the stakes are too high.

THE TRIAD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, we must never forget the link between our military, our foreign policy, and our intelligence network.

A strong military, a coherent foreign policy, and an effective intelligence network work together to keep our country out of danger and in peace.

The Clinton record with this triad is alarming. By slashing military spending, the President threatens to recreate Jimmy Carter's hollow force.

By failing to define a strong foreign policy, the President sows confusion among our neighbors and promotes opportunism with our enemies.

By cutting spending in our intelligence networks, the President bases his decisions on faulty data and incorrect assumptions.

From Bosnia to North Korea, from Haiti to Rwanda, the Clinton record in international affairs continues to concern the American people. I urge the President to improve our national security triad and keep the United States in peace.

LOGAN'S RUN REVISITED

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, there once was a science fiction movie named "Logan's Run." The premise of the movie was that once a person reached the age of 30, that person was exterminated.

You have to wonder what the Clinton administration's goal might be.

It won't support the repeal of the earnings test limit on senior citizens.

It proposes a plan to make seniors pay more for social security.

And now, apparently, it would have the health care system pay less to fight diseases that kill older Americans.

Listen to these words of Surgeon General Joycelyn Elders, in justifying what the administration's priorities are:

> Most of the people that die with heart disease and cancer are our elderly population, you know, and we all will probably die with something sooner or later.

Madam Speaker, older Americans have a vital contribution to make to our society. We should not make them the victims of big expensive government.

□ 1210

URGING FRESHMAN DEMOCRATS TO FULFILL THEIR CAMPAIGN PLEDGE

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Madam Speaker, it is time for change. The American people want real accountability from their Members of Congress. The American people want real votes on real spending cuts. The American people want the A to Z spending cuts plan.

I urge all of my colleagues to sign Discharge Petition No. 16 to force a vote on the A to Z plan. But I particularly want to reach out to my friends who were elected in 1992 for the first time.

All 44 freshmen Republicans have signed the A to Z discharge petition. Even this body's newest Member—our friend from Oklahoma—has signed this petition.

We now must turn to the freshmen Democrats for support, and I say to them:

> You are the new blood, the new direction for this Congress. In 1992, you told the voters you stand for fiscal responsibility and congressional accountability. You stood against business as usual. You stood for change. A to Z is your best chance to fulfill that campaign pledge. Twenty three freshmen Democrats have cosponsored this strong bipartisan effort to cut spending. I urge you to follow through on your earlier commitment to real votes on real spending cuts by signing the discharge petition.

Currently we have 229 Members who have signed the legislation, and 172 Members have signed the discharge petition.

As a group these 23 freshmen Democrats can make a big difference by joining the 172 Members and making it 195 Members who are committed to cutting spending and changing the way we do business.

SIGN THE A TO Z DISCHARGE PETITION

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Madam Speaker, it should come as no surprise to anyone in this institution that the American people are discouraged and frustrated with Congress. Call it gridlock, call it political partisanship, call it what you will. The fact remains that Congress is not doing what the American people has asked us to do, which is cut spending and live within our means.

The leadership in Congress and the administration passed a so-called deficit reduction bill last year that will leave us $1 trillion deeper in debt 5 years from now than we are today. It is more of the same. It is business as usual. Tax and spend again and again, and let our children and grandchildren pay the tab.

There is an alternative. We can show the American people that we care about their future by signing the A to Z discharge petition.

Let us put partisanship aside. No one disagrees with the need to cut spending and live within our means. The American people deserve fiscal responsibility from their elected representatives. We were sent here to make a difference, not to perpetuate the status quo. Support A to Z.

EMPLOYER MANDATE BLOCKING RESOLUTION OF HEALTH CARE

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Madam Speaker, one of the big issues that has blocked the resolution of health care in this body up to this point is whether or not we have an employer mandate. An employer mandate really is onerous on those businesses, those small businesses, mom and pop businesses, businesses usually under five employees. It is not that those companies do not want to buy health care, but they cannot afford it when they go to the market and it costs 5 or $6,000 per employee to buy that type of insurance. But in some health care bills that are coming before this Congress they are mandated to do it. In essence we are saying, "Either you buy insurance and lose your job, or you have insurance and you don't have a job." What we are saying is there ought to be a vote on this floor, whatever health care bill

comes to town, to do away with the employer mandate.

Madam Speaker, I say to my colleagues, "You can help that happen on a bipartisan basis. Sign on to House Resolution 242 to ask for a vote on this floor on whether or not we have an employer mandate."

AMERICAN HEARTLAND CALLING OUT FOR OPEN DEBATE ON HEALTH CARE REFORM

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Madam Speaker, this past weekend this Member held listening sessions in Lincoln, Fremont, Norfolk, and Beatrice, NE, the largest cities in the First Congressional District. These Americans from the heartland of our country are very interested and concerned about health care reform legislation now pending in the Congress. They shared their concerns with me in great detail and with strong emphasis. The more than 8,000 people who responded to the questionnaire I circulated last March rejected the Clinton health care plan by 61.6 percent to 13.8 percent, 24.6 percent undecided.

Most importantly, the 540,000 Nebraskans I represent expect and demand that this Member of Congress, like the other 434 elected Representatives, will have a role in debating and voting upon the elements and detailed alternatives to the health care reform proposal that eventually reaches the House floor. They will be watching with intense interest to see if democracy is really allowed to work here on the floor of the House of Representatives or whether partisan considerations will once again drive the Democrat leadership to shut off a range of legitimate amendments and ram the health care legislation through the House. The public wants all Members of Congress to have an opportunity to work their will on the committees' product and then they want to be able to hold each Member responsible for their votes.

Madam Speaker, no closed or semiclosed rules, no backroom deals among the congressional barons or majority leadership, and no partisan freezeouts. This issue is too important to all Americans. Let democracy work in the U.S. House too.

MEDICAL TREATMENT AND HONEST ANSWERS SOUGHT BY PERSIAN GULF WAR VETERANS

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Madam Speaker, this week, as we focus on the defense of our Nation, I urge my colleagues to join me in recommitting ourselves to the well-being of each and every soldier, sailor, and airman who has served in our military.

I am particularly concerned with the treatment of those individuals who fought and won the Persian Gulf war—individuals who, when called upon by their Nation, responded with honor and dignity.

Madam Speaker, many of these soldiers who answered their Nation's call and gallantly drove Saddam Hussein from Kuwait paid a heavy price—some with their lives and many more with their health. Those who continue to suffer are now calling upon us to serve them in their time of need. The vast array of symptoms and ailments related to their service in the gulf must not be dismissed or ignored. Questions of blame and cause must not be allowed to blur the reality of soldiers in need. We must ensure that full medical treatment and honest answers are provided to these individuals immediately.

Madam Speaker, this week, as we discuss our numerous defense policies and programs, let us remember that behind each of these stands the individual soldier, ready to answer the call and expecting the same in return.

WHITEWATER HEARINGS NOW

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Madam Speaker, for the past 2 months, the majority leadership has asked the minority to hold off pressing for Whitewater hearings, and allow Special Prosecutor Robert Fiske a free hand.

Yet only last week, Mr. Fiske acknowledged that he felt congressional hearings would not be inappropriate at this time.

So, what are we waiting for? Today, my colleague, the gentleman from California [Mr. DOOLITTLE], will introduce a resolution calling for immediate congressional hearings on the Whitewater scandal.

Congressional hearings are our constitutional responsibility, and the American public deserves the truth.

Madam Speaker, it is very simple. There are only two steps the majority needs to take to help restore institutional accountability and public credibility:

First, minority leaders must have access to executive branch information.

And second, the majority leadership must act in good faith as honest brokers of the public's trust, rather than Hill barons bent on partisan manipulations.

Madam Speaker, we have been patient, but our nerves are wearing very thin, and more importantly so are those of the American people.

We need Whitewater hearings now.

HUSH MONEY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Madam Speaker, the chairman of the House Committee on Ways and Means has negotiated a deal with the health care insurance industry: They stop running ads revealing the truth about the Clinton plan and they get some special breaks from the chairman.

This sounds like hush money to me.

A spokesman for the Committee on Ways and Means said:

> The ads create negative vibes and make the decisions of members tougher. The absence of those ads and the public pressure from them improves the environment for closing the deal with members.

Madam Speaker, health care reform is an important public policy concern. The public has a right to know what is going on, and the so-called Harry and Louise ads have effectively informed the American people.

It is a shame that the chairman has worked so hard to keep the public from that information. And it is a shame that the health insurance industry has played along.

I just hope that the American people continue to pressure the Congress to get the kind of health care reform they want and need.

□ 1220

A CALL FOR BIPARTISANSHIP IN FOREIGN POLICY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, if we had referees in politics, the men in the black-and-white shirts would be running around blowing their whistles and talking about the piling-on offense. Everybody has been piling on the administration, saying they do not have a foreign policy.

I remember the old days when foreign policy used to be bipartisan and both sides came together to give their best advice rather than shout at each other because they remembered that once you left the shores, it was this great Nation's whole stance that was really being looked at.

So I would encourage those who are criticizing to come forward with some constructive criticism. I would say, Don't just say they don't know what they are doing, this is terrible, this is awful.

What should we do? These are very difficult issues. What should we do in Haiti? What should we do in North Korea? What should we do in Bosnia? What should we do in—and fill in the blanks. Let us stop criticizing and let us go back to the bipartisan tradition

that when we leave these shores, we all stand together as Americans shoulder to shoulder, and let us figure out what a good foreign policy in this New World that we live in really should be.

LET'S MAKE A DEAL

(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, just like Monty Hall, columnist William Safire has called upon Members of Congress to make a deal on health reform. And like those disappointing gambles, he cites the obvious losers in the Clinton plan that are holding up the legislative process: Behind door No. 1, Government-imposed spending limits on health care that would require rationing; behind door No. 2, statewide collectives that would limit a patient's ability to choose his doctor; and worst of all, behind door No. 3, job-killing payroll taxes in the form of mandates. In contrast, Mr. Safire says a good deal for America lies in sensible reforms that target the obvious problems in the system without destroying what works. Republicans have a plan to ban preexisting condition exclusions, allow for insurance portability, and attack health cost inflation—without new bureaucracies or huge new taxes. Simply put, Republicans do not have a deal—them have a solution.

UNDEREMPLOYMENT IS A MAJOR PROBLEM IN THE U.S. ECONOMY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Time magazine reported last week that there have been at least 228,000 layoffs in this country in the past 4 months.

A national publication recently ran a cartoon with a sign saying: "Short Order Cook Wanted—Degree Preferred."

What a commentary on the times.

People are being laid off from high-paying jobs, and their only real options are jobs paying barely above minimum wage.

Young people are receiving college degrees, and the only places they can find employment are in fast-food restaurants.

I know that unemployment is just 6½ percent, which is too many, but it is relatively low.

But while unemployment is not presently a major problem, under employment is fast being one of the biggest problems we have in this Nation today.

And it will become an even worse problem if we do not let our free enterprise system work as it can and should.

Federal regulators, many with almost a policeman mentality, are regulating our economy into real jeopardy.

The goal of our Federal regulatory agencies should be to help small businesses succeed, not to regulate them into bankruptcy or forced mergers that destroy good jobs.

A WEAK FOREIGN POLICY IN A DANGEROUS WORLD

(Mr. HUNTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUNTER. Madam Speaker, we live in a dangerous world. North Korea is acquiring nuclear weapons. The former Soviet States do have nuclear weapons. That situation is still somewhat unstable. Communist China is attempting to move into the formerly held position of the Soviet Union as the world's second superpower, claiming most of the territory in the South China Sea.

We have the Balkans continuing to explode, and we have continued instability in the Middle East.

It is a dangerous world, and against this backdrop of a very dangerous world, we have a President who is showing tremendous weakness in the area of foreign policy and national security.

President Clinton is slashing national defense. He is cashiering 1,700 young people a week out of the uniformed services. He has cut back our fighter forces to roughly 50 percent of what they were a couple of years ago. We are seeing now the first operations in maintenance slowdowns that led in the 1970's to a hollow force.

Madam Speaker, it is time to reverse our course and keep our powder dry. We have a dangerous world and a weak President. That is a bad combination

WITH GOVERNMENT SPENDING AND TAXES UP, INFLATION THREATENS TO RISE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. The news reports indicate that once again long-term interest rates are on the rise. We remember just a few weeks ago when Democrats were on this floor counting the President's economic program as a program that was keeping interest rates down, and particularly talking about long-term interest rates, about how the President's economic program was managing to keep long-term interest rates at historic lows.

The fact is that now, because of the President's economic program, interest rates are on the rise, the administration and some Democrats want to say, "Well, this is because of the Federal Reserve doing things that are wrong." The fact is that the Federal Reserve is responding to the reality of the President's economic program.

The President made clear in the campaign in 1992 that his economic program was to increase inflation. That is exactly what the analysis is now, that the President is putting inflation in place in the economy.

How are they doing this? Well, they are doing this by new taxes and with new government spending. Government spending is up, taxes are up, and the result is that inflation is poised to go up.

Why can we say that? Because the only thing holding it down at the present time is energy prices on the world market at historic lows. The moment those energy prices go up, the fact is that inflation is poised to go up and interest rates are reflecting that today the President's economic program is poised for disaster.

Madam Speaker, the President's economic program is something which we cannot afford to continue. We cannot afford to continue high taxes and we cannot continue to afford high government spending.

INSISTING ON ACCOUNTABILITY AT THE FEDERAL RESERVE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, an interesting view of reality was just espoused by my predecessor in the well. It is not the Federal Reserve Board that is raising interest rates? No, of course not, But I would ask: "It isn't?"

When did this flurry of higher interest rates start? It started with Mr. Greenspan and the radicals at the Federal Reserve Board who operate in secret for the interests of a certain few privileged in this country when they saw inflation on the horizon. Well, no one else did. But they said, "If we raise interest rates, then long-term rates will go down. Don't worry."

They raised interest rates, and long-term rates went up. They raised interest rates again, and long-term rates went up again.

Last week the Wall Street Journal and the special interests there begged the Federal Reserve to raise interest rates again, because they are only happy when they see a decline in the job outlook in the future of the economy of this country.

The Federal Reserve needs to be audited. They need to be brought back under control, and we need here in the Congress to take a little responsibility for their actions—something I am sure my colleague over there does not want to do.

WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 4453, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio. Madam Speaker, by direction of the Committee on

Rules, I call up House Resolution 433 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 433

Resolved, That during consideration of the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, all points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived.

The SPEAKER pro tempore (Mrs. LLOYD). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Madam Speaker, for the purposes of general debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

All time yielded during consideration of this resolution is for the purposes of debate only.

Madam Speaker, House Resolution 433 is an open rule which provides for the consideration of H.R. 4453, the military construction appropriations bill for fiscal year 1995. Under the rules of the House, appropriations bills are privileged measures. Therefore this rule does not contain any provision allocating time for general debate. Debate time on the bill will be worked out in a unanimous-consent request agreed upon by the subcommittee chairman and the ranking minority member prior to the consideration of the bill.

This resolution does waive clauses 2 and 6 of rule XXI against the consideration of the bill. Clause 2 of rule XXI prohibits unauthorized appropriations and legislation in general appropriations bill. This waiver is necessary because the authorizing bill for the legislation has not yet been signed into law.

Clause 6 of rule XXI prohibits the reappropriation of unexpended balances of appropriations. This waiver is necessary because of a transfer of funds from the homeowners assistance fund to part 2 of the base realignment closure account. These waivers were discussed in the rules committee and were unopposed by any of its members.

Madam Speaker, H.R. 4453 appropriates $8.9 billion in fiscal year 1995 for military construction, family housing, and base closure. This amount is $1.2 billion less than last year's appropriations level.

I would like to commend my colleagues on both sides of the aisle of the subcommittee who worked so hard to craft this bill during this time of fiscal belt tightening in the appropriations committee.

Madam Speaker, this bill appropriates approximately $8.25 million for two projects at Wright Patterson Air Force Base which is partially located in my district. Funds are provided for a special operations intelligence facility and for the upgrade of the bases' storm drainage system.

These projects are important to the people who live and work at the Wright Patterson Air Force Base and to the community of Dayton, OH. I thank my colleagues for including them in this legislation.

Finally, Madam Speaker, I would like to remind Members that under this rule any Member may offer an amendment that is germane to the bill. I urge adoption of the rule and adoption of the bill.

□ 1230

Mr. QUILLEN. Madam Speaker, I thank the gentleman from Ohio for yielding, and I yield myself such time as I may consume.

Madam Speaker, I rise in support of this open rule providing for the consideration of the military construction appropriations bill for fiscal year 1995. As my colleagues from Ohio has explained, the rule provides certain waivers, and I am not aware of any objections to these waivers.

As usual, the members of the military construction subcommittee have brought forward a fiscally responsible bill which was crafted with a cooperative, bipartisan spirit that we all should strive to achieve. The bill is $648 million below last year's level and is consistent with the recommendations of the defense authorization bill, which has been under consideration in the House.

Despite this reduction in spending, this committee did a great job in meeting the construction needs of our military, as well as providing for the housing needs of service personnel and meeting the costs associated with base closing and realignment.

Madam Speaker, this rule allows all Members to offer motions to strike or to offer germane amendments, and I am pleased to see the Rules Committee improving its record of reporting open rules. I urge my colleagues to adopt this rule so we can proceed with the prompt consideration of this first of 13 appropriations bills.

Madam Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Speaker, I thank the gentleman for yielding. First of all, I wanted to congratulate him for coming to the floor with his colleagues from the Committee on Rules with an open rule this time. That is one of the things that we would like to see more often, and I thank him for that.

The bill that we have before us today is the first of the appropriation bills that will arrive on the floor. This one, while it is above President Clinton's request, it is below last year's spending, and that is in itself a positive sign that we are attempting to bring down spending in some areas. But we ought not fool ourselves as we approach this appropriations period. The spending levels of the Federal Government are still going to be enormously high.

The idea that the administration is promoting, that somehow the deficit problem has been solved, is just plain nonsense. The deficit that is predicted for this year and for all the years in the future is well above the deficit levels of the first 2 years of the Bush administration.

At that time, Democrats came to the floor on a consistent basis telling us about how these massive deficits were being compounded by the Bush administration over and above the Reagan administration. The deficits we are talking on an annual basis here are significantly higher than anything that was done during the Reagan administration and what was done in the first two years of the Bush administration. So we still do have a deficit problem.

We have a massive spending problem. That is compounded by the fact that 2 years ago the Democrats decided that as a part of their overall approach to the economy, they were also going to raise taxes. What you now see is unproductive dollars going into the economy at significant levels, unproductive dollars coming from government, and at the same time you see the productivity of our economy being taxed away by the Democrat tax increases of just a few months ago.

Those two things are the underlying problems for inflation in this economy which are causing us major problems. We had the gentleman from Oregon come here just a couple of minutes ago and say exactly what I predicted the Democrats would say. Democrats say the problem with long-term interest rates is the Fed, and what we ought to do is get more political control of the Federal Reserve.

You see, the Democrats want political control of everything. They now have political control of the Congress, of the administration, and what they cannot control is the monetary policy in the Fed. So now they are proposing to take their one-party government and extend it into the monetary policy of the country, despite the fact that with monetary policy we are simply attempting at the present time to deal with the underlying inflation that the President promised in his campaign he was going to bring back to the economy.

The President's economic program is based upon inflation. Inflation is now beginning to bubble up at levels just below the surface. The Fed is attempting to respond to that, and Democrats say first of all, their economic program is not at fault, and by the way, if it is, what we want to do is take it out of the hide of the Fed by taking political control of the Fed.

Those are prescriptions for economic disaster. We need to have the kind of

responsibility shown by Congress that will keep the spending down. In this first bill that is being brought before us under this rule, we do in fact have spending levels lower than last year. That is a positive sign. We are not going to have that as we go through the appropriations process and ultimately will end up spending at levels that increase the deficit markedly.

We are increasing deficits. We are increasing debt in this society. We cannot afford to do both. Middleclass Americans today bear $17,000 worth of debt for each person based upon the spending that Congress has already done in the past. Middleclass America cannot afford the bills of the spending of this Congress. This Congress needs to become more responsible.

Mr. QUILLEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter on the bill (H.R. 4453).

The SPEAKER pro tempore (Mrs. LLOYD). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1995

Mr. HEFNER. Madam Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; and pending that motion Madam Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentlewoman from Nevada [Mrs. VUCANOVICH] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

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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. 4453), with Mr. CARDIN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman form North Carolina [Mr. HEFNER] will be recognized for 30 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present to the House, H.R. 4453, the fiscal year 1995 military construction appropriations bill.

The bill we are recommending totals $8.8 billion which is below the subcommittee 602(b) allocation for both budget authority and outlays. The bill is over the President's request by $470 million but under last year's level by $647 million. I should also mention that last year, we were forced to reduce military construction by $1.3 billion. So in 2 years, military construction was reduced by almost $2 billion, which is a significant cut. What this means is that projects get deferred but the requirement remains.

The comparative numbers for the major components of the bill are shown on page 2 of the report. The comparison of the bill with last year's level shows that the military construction portion has been reduced by $1.1 billion or 31 percent. The base closure recommendation, on the other hand, is $500 above last year's level. The family housing recommendation remains at almost last year's level.

With regard to base closure, the bill provides $2.7 billion for base realignment and closure as requested by the President. Of the $2.7 billion, the committee recommends that at least $500 million be allocated for environmental restoration.

I cannot stress enough how important family housing is to quality of life of our military families. The Department currently operates and maintains about 400,000 units of housing. Many of the units are old, some in excess of 32 years. The committee continues to support the housing program as an essential element to readiness as well as retention. For that reason, the committee is recommending $706 million for construction of about 3600 new and replacement units and $2.8 billion to operate and maintain the existing 400,000 units of housing.

With regard to authorization, the recommendations in this bill conform to the House armed services authorization, as reported.

Let me just go over some of the other special features of the bill:

It provides $450 million for new barracks.

It provides over $200 million for environmental compliance type projects.

It provides $29 million for child development centers.

It reduces the President's request for NATO funding by $100 million in line with the authorization.

It provides $50 million as an ongoing effort to reduce energy costs.

It provides $300 million for medical facilities such as hospitals and clinics.

It provides for $51 million as initial phase funding for chemical weapons destruction facilities at two locations.

Mr. Chairman, before I conclude my remarks, I want to express my appreciation to all the members of the subcommittee and especially the gentlelady from Nevada [Mrs. VUCANOVICH]. It's a pleasure to work with the gentlelady from Nevada. This is why we are presenting to you a bipartisan bill and a good bill given the budget constraints we have to work with.

Mr. Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself such time as I may consume.

I am delighted today to bring to the floor, along with my chairman and friend, Mr. HEFNER, the bill making appropriations for military construction for fiscal year 1995.

There is no question that this is a tough year for all of us but I believe, in this bill, we have done the best job possible under our allocation, and in difficult budgetary circumstances, to address the needs of our military.

Mr. HEFNER has outlined the bill and I won't be redundant. I want to emphasize, however, that the Mil Con account has taken significant reductions since last year. With this reduced funding level, quality of life projects, readiness, replacement and environmental compliance will, unfortunately, be deferred while the important requirement remains.

Military construction is an investment program that has significant payback in economic terms, but also as it relates to environmental restoration and in better living and working conditions for our personnel. Quality of life issues are important to these men and women, as well as their families, and we must strive to provide the best possible infrastructure for their well being.

The subcommittee has worked very hard to balance these needs with this reduced allocation. I support this bill, it is a truly bipartisan bill and a very balanced and fair bill.

I would also like to thank the members of the subcommittee for their hard work and cooperation during our hear-

ing process. And, I want to commend the hard work and assistance of our staff—their work has been exemplary.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFNER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the bill, H.R. 4453, military construction appropriations for fiscal year 1995.

I would like to congratulate my chairman, the gentleman from North Carolina [Mr. HEFNER], on his outstanding effort in putting together a military construction bill which strives to meet our defense priorities under these very difficult fiscal conditions. In doing so, our subcommittee was able to drastically reduce spending by $620 million. We made the tough choices to fund our defense infrastructure requirements in this changing world.

This bill improves the quality of life for our military personnel and their families stationed at home and overseas.

It cleans up military facilities scheduled for closure so that affected communities can move quickly to redevelop these sites and create jobs.

Finally, it meets our defense needs so that American men and women in uniform are prepared to meet any threat to our national security.

Again, I congratulate my chairman and the ranking member, and urge the Members to vote "yes" on this bill.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentlemwoman for yielding time to me. I want to commend her and the gentleman from North Carolina [Mr. HEFNER] for a well-crafted bill.

I have noticed a few concerns that the committee voiced and I echo those concerns from the Mil Con side on the Committee on Armed Services.

We are spending now an inordinate amount of money on environmental compliance. In fact, the Navy's military construction budget of $320 million consisted of 27 percent environmental compliance projects versus 24 percent for essential mission support projects. Some of that comes about because if a base commander does not meet his environmental compliance requirements and the EPA is after him, he may go to jail if he does not spend defense dollars on environmental compliance. If he fails to spend defense dollars on mission essential military construction projects and readiness, some of his troops may die in battle. But those projects are always deferred because of environmental compliance projects.

I would suggest that we need to get a handle on environmental compliance projects. I think this committee is very, very interested in doing that. We are interested in doing that on the authorization side.

Lastly, in the hearings that we developed, I know the committee has had the same problems. The average base commander now has to understand and be aware of about 10,000 pages of Federal regulation on environmental compliance, which puts a massive, massive burden on him. I would hope that as we get into this process next year, we can look at some way to alleviate that massive burden that is now being shifted to base commanders and taking away their precious time from readiness and training.

I thank both the chairman and the ranking member for their very excellent job on this bill.

□ 1250

Mr. HEFNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK], a member of the subcommittee.

Mrs. MEEK of Florida. Mr. Chairman, I am pleased to be a member of the Subcommittee on Military Construction of the Committee on Appropriations. The way they conduct their work is exemplary, and the people on the committee are committed to the lives of our military men.

I think it is very fitting 2 or 3 days before Memorial Day that the military construction budget comes before the Congress, because this appropriation is so important to the quality of life of the young men and young women who have dedicated their lives to the military.

I compliment my chairman because of the way he conducts the work of this committee. I compliment our ranking minority member, the gentlewoman from Nevada [Mrs. VUCANOVICH]. The gentleman from North Carolina [Mr. HEFNER] and the gentlewoman from Nevada have given the leadership to this committee which all committees need, and that is giving the direction we need to do a good job. I want to thank the chairman of the committee and the ranking member for the fact that they had a budget which was much under budget from last year, and they used their resources to spread this money around so that the military could receive the kind of help it needs.

Mrs. VUCANOVICH. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentlewoman from Nevada [Mrs. VUCANOVICH] for yielding time to me.

Mr. Chairman, I had an amendment that I was going to offer to reduce the appropriation for the military construction, but I think if I get some answers on this that are reasonable, I probably will not introduce it.

Mr. Chairman, this is about $647.2 million below fiscal year 1994, so it is about 7 percent below last year's appropriation, but it is about $470.47 million or 5.6 percent above President Clinton's request.

I went through this list, Mr. Chairman, and started looking State by State at all the new projects, or all the projects that money was being appropriated for. It is very difficult to find out whether or not those are really absolutely necessary, so I would just like to talk to my colleagues, the gentleman from North Carolina [Mr. HEFNER] and the gentlewoman from Nevada [Mrs. VUCANOVICH], to find out how these 125 projects which were added by the Committee on Appropriations, how they came up with this list and whether or not they are absolutely necessary.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I could not stand up here and take an oath that every one of these projects is absolutely critical to the existence of this country, but they were all authorized. There was not one project in this bill that is not authorized. There was some $1.5 billion requested for add-ons, and we did not have money to even come close to doing those. Every one of those projects is authorized.

To the very best of our ability, we went through all these projects as best we could and determined that they were all viable projects. With the limited funds we had, we think that the committee as a whole and the staff did a very good job of screening all these projects. They are all viable and they deserve the Members' support.

I thank the gentleman for not offering his amendment.

Mr. BURTON of Indiana. If I might ask the gentleman another question or two, Mr. Chairman, were some of these projects necessitated because of the cutbacks in the active duty force, active military?

Mr. HEFNER. If the gentleman will continue to yield, some of them were due to the fact that we are bringing forces back from Europe. Certainly that had some bearing on the overall picture of the bill.

Mr. BURTON of Indiana. Mr. Chairman, there were 125 projects, according to my staff, that were added by the Committee on Appropriations that were not requested by the President. If I can ask one more question, could you give me a rough idea of the 125 projects added by the Committee on Appropriations that were not asked for by the President, why those were added?

Mr. HEFNER. If the gentleman will continue to yield, we funded four barracks projects in Korea where our soldiers are in a high-stressed environment. We cut back on NATO spending. We had a real need in Korea. General Luck came from Fort Bragg, one of our

more distinguished people, and it was absolutely necessary that we have this money for the quality of life for the men in Korea.

We had requests from Members from the appropriations committees and authorizing committees and all the other committees. We looked at all the projects, we looked at whether they were 35 percent design, whether they were critical to whatever service component the Guard or Reserve and whether they were viable projects.

Again, I think we have done an excellent job of putting together this bill.

Mr. BURTON of Indiana. Mr. Chairman, because I am very concerned about the strength of our military and because I have confidence in both the gentleman from North Carolina and the gentlewoman from Nevada, I will withdraw my amendment.

Mr. PACKARD. Mr. Chairman, I would like to express my support for the military construction appropriations bill. In the face of severe fiscal constraints, the subcommittee has successfully crafted a balanced spending bill for the next fiscal year. I urge my colleagues to support this bill.

I would particularly like to recognize the chairman, BILL HEFNER, and ranking member BARBARA VUCANOVICH for their invaluable assistance to include funding for a major military installation in my district. Funding provided in the bill goes a long way to provide the base with the facilities they need to adequately carry out the base's readiness mission. I greatly appreciate the consideration and attention given by the chairman and ranking member to these needs.

Mr. COLEMAN. Mr. Chairman, I rise today in support of H.R. 4453, military construction appropriations for fiscal year 1995, and to thank the distinguished chairman, BILL HEFNER, the ranking member, BARBARA VUCANOVICH, and all the members of the Subcommittee on Military Construction for their efforts on behalf of American military personnel and their families. I also want to express my appreciation to the subcommittee staff and the associate staff for their hard work in support of the product before us today.

The bill contains projects vital to the morale, recruitment, and retention of U.S. military personnel across the country and around the world. Not only does the bill relate to critical construction projects, but also contains provisions important to our ability to field new weapon systems, environmental concerns, family housing, child care facilities, and the educational and recreational needs of military families. Finally, it also addresses the important issues related to base realignment and closure.

I also want to thank the subcommittee for its consideration and inclusion of construction activities at Fort Bliss, TX, located in my congressional district, and home of the Army's Air Defense Artillery Center. All of the projects included in the legislation were authorized by the Department of Defense authorization bill, and I want to thank my colleagues on the House Armed Services Committee for their hard work as well.

The President's fiscal year 1995 budget recommendations contained family housing improvements at Fort Bliss, and I appreciate the inclusion of these critical quality of life projects for military families in my district. These were among the priority projects I am supporting in the pending legislation. Others include expansion of the Sergeant Majors' Academy, construction of a child development center, and construction of a maintenance facility. I also want to point out for the RECORD that the report accompanying H.R. 4453 directs the Army to accelerate efforts to replace or modernize barracks at Fort Bliss and to request funds for this purpose as part of the fiscal year 1996 budget submission in order to continue with the barracks upgrade program on post.

In closing, let me once again thank the committee and urge my colleagues to support the bill.

Mrs. BENTLEY. Mr. Chairman, each year, the military construction appropriation is referred to as the quality of life bill for our troops.

This bill is $647 million less than last year's bill, but still $470 million more than the President requested.

In my opinion, our troops deserve more, but we are constrained by our committee's 602(b) allocation.

This bill is a classic example of the administration's priorities which consider military funds a piggy bank for an ambitious social agenda.

During our hearings, Members from both sides of the aisle asked the Army, Navy, and Air Force whether the requested funds were sufficient. The services—good soldiers that they are—all answered in the affirmative.

I agree with my colleagues on the committee that DOD has asked for too little.

I am heartened that the bill contains money for improving the living conditions for our troops stationed just below the DMZ in Korea. We heard testimony that our troops must walk outside to use latrines. This is not acceptable—especially considering the brutal winters in Korea.

The bill also contains money for a fire station at the Naval Academy. Current law mandates that DOD facilities must maintain on post capabilities to fight fires—and that this cannot be contracted out. This bill provides money for a much-needed fire station.

Other projects have been included, but not enough to address the needs of our military.

I find it ironic that so many Members are calling for intervention around the world and yet at the same time are continuing to vote for cutbacks to our military.

If we do not want a hollow military then we must reorder our priorities and start funding military programs. We must also ensure that our troops have adequate housing.

I urge an "aye" vote for this bill.

Mr. BEREUTER. Mr. Speaker, this Member would express his thanks to the distinguished chairman of the Subcommittee on Military Construction, the gentleman from North Carolina [Mr. HEFNER], and the distinguished ranking member, the gentlelady from Nevada [Mrs. VUCANOVICH], for their efforts in presenting an appropriations bill that addresses the construction needs of our armed forces while exhibiting considerable fiscal restraint. This Member is fully aware of the budgetary constraints that the subcommittee faced, and he applauds the constructive and bipartisan approach that is reflected in H.R. 4453.

In particular, this Member is appreciative of the subcommittee's continued support of the Nebraska Air National Guard. The Nebraska Air Guard is in the midst of a conversion from a reconnaissance unit to an air refueling squadron. The Nebraska Air Guard has enthusiastically embraced this new mission, and is anxious to assume this critical support role.

As the subcommittee knows, however, the new KC–135 tankers are much larger than the squadron's old RC–4 photoreconnaissance aircraft, and the refueling tankers require a new support system. This year's appropriation contains much-needed funding for underground fuel storage tanks and for a hydrant refueling system. Appropriation of these funds helps to ensure that the conversion will occur on time, and without unnecessary hardship.

This Member thanks the subcommittee for their support, and urges approval of H.R. 4453.

NEBRASKA

Installation and project	Budget request	House recommended
Air Force Offutt AFB:		
Storm drainage facilities	1,500	1,500
Underground fuel storage tanks	760	760
Air National Guard Lincoln Map:		
Parking apron and hydrant refueling system	14,274	14,274
Replace underground fuel storage tanks	500	500
Total, Nebraska	17,034	17,034

Mrs. VUCANOVICH. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HEFNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $623,511,000, to remain available until September 30, 1999: *Provided,* That of this amount, not to exceed $67,700,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities,

and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $462,701,000, to remain available until September 30, 1999: *Provided*, That of this amount, not to exceed $47,900,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $514,977,000, to remain available until September 30, 1999: *Provided*, That of this amount, not to exceed $55,900,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $467,169,000, to remain available until September 30, 1999: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $45,960,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $134,235,000, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $209,843,000, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $39,121,000, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $12,348,000, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $56,378,000, to remain available until September 30, 1999.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, $119,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $160,602,000, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, $1,121,208,000; in all $1,281,810,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $269,035,000, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, $853,599,000; in all $1,122,634,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $276,482,000, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, $801,345,000 of which not more than $14,200,000 may be obligated for the acquisition of family housing units at Comiso AB, Italy; in all $1,077,827,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $350,000, to remain available for obligation until September 30, 1999; for Operation and maintenance, $29,031,000; in all $29,381,000.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), $87,600,000, to remain available for obligation until September 30, 1995: *Provided*, That none of these funds may be obligated for base realignment and closure activities under Public Law 100-526 which would cause the Department's $1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded: *Provided further*, That not less than $66,800,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(INCLUDING TRANSFER OF FUNDS)

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $265,700,000, to remain available until expended: *Provided*, That not less than $138,700,000 of the funds appropriated herein shall be available solely for environmental restoration: *Provided further*, That, in addition, not to exceed $133,000,000 may be transferred from "Homeowners Assistance Fund, Defense" to "Base Realignment and Closure Account, Part II", to be merged with, and to be available for the same purposes and the same time period as that account.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $2,322,858,000, to remain available until expended: *Provided*, That not less than $302,700,000 of the funds appropriated herein shall be available solely for environmental restoration.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction

of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account, shall be transferred to the appropriations for Family Housing, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 117. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 118. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 119. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 120. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization and Japan and Korea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 121. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 122. The second paragraph under the heading, "Family Housing, Navy and Marine Corps" in title XI of Public Law 102-368, is amended by inserting "and the August 8, 1993 earthquake in Guam" immediately after "Typhoon Omar".

SEC. 123. (a) Of the budgetary resources available to the Department of Defense for military construction and family housing accounts during fiscal year 1995, $10,421,000 are permanently canceled.

(b) The Secretary of Defense shall allocate the amount of budgetary resources canceled among the Department's military construction and family housing accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 124. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 125. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 126. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. HEFNER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill

through page 18, line 17, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Are there amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Military Construction Appropriations Act, 1995."

Mr. HEFNER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BILBRAY) having assumed the chair, Mr. CARDIN, 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. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

□ 1300

The SPEAKER pro tempore (Mr. BILBRAY). Without objection, the previous question is ordered.

There was no objection.

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 passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HEFNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 42, not voting 11, as follows:

[Roll No. 193]

YEAS—380

Abercrombie, Ackerman, Andrews (ME), Andrews (NJ), Andrews (TX), Applegate, Armey, Bacchus (FL), Bachus (AL), Baesler, Baker (CA), Baker (LA), Ballenger, Barcia, Barrett (NE), Bartlett, Barton, Bateman, Becerra, Beilenson, Bentley, Bereuter, Berman, Bevill, Bilbray, Bilirakis, Bishop, Blackwell, Bliley, Blute, Boehlert, Boehner, Bonilla, Bonior, Borski, Boucher, Brewster, Brooks, Browder, Brown (CA), Brown (FL), Brown (OH), Bryant, Byrne, Callahan, Calvert, 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, Crane, Crapo, Cunningham, Danner, Darden, de la Garza, Deal, DeLauro, Dellums, Derrick, Deutsch, Diaz-Balart, Dickey, Dicks, Dingell, Dixon, Dooley, Dornan, Durbin, Edwards (CA), Edwards (TX), Emerson, Engel, English, Eshoo, Evans, Everett, Ewing, Farr, Fazio, Fields (LA), Filner, Fingerhut, Fish, Flake, Foglietta, Ford (MI), Ford (TN), Fowler, Frank (MA), Franks (CT), Franks (NJ), Frost, Furse, Gallegly, Gallo, Gejdenson, Gekas, Gephardt, Geren, Gibbons, Gilchrest, Gillmor, Gilman, Gingrich, Glickman, Gonzalez, Goodlatte, Goodling, Gordon, Grams, Green, Greenwood, Gunderson, Gutierrez, Hall (OH), Hall (TX), Hamburg, Hamilton, Hansen, Harman, Hastert, Hastings, Hayes, Hefley, Hefner, Herger, Hilliard, Hinchey, Hoagland, Hobson, Hochbrueckner, Hoekstra, Holden, Hoyer, Huffington, Hughes, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Inslee, Istook, Jacobs, Jefferson, Johnson (CT), Johnson (GA), Johnson (SD), Johnson, E. B., Johnson, Sam, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kim, King, Kingston, Kleczka, Klein, Klink, Knollenberg, Kolbe, Kopetski, Kreidler, Kyl, LaFalce, Lambert, Lancaster, Lantos, LaRocco, Laughlin, Lazio, Leach, Levin, Levy, Lewis (CA), Lewis (FL), Lewis (GA), Lightfoot, Lipinski, Livingston, Lloyd, Long, Lowey, Lucas, Machtley, Maloney, Mann, Manton, Margolies-Mezvinsky, Markey, Martinez, Mazzoli, McCandless, McCloskey, McCollum, McCrery, McCurdy, McDade, McDermott, McHale, McHugh, McInnis, McKeon, McKinney, McMillan, McNulty, Meehan, Meek, Menendez, Meyers, Mfume, Mica, Michel, Miller (CA), Mineta, Mink, Moakley, Molinari, Mollohan, Montgomery, Moorhead, Moran, Morella, Murphy, Murtha, Myers, Nadler, Neal (MA), Neal (NC), Oberstar, Obey, Olver, Orton, Owens, Oxley, Packard, Pallone, Parker, Pastor, Payne (NJ), Payne (VA), Pelosi, Peterson (FL), Petri, Pickett, Pickle, Pombo, Pomeroy, Porter, Portman, Poshard, Price (NC), Pryce (OH), Quillen, Rahall, Rangel, Ravenel, Reed, Regula, Reynolds, Richardson, Ridge, Roberts, Roemer, Rogers, Ros-Lehtinen, Rose, Rostenkowski, Roukema, Rowland, Roybal-Allard, Rush, Sabo, Sanders, Sangmeister, Santorum, Sarpalius, Sawyer, Saxton, Schaefer, Schenk, Schiff, Schroeder, Schumer, Scott, Serrano, Sharp, Shaw, Shays, Shepherd, Shuster, Sisisky, Skaggs, Skeen, Skelton, Slattery, Slaughter, Smith (IA), Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snowe, Spence, Spratt, Stearns, Stenholm, Stokes, Strickland, Studds, Stump, Stupak, Sundquist, Swift, Synar, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Tejeda, Thomas (CA), Thomas (WY), Thompson, Thornton, Torkildsen, Torres, Torricelli, Towns, Traficant, Tucker, Unsoeld, Valentine, Velazquez, Vento, Visclosky, Volkmer, Vucanovich, Walsh, Waters, Watt, Waxman, Weldon, Wheat, Whitten, Williams, Wilson, Wise, Wolf, Woolsey, Wynn, Yates, Young (AK), Young (FL), Zeliff, Zimmer

NAYS—42

Allard, Archer, Barca, Bunning, Burton, Buyer, Camp, Coble, Cox, DeFazio, Doolittle, Dreier, Duncan, Dunn, Ehlers, Fawell, Fields (TX), Goss, Hancock, Hoke, Johnston, Klug, Linder, Manzullo, Miller (FL), Minge, Nussle, Paxon, Penny, Peterson (MN), Quinn, Ramstad, Rohrabacher, Roth, Royce, Sensenbrenner, Solomon, Stark, Thurman, Upton, Walker, Wyden

NOT VOTING—11

Barlow, Barrett (WI), DeLay, Grandy, Horn, Houghton, Lehman, Matsui, Ortiz, Swett, Washington

□ 1324

Messrs. BURTON of Indiana, QUINN, and BARCA of Wisconsin, and Mrs. THURMAN 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.

PERSONAL EXPLANATION

Mr. SWETT. Mr. Speaker, I was unavoidably detained and therefore failed to cast my vote on rollcall vote No. 193, relating to final passage of H.R. 4453, the fiscal year 1995 military construction appropriations bill. Had I been present, I would have voted "aye."

TIME FOR THE NATIONAL OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 315) designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. BILBRAY). Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Mr. Speaker, reserving the right to object, and I shall not ob-

ject, I rise in support of House Joint Resolution 315, a joint resolution to designate May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the 50th Anniversary of World War II." It is with pleasure and pride that I cosponsored this joint resolution, and I commend the distinguished gentleman from Indiana [Mr. MYERS] and the distinguished Senator from Kansas [Mr. DOLE], for having authored this measure.

World War II was a war unlike any other we have fought. It killed more persons, cost more money, damaged more property, affected more people, and probably caused more far-reaching changes than any other war in history. Those of us who remember and served in World War II still harbor vivid memories of the determination and unity with which the American people conducted themselves. Throughout this titanic struggle, during which the battle lines between good and evil were clearly drawn, Americans in all 48 States and abroad came together for a common purpose.

Mr. Speaker, at its height, more than 50 countries took part in the war and more than 55 million people died. The cost of the war is estimated to be approximately $1,154 trillion. In addition, World War II eliminated the perilous scourge of nazism from the face of the world and freed the thousands of Jews held prisoner in brutal captivity. Unfortunately, millions of others were not saved. The war stopped the tyrannical worldwide conquest by Japan and by dictators Hitler and Mussolini. More importantly, beyond the results of the war, World War II reconfirmed the United States promise to protect liberty and freedom throughout the world.

Veterans and civilians of the World War II era, and all citizens throughout our Nation, recognize the importance of the conflict. Hundreds of thousands of Americans died to preserve and uphold the democratic ideals and institutions which the United States dearly maintains. This war required the mobilization not only of armies but of technologies, economies, and whole peoples. As a result, our entire Nation took part in this noble effort and thus this resolution is an excellent vehicle to once again say "thank you" and pay tribute to those left among us who gave of their time, their efforts, and their hearts to the struggle which helped bring about V-E Day and V-J Day.

Accordingly, I urge my colleagues to support this resolution.

Mr. MYERS of Indiana. Mr. Speaker, I am pleased and proud that the House of Representatives is taking up and considering House Joint Resolution 315, designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II." Two hundred and twenty-five members of the House and over 51 Senators have already shown their support for this commemorative legislation by cosponsoring this bill.

This legislation brings special focus to the Americans who through dedication, hard work, and commitment helped the United States and the Allied Forces to be victorious over tyranny and aggression. We must remember to honor the millions of Americans who defended democracy. We learned through the hard lessons of war that we must remain vigilant and always prepared to resist future aggression and that all nations dedicated to freedom must stand together.

American women as well as men served our country in the military. During World War II opportunities and choices for women increased. Our Government asked women to put aside private concerns and accept more public roles and women accepted the call by working in defense plants, became nurses, and came to the aid of our country in previously untraditional roles for women such as heavy manufacturing work.

It has been documented that from 1940 until the Japanese surrendered, the United States produced more than 300,000 aircraft, over 86,000 tanks, and 12.5 million rifles. In addition, over 100 aircraft carriers, 352 destroyers were built during this time. These figures exemplify our tremendous efforts here at home to support the effort of our men and women fighting over in Europe and in the Pacific.

During this commemoration, Americans of all ages must remember that many, many Americans gave their lives so that our Nation could remain free and strong. It is my hope that this legislation will help us to be mindful of this important event in our past and to always remember its importance for our future.

Mrs. MORELLA. Mr. Speaker. It is an honor for me to rise in support of House Joint Resolution 315, a joint resolution designating May 30, 1994 through June 6, 1994 as a "Time for the National Observance of the Fiftieth Anniversary of World War II." I wish to commend our colleague from Indiana [Mr. MYERS], who has taken the lead in this matter and has brought this measure to the floor.

It is also appropriate today, as we remember our former First Lady, Jacqueline (Kennedy) Onassis, to remember the service that her husband, President John F. Kennedy, performed during World War II as a young Navy lieutenant. President Kennedy said that stories of the past teach courage, offer hope, and provide inspiration. The men and women of World War II will forever remain an inspiration because of their selfless heroism.

For many, the events of World War II are indelibly marked in our minds. However, at least 70 percent of our population was not born until after this milestone—many of our Vietnam War heroes were born after America became involved in World War II. We must communicate the valor and immeasurable sacrifices made by those who fought this war.

The American involvement in World War II was supported by the country. As a nation, we could not tolerate the heinous massacre of millions and the dissoution of personal freedom. Wars, today, do not appear to be as clearly good or bad, right or wrong, as World War II. Following World War II, our country participated in the Korean and Vietnam conflicts, and, more recently, the Persian Gulf war. Within the past 5 years, we have witnessed the fall of the Iron Curtain, the collapse of Communist regimes, the unification of Germany, solidarity in South Africa and tragic situations in Bosnia, in Somalia and in Rwanda. Much has happened within these 50 years. Though it is not likely that we will obliterate the valuable lessons we learned from that war, it is particularly appropriate that the Fiftieth Anniversary of World War II be recognized by proper ceremonies so that all generations can learn from the experience of World War II.

As a cosponsor of House Joint Resolution 315, I urge all my colleagues to support this measure.

Thank you, Mr. Speaker.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 315

Whereas the brave men and women of the United States of America made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million American veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1994, marks the anniversary of the Battle of Midway, and June 6, 1994, marks the anniversary of D-Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 30, 1994, through June 6, 1994, is designated as a "Time for the National Observance of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that period with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MEN'S HEALTH WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be dis-

charged from further consideration of the Senate joint resolution (S.J. Res. 179) to designate the week of June 12 through 19, 1994, as "National Men's Health Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Mr. Speaker, reserving the right to object, and I do not object, I wish to inform the House that the minority has no objection to the legislation now being considered.

Mr. RICHARDSON. Mr. Speaker, I am pleased that the House passed legislation today to designate June 12 through 19, 1994, as "National Men's Health Week." As we consider health care reform, prevention and early detection of disease will become increasingly important in saving health care dollars. The shift to prevention requires not only changes in the health care system, but also an awareness by the American public of the importance of regular visits to their physicians.

Prostate cancer is the most common cancer in men, afflicting 1 out of every 11 American men and killing 34,000 men every year. For African-American men, the rate of affliction is even worse; African-American men have the highest incidence of prostate cancer in the world. In the past 5 years, the death rate for prostate cancer has grown at almost twice the death rate of breast cancer.

Prostate cancer and many other health problems affecting men could be avoided if men's awareness of health screening tests were increased. Heightening the awareness of preventable health problems and increasing early detection and treatment of disease would significantly improve our Nation's health, as well as save limited health care dollars.

Recognizing and preventing men's health problems is not just a man's issue. Because of its impact on wives, mothers, daughters, and sisters, men's health is truly a family issue.

I thank the chairman, Mr. CLAY, for bringing this legislation to designate men's health week forward. I also thank my colleagues for cosponsoring this vital legislation. I especially thank Mr. Jimmy Boyd of the men's health network for his tireless efforts on behalf of this legislation.

This legislation is important as it will help to raise awareness of these important issues. I am pleased that the House has sent this positive message today.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 179

Whereas despite the advances in medical technology and research, men continue to live an average of 7 years less than women;

Whereas the likelihood that a man will develop prostate cancer is 1 in 11;

Whereas the number of men contracting prostate cancer will reach over 120,000 in 1993, with an expected one-third of the cases to die from the disease;

Whereas testicular cancer is one of the most common cancers in men aged 15–34, and when detected early, has an 87 percent survival rate;

Whereas the number of men contracting lung disease will reach over 100,000 in 1993, with an expected 85 percent of the cases to die from the disease;

Whereas the number of cases of colon cancer among men will reach over 80,000 in 1993; with nearly one-third of the cases to die from the disease;

Whereas the death rate for prostate cancer has grown at almost twice the death rate of breast cancer in the last five years;

Whereas African-American men in the United States have the highest incidence in the world of cancer of the prostate;

Whereas men are seven times as likely as women to be arrested for drunk driving and three times as likely to be alcoholics;

Whereas women visit the doctor 150 percent as often as men, enabling them to detect health problems in their early stages;

Whereas significant numbers of male related health problems such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, cholesterol screens, etc., in conjunction with clinical examination and self-testing for problems such as testicular cancer can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas many men are reluctant to visit their health center or physician for regular screening examinations of male related problems for a variety of reasons including fear, lack of information, and cost factors; and

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as a productive family member will be more likely to participate in health screenings; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 12 through 19, 1994, is designated as National Men's Health Week, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 315 and Senate Joint Resolution 179, the two joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1330

THE JOURNAL

The SPEAKER pro tempore (Mr. BILBRAY). Pursuant to clause 5 of rule I, the pending business is the question of the Chair's approval of the Journal of the last day's proceedings.

The question is on the Chair's approval of the Journal.

The Journal was approved.

PERMISSION TO CONSIDER AMENDMENT NO. 2 AS SUBSTITUTE FOR AMENDMENT NO. 1 IN PART 4 OF HOUSE REPORT 103–520 ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that amendment No. 2 in part 4 of House Report 103–520 be considered as a substitute amendment for amendment No. 1 in part 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GOSS. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from California [Mr. DELLUMS] to explain what it is he is trying to accomplish.

Mr. DELLUMS. Mr. Speaker, it was the clear intent of the Committee on Rules, as shown by the committee's document entitled, "Proposed Second Rule" of May 20 at 1:30 p.m. The report itself is ambiguous, and this request is intended only to clarify the situation.

Mr. Speaker, my distinguished colleague, the gentleman from Florida [Mr. GOSS], is the author of an amendment relating to foreign policy matters with respect to Haiti. This gentleman offered an amendment that was intended to be an amendment in the nature of a substitute. The Committee on Rules intended for this to be the case, but their report was ambiguous on the matter.

Mr. Speaker, this unanimous consent request is simply a desire to clarify that the gentleman from California would have an opportunity to offer an amendment in the nature of a substitute to my distinguished colleague's amendment.

Mr. GOSS. Mr. Speaker, further reserving the right to object, I thank the distinguished chairman of the Committee on Armed Services for that explanation.

Part of the problem that we have had with this is the order that we are going to take these matters up, and part of the understanding that the chairman has referred to in those records of the Committee on Rules was that we would deal with the Haiti issue before we broke, presumably by the end of this week, and I wonder if the distinguished

chairman could give me assurances that we are going to deal with this Haiti amendment series in the immediate future and certainly before the end of this week.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, it would be the intent of this gentleman and my distinguished colleague, the gentleman from South Carolina [Mr. SPENCE], to dispose of this matter this evening. It would be our intent to debate the issue and have a vote on the issue on the floor of the House on this matter before we adjourn tonight.

Mr. GOSS. Mr. Speaker, further reserving the right to object, I thank the distinguished chairman, and I yield to the distinguished ranking member, the gentleman from South Carolina [Mr. SPENCE] who would like to ask an additional question if it is appropriate under my reservation of objections.

Mr. SPENCE. Mr. Speaker, I would also like to have an understanding that we are also going to discuss peacekeeping.

Mr. DELLUMS. Mr. Speaker, if the gentleman would yield, the gentleman from South Carolina [Mr. SPENCE] is absolutely correct.

Mr. Speaker, as the gentleman is aware, as I understand it as of this moment, the amendment dealing with Bosnia, by unanimous agreement or agreement among a number of parties here, that issue would be pulled from the floor. But as I understand it, Mr. Speaker, we will go forward. It is the intent of the Chair to go forward on the issue of base closure, C–17, Haiti and peacekeeping.

Does that answer the gentleman's question?

Mr. SPENCE. Yes, Mr. Speaker, the gentleman from California has answered the question.

Mr. GOSS. Mr. Speaker, that certainly takes care of my concerns, so I withdraw my reservation of objection.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT REGARDING ORDER OF CONSIDERATION OF AMENDMENTS TO H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, pursuant to section 5 of House Resolution 431, I ask that the Chairman of the Committee of the Whole House on the State of the Union recognize for consideration of amendments out of the order printed by transposing the proceedings contemplated by section 3(b) of that resolution with the proceedings contemplated by section 3(e) of that resolution.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Maryland.

Mr. HOYER. Does this relate to the amendment which deals with Bosnia?

Mr. DELLUMS. The gentleman is correct.

Mr. HOYER. Mr. Speaker, Is the gentleman asking for unanimous consent, or is he announcing this?

Mr. DELLUMS. I am announcing that this shift be made.

As I understand it, this is an agreement among the leadership, the authors of the amendment and the leadership on the other side of the aisle.

Mr. HOYER. Reserving the right to object, Mr. Speaker, I am not sure whether I will object.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, this is simply an announcement because, as the gentleman from Maryland [Mr. HOYER] is aware, under the rule this gentleman is given the right, within 1 hour of the proposed debate, to make such an announcement, and I am simply carrying out my duties and responsibilities and rights under the rule.

Mr. HOYER. Mr. Speaker, I want to tell the body, if it were a unanimous-consent request, I might well object to this. I believe we are making a mistake. I believe we have an issue, as the distinguished gentleman so often indicates, of great import and of great moral impact. It is an issue that relates to whether or not the United States and its Western allies are going to stand by while we see genocide being perpetrated, war crimes being perpetrated. That is the issue that this House, through this amendment, sought to deal with.

Now, Mr. Speaker, I understand that there is an opinion of some that delaying it until after the President goes to Europe is good strategy. I disagree with that. I think it is time for this country and this Congress to say to our European allies that enough is enough. It is time to stand up. It is time to act. It is time to send a clear, unequivocal and important message to those who would commit more crimes in this new world order.

I understand that this is a request of the chairman.

Mr. DELLUMS. Mr. Speaker, it seems to me that the gentleman from Maryland [Mr. HOYER] is making a statement to the leadership of this body, not to this gentleman. I am prepared to debate this issue anytime, anyplace, anywhere. This decision was made above this gentleman's pay grade, and I hope in the context of the gentleman's remarks he made it clear he was speaking to the Speaker and not to the chairman of the Committee on Armed Services.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. Mr. Speaker, I understand very much the concerns of the distinguished gentleman from Maryland. Within the last 5 minutes I talked to the gentleman from Michigan [Mr. BONIOR], the majority whip, but I guess it was his understanding, Mr. Speaker, that there is not an agreement quite yet.

Mr. Speaker, I wonder if we could delay this being announced, if we could delay it 20, 30 minutes. I believe the gentleman from Michigan [Mr. BONIOR] is trying to reach the gentleman from Maryland [Mr. HOYER] right now.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I might say to my colleague that the rule gives this gentleman 1 hour prior to the time that the issue is debated. So, I am carrying out my responsibilities at this moment in a timely fashion. I have been led to believe that this matter had been worked out among various parties, including yourself, the gentleman from Michigan [Mr. BONIOR], the Speaker, and several other Members here.

Now, if I am being misguided, then I am concerned about that. But I am simply carrying out my duties and my responsibilities.

Mr. McCLOSKEY. Mr. Speaker, if the gentleman would continue to yield, if we could have 10 minutes before this decision, possibly we could go ahead. The gentleman from Michigan [Mr. BONIOR] in the last 5 minutes told me that there was no final understanding yet. If we could just have 10 minutes, say for several of us to get together, I am sure this would be no problem in 10 minutes.

Mr. DELLUMS. Mr. Speaker, I withdraw my announcement.

CLARIFICATION

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, just to clarify the record, I want to make it very clear to the chairman of the Committee on Armed Services, as he has so often said, I do not deal on this issue with personalities. I do not deal with levels of responsibility. This is a broader issue than the leadership, or the chairman, or this gentleman.

Mr. Speaker, I think I almost paraphrased word for word the statements that the distinguished gentleman from California, the chairman of the committee, so often makes. This is an issue of policy; I suggest high policy. I have no difference with the gentleman. He has the right under the rule. I believe

a correct representation was made to him, and I appreciate very much his actions in giving us a few minutes to discuss this issue further.

Mr. Speaker, as the gentleman knows, I am a person who respects his integrity and his intellectual honesty, and I know that he respects that in others as well.

□ 1340

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore (Mr. BILBRAY]. Pursuant to House Resolution 431 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4301.

□ 1341

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. DURBIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, May 23, 1994, the amendments en bloc offered by the gentleman from California [Mr. DELLUMS] had been disposed of.

Pursuant to House Resolution 431, it is now in order to consider the amendment printed in part 2 of House Report 103-520.

AMENDMENT OFFERED BY MR. HANSEN

Mr. HANSEN. 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. HANSEN: At the end of subtitle B of title XXVIII, insert the following new section:

SEC. . POSTPONEMENT OF 1995 ROUND OF BASE CLOSURES AND REALIGNMENTS UNTIL 1997.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subsections (c)(1)(B)(iii), (c)(1)(C), (e)(1), and (l) of section 2902, section 2903(c)(1), and section 2909(a), by striking out "1995" each place it appears and inserting in lieu thereof "1997"; and

(2) in section 2902(c)(1)(B)(iii), by striking out "104th Congress" and inserting in lieu thereof "105th Congress".

The CHAIRMAN. Under the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 15 minutes in support of his amendment, and a Member in opposition, the gentleman from California [Mr. DELLUMS], will be recognized for 15 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. DELLUMS. Mr. Chairman, before the gentleman proceeds, I wish to designate my distinguished colleague, the gentleman from Oklahoma [Mr. MCCURDY], who chairs the subcommittee of jurisdiction on this matter, to sit in my stead in opposition to the gentleman's amendment.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. DELLUMS] has that authority, and the gentleman from Oklahoma [Mr. MCCURDY] will be recognized in opposition.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, the amendment I offer today would defer the 1995 round of base closures and realignments to 1997. I do not offer this amendment lightly or, as some would have this House believe, as a parochial exercise to protect unneeded bases.

I supported the creation of the Base Realignment and Closure Commission. I have supported the closure and realignment of some facilities in the State of Utah and I have opposed others. But, I believe the time has come to depart from the theory of BRAC and deal with its reality; to dispense with rhetoric and confront the facts.

The facts are uncomfortable.

First, despite anything you will hear from the opposition, BRAC is underfunded. The first three rounds—1988, 1991, and 1993—are estimated to cost over $17 billion. Only $12.6 billion has been expended. You will hear that between 90 and 95 percent of BRAC requirements are being funded. Yet, if you go into the field and talk to base commanders you will see the reality.

The Los Angeles Times reported on April 21 on the lack of progress in relocating the Marines from El Toro, CA. As the Times put it, "the Marines' on-again, off-again approach to the move is dictated by the uncertainty of the Department of Defense to pay for it."

Navy Times reported on May 23 that "one Marine Corps officer in New Orleans familiar with base closure said plans to move Marine Corps Reserve squadrons from air stations in Dallas, Glenview, TX, and Memphis, TN, to a joint reserve base in Fort Worth have been on hold because there is no money."

Finally, I have gone into my own district. For this fiscal year, the Tooele Army Depot has validated requirements for $7.7 million in BRAC-related expenses. So far, they have received $43,312. That's hardly 90 pecent.

Second, there is a huge BRAC backlog. Of the 147 bases slated for closure so far, only 46 of those closures have actually been completed. Of the 100 realignments, only a paltry 6 have been resolved.

DOD apparently objects to this statement of fact. DOD complains that it takes time to close a base—3 to 6 years. OK. Let us look at the 1988 round—the round that should be completed by now. Despite the fact that it was the smallest—and cheapest—of any prior round, about 20 percent of the bases slated for closure in 1988 remain open and 30 percent of all actions taken in that round have yet to be resolved.

Mr. Chairman, there is an undeniable funding shortfall and facilities backlog.

Third, BRAC costs are increasing and expected savings are not being realized. The General Accounting Office has reported on more than one occasion that the cost of BRAC-related environmental cleanup is increasing above prior estimates. The Congressional Budget Office reported earlier this month that DOD has underestimated those costs alone by 60 percent. GAO has also reported that revenue from land sales—a key component of expected savings from BRAC—has plummeted.

DOD has revised its own savings estimates downward. For the 1988 round—the round with which we have the most experience—DOD has cut its estimate of expected savings by 52 percent. According to Robert Bayer, Deputy Assistant Secretary of Defense, the break-even point—the point at which the taxpayer will get some relief—for the first three BRAC rounds will not be seen until fiscal year 1997—nearly 3 years from now at the earliest.

Paul Johnson, Deputy Assistant Secretary of the Army, was even more blunt in an assessment offered on March 8. He stated, "we have not saved a whole lot."

Into this morass, Mr. Chairman, the administration hopes to dump at least 15 percent of current infrastructure in the 1995 round. BRAC 1995 would, therefore, be at least as large as all of the previous rounds combined.

Yet, in spite of the fact that there are enormous up-front costs involved in closing or realigning a facility, Inside the Pentagon reported in February that DOD did not budget funds for the 1995-1999 future years defense plan.

Proceeding with such a large undertaking when BRAC is already underfunded and behind schedule is poor management and can only lead to longer delays—and increased costs—in the BRAC process.

Why then does DOD insist on going ahead with a round in 1995 when only 2 weeks ago Secretary Perry and other senior officials were suggesting that another round might be needed to accommodate BRAC within current budget constraints? There can only be one answer.

BRAC has become an entirely budget-driven exercise to produce paper savings supporting an underfunded defense budget. The irony is that a huge 1995 round, with its enormous up-front costs, will only worsen the under funding problem—not just for BRAC but for defense overall.

Mr. Chairman, we are also told that without a 1995 round readiness and modernization will suffer. The fact is, as Defense News reported 2 weeks ago, escalating BRAC costs threaten to "overwhelm current budget plans, and could force the Pentagon to delay base closures or rob readiness funds."

The services may argue that a 1995 round is crucial to maintaining readiness and modernization. The reality is that the services have not seen any net real savings to date and with a 1995 BRAC they will not see any until the next century.

Mr. Chairman, this amendment does not kill the BRAC process. This amendment does not alter the role of the nonpartisan commission. It does, however, provide for a 2-year pause so the defense budget can catch up with the enormous up-front cost of base closures and realignments and communities can catch up with needed economic adjustment.

This amendment would allow us to ensure that the drawdown is accomplished in a prudent and reasonable fiscal and military fashion. To do otherwise would, in the end, cheat the taxpayer and harm the Nation's defense.

I urge my colleagues to support the amendment.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Hansen amendment. I think it makes a lot of sense. Base closure has not worked as expected. It is costing too much to clean up and close the bases. We are having to take monies away from readiness. We are only asking for a 2-year delay to let Defense Department get caught up. The Base Closure Commission has done an outstanding job. They are not the problem in any way. I hope the Commission will continue to operate in the excellent manner they have done in 1989, 1991–93.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I yield 3 minutes to the gentleman from Maine [Mr. ANDREWS], a member of the committee.

□ 1350

Mr. ANDREWS of Maine. First of all, Mr. Chairman, let us have a history lesson. Why do we have the base realignment and closure process at all? The reason is that for years and years, this Congress refused to allow the Pentagon to do what was in the national defense and security interests of this country, and instead put parochial pork-barrel interests ahead of national defense interests and prevented the Defense Department from doing what needed to be done and close obsolete military bases. So we created an independent base closing process, a process that has been difficult, has been painful, and has created lots of problems across this country. But it has worked in its objective of providing for this country's national defense first, and making those concerns the priority of any decision about closing military bases.

At issue today with this amendment is will we move forward, or will we move backward in those old days of allowing Congress and parochial pork-barrel politics to veto what is in the national defense interests of this country? Will we do today what is politically expedient, or will we do today what is the right thing to do? Defense decisions, Mr. Chairman, will they be based on the national security and defense of this country, or will they be based on the short-term political interests of Members of Congress?

What is in the interest of national defense? Well, the Secretary of Defense has told us what is in the interests of national defense, Mr. Chairman. I am going to quote from a letter that we wrote:

> The Joint Chiefs of Staff and the civilian leadership of the Department of Defense strongly oppose the Hansen amendment. We believe that the infrastructure savings that will be achieved by base realignment and closure are essential to maintaining the readiness of our forces in the next century. Deferring this process put readiness at risk.

I would like to close by saying, for every Member of Congress who is feeling concerned and feeling the pressure at home because they may have a base in their district that might face closing in the next round, I would like to quote the Senator from Maine, Margaret Chase Smith, who was faced with a similar dilemma when she served in the U.S. Senate. I am going to paraphrase from a speech she gave on March 30, 1961.

Mr. President, this morning at 9 o'clock I received from the Department of the Air Force notification that it had been decided to close the Snark Missile Base at Presque Isle, ME. The far easier course for me to pursue politically would be to vigorously protest this action and, as a Republican Senator, to point out that the decision was one made by a Democratic President and to make political attack on the decision of President Kennedy. The far easier course for me to pursue politically would be to demand that the Presque Isle Air Force Base be kept operating to aid the economy of the area and to avoid the impact and dislocation that its closing is bound to have on the economy of this area. But in all good conscience, I cannot do this, for this would simply be playing politics with our national security, our national defense, and our taxpayers' dollars.

Mr. Chairman, let us heed the words of Senator Margaret Chase Smith. Let us not play politics with our national security and national defense. Let us do the difficult thing, but the right thing, and vote down this shortsighted amendment.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I appreciate the moral tone of the debate by the gentleman from Maine [Mr. ANDREWS] here. But with all due respect, I think there are other considerations, other than alleged pork-barrel morals in regards to the amendment now being considered, and that is our national security, which is a changing situation.

We just heard a debate in the House by the gentleman from Maryland [Mr. HOYER], that perhaps we ought to take a stronger stand in reference to Bosnia. It was last spring that I attended a briefing, and the administration was ready to send 60,000 troops to Bosnia. Our allies said no. We do not know whether or not we are going to have an invasion in Haiti or not. We have those military exercises now ongoing. We do not know what is going to happen in regards to North Korea. There are 37,500 good reasons why we should stop and take a look. That is the number of American men and women in uniform over there. We do not know what is going to happen with the former Soviet Union. We do not know what is going to happen in regards to the Mideast.

There is no consistency or predictability in the new world order, or the new world disorder. Moreover, there is very little predictability and consistency in regards to the administration's conduct of foreign policy.

I say support the gentleman's amendment because of national security. Base closing is, in fact, robbing our readiness funds. I thank the gentleman for introducing the amendment.

Mr. MCCURDY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on Armed Services.

Mr. WELDON. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, let me say to my colleagues, we need this debate. I come from one of the most heavily affected areas of the base closing process. Philadelphia is right now losing 20,000 jobs from the closure of the Philadelphia Naval Base and the Philadelphia Naval Shipyard.

But, Mr. Chairman, as a member of the Committee on Armed Services, we told our colleagues years ago the savings would not be what they were projected in terms of base closing. We told them environmental costs would be higher than in fact they were projected to be, and we told them there would be a terrible local impact.

Although as I do not like where we are, we are here. We are cutting de-

fense dramatically. To do that, we have to continue to downsize the size of our installations. The height of hypocrisy, Mr. Chairman, would be for those colleagues of ours who support cutting defense to also vote for this amendment to prolong the base closing process.

This process must continue as we downsize the military far beyond what I think is right. We must also allow the Pentagon to take the steps to close appropriate facilities.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise in support of the Hansen amendment to defer the base closure scheduled for 1995 until 1997. The Department of Defense has found that base closure is a time-consuming and costly endeavor and I urge my colleagues not to act in haste to complete a process for which this Government is not prepared.

The 1988, 1991, and 1993 rounds of base closures have revealed a far greater amount of environmental cleanup than had been expected. The Department of Defense has not completed any of these closure rounds 1993.

The first three rounds of base closures is estimated to cost the Federal Government $17.3 billion, with only $2.6 billion having been expended and we still have a lot of work to do on them.

Base closures have a devastating impact on communities, we should not rush to impose that difficulty on the people who have served our Nation when she needed them.

Base closure means jobs lost. When times are tough, people are out of work, why take away more people's jobs? When people don't work, Uncle Sam pays.

Mr. Chairman, I urge my colleagues to vote in favor of the Hansen amendment and delay the 1995 BRAC for 2 years.

Mr. MCCURDY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. FAZIO], a member of the Committee on Appropriations.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the Hansen amendment. I do so reluctantly, because I feel as the gentleman from Utah [Mr. HANSEN] does, the hot breath of the BRAC. But I think we have to stay the course.

In 1991, Congress put in place a process to ensure that base closures went forward on schedule to reflect reductions being made elsewhere in the Department of Defense. To date, we have reduced our armed services by 30 percent, but we have only reduced the infrastructure by half that much. We cannot afford to maintain an oversized base structure, lest we compromise the personnel, training, and equipment needs that are at the core of our readiness requirements.

The BRAC process affords us the only opportunity to downsize the military infrastructure to ensure that we maintain a proper balance in the makeup of our military forces.

I recognize the desire of a number of our colleagues to postpone base closures because their own base may be considered for closure. I understand this feeling, as I said, very well. My district has already been hit hard by two major base closures, and with the '95 BRAC, we continue to live under the threat of our largest closure yet, which in itself would affect 15,000 direct jobs. If anyone has a concern about BRAC, it is me.

Even with this concern, however, I firmly believe that BRAC '95 must go forward. We cannot afford to forego the significant savings that may result from the '95 round. Secretary Perry indicates we will save 4 to 5 million per year by the end of this decade from previous BRAC rounds. This is the bottom line we should all support.

I might also say that we do have the opportunity, I think, to have a much lesser round than some have prophesied. I do not see this, as has been described, as a base closure round to be called the mother of all base closure rounds. Secretary Perry has indicated, and so has Assistant Secretary Deutch, that it will probably be a smaller round, one that will have less budget impact.

I fully expect we will be asked to have further rounds beyond '95. But the Pentagon opposes this amendment, and I oppose it and urge my colleagues to oppose this amendment as well.

Mr. HANSEN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise to express my support for the Hansen amendment to the Defense authorization bill, which would defer the next round of base closing until 1997.

I support this initiative because I am extremely concerned about the status of base closures and realignments ordained by previous base closure commissions. We have now gone through three rounds of base closure, and the result has been huge budget and schedule problems with those facilities designated for closure or realignment. As of this date we have completed only 46 of the 147 base closures prescribed by the previous BRAC commissions, or 31 percent of the total. On realignments, the figures are even worse: only 6 percent—6 of 100—have been completed.

Meanwhile, the Pentagon has indicated that it will take some $17.3 billion to meet only the most basic closure and realignment costs. To date, however, only $2.6 billion has been expended. And while the costs of closure have been rising, the expected revenues and savings from base closure have been declining. Environmental remediation costs in particular have been miscalculated, with current projections indicating that the costs of such work have been underestimated by some 60 percent.

As a consequence of the serious underfunding of past BRAC directives, the services have been left with no choice but to address immediate requirements and meet fixed timeliness by robbing their readiness accounts, decreasing the amount of money available for the services' training, operations and maintenance. Combined with budget cuts being imposed on the services, we have reached a point where our military's capabilities are directly threatened.

In my view we need to take pause for a short period to allow us to address our existing base closure and realignment requirements, to catch up in terms of budget and schedule problems, and to make sure that our military services are able to provide for our national security interests without having to raid readiness accounts. I urge my colleagues to support the Hansen amendment.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the distinguished ranking minority member, the gentleman from South Carolina [Mr. SPENCE].

□ 1400

Mr. SPENCE. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Utah to defer the 1995 round of base closures until 1997.

In the fog of confusion which surrounds BRAC, it is time to take a step back and assess where we are before proceeding with the final round in 1997.

As it stands now, the base closure process is significantly underfunded. The cost of closing and realigning bases is increasing while BRAC savings are not being realized on schedule, if at all. Not one of the previous three rounds of base closings have been completed. Less than 20 percent of all closures and realignments undertaken since 1988 have been completed. Only 46 of the 147 bases that are supposed to close have actually been closed—and not one of them has been completely cleaned up environmentally.

Meanwhile, the cost of BRAC continues to increase well beyond any estimates provided by DOD. The General Accounting Office has found that the costs of environmental cleanup are significantly higher than expected and that revenues from land sales are significantly less than expected. The effect of both has been to erode any net savings to date.

DOD now believes that net real savings from the first three BRAC rounds alone will not be seen until fiscal year 1997. Given how far off DOD has been in its own estimates to date, the 1997 estimate is probably very optimistic. But, one thing is certainly true. No real savings from base closure—whether the next round is in 1995 or 1997—will be seen until sometime next century.

Given the huge base backlog, why is there a rush to complete BRAC in 1995? There is only one reason to proceed without taking the time to seriously examine the issue, and that reason is to allow the military services to rec-

ommend closing as many bases as possible in order to demonstrate paper savings necessary to meet impossibly low Clinton defense spending numbers. The driving force behind the base closure process is no longer to cut bases in an effort to reduce unneeded infrastructure, it is to cut bases in order to cut the defense budget.

This is wrong. It is poor budget policy and it is even worse military planning. Right now, no one is able to provide any clear assessment of the military implications of BRAC. The Armed Services Committee has admitted as much by including a provision in the bill, section 2815, which would require the Secretary of Defense to submit a report by January 1, 1995, on the effect of base closures on future mobilization options.

While such a report would be very useful, it is long overdue. It makes no sense, however, to require a report on the military effects of BRAC while in the midst of the final base closing round and proceed as if that report did not exist.

We need time to consider the administration's report. We need a comprehensive assessment of the overall costs of base closures. We need reliable information on the true costs and schedule of environmental restoration. We need to understand the economic implications of recent changes to the policy by which excess Federal land and property will be disposed. Without detailed answers to the nagging questions surrounding BRAC, we are flying blind.

Only the adoption of the Hansen amendment will give us the time to fully understand the economic and military implications of BRAC. We are not calling for an end to BRAC. We are calling for a pause. To do otherwise risks the loss of infrastructure that will never be replaced.

I urge my colleagues to join me in supporting the Hansen amendment.

Mr. McCURDY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana [Mr. BUYER], a member of the committee.

Mr. BUYER. Mr. Chairman, I oppose the delay of the 1995 BRAC. At a time of downsizing the U.S. military, the only time we can come together with a force structure to meet our national security objectives is through jointness, colocation and mutuality of support. Trying to get the Pentagon to think that way is very, very difficult.

To my colleagues, I have Grisson Air Force Base in my district. It was closed under the 1991 BRAC, realigned to a reserve base, a single-mission base to handle 60 KC–135's. I have excess capacity there for 40.

In the infinite wisdom of the Pentagon, less than 50 miles away they have now chosen to spend $41 million to duplicate a Grisson Air Force Base for 8 to 10 KC–135's by the Guard Bureau. That is an incredible decision by the Pentagon. That is an inequity that is occurring throughout the United States.

We have to allow the BRAC process to continue forward in order to cure the inequities that are occurring out there. To those generals in the Pentagon that are listening right now, you can no longer have your own sand boxes with your own set of toys.

We have to move to jointness, mutuality of support, colocation to come up with a force structure necessary to meet national security objectives. Vote this amendment down.

Mr. McCURDY. Mr. Chairman, I yield 1 minute and 30 seconds to my good friend and colleague, the gentleman from Ohio [Mr. KASICH], a member of the Committee on Armed Services.

Mr. KASICH. Mr. Chairman, I thank the gentleman for yielding time to me.

I might say right off the bat that I worked very closely with the gentleman from Texas [Mr. ARMEY] in the early days of passing base closure legislation. In fact, I warned the year before it passed that either it was going to be done rationally through the committee or it would be done on the floor.

We, in fact, did pass base closure, and I was proud to have played a part in it.

It has been, obviously, a very painful process for many Members. There have been some winners but a heck of a lot more losers. Most of the Members in this body have been touched by the loss of jobs and the hurt that ultimately evolves to families in this whole base closure deal.

What I will tell Members is that the process, the supreme part of this process, it has been a nonpolitical, one of the most apolitical, nonpolitical operations that I have ever observed on Capitol Hill.

One of the things that I believe the communities have been able to take great solace in is the fact is that the Commission has called them like they have seen them, and they have made the hard choices. And people across this country have learned to accept that when the decisions are made, the decisions get made properly.

I do not know what we tell Members who have had bases closed up till this point, whose people have gone along with it in a great American spirit, and tell them now we are going to exempt a lot of other Members out in the future.

Look, we have to keep the process correct. We must keep it nonpolitical. We must downsize the overhead of the Pentagon in order to provide for readiness, the kind of readiness that we need to conduct tough military operations.

This is a tough vote for Members. What I want to say to them, is, think it out. Let us keep the train on the track and let us do it so that everybody gets the sense of fairness that every community in this country deserves. Vote no on the amendment.

Mr. McCURDY. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in reluctant opposition to the amendment of the gentleman from Utah. The gentleman makes a very important point in bringing out this debate. But it does seem to me that having made the decision some years ago to go with the Armey amendment which brought us this base closure process and having seen that base closure process work as it has under Chairman Courter, with a great deal of objectivity, not without pain to those of us who have been realigned and possibly closed, but with objectivity, I think to veer away from that at this point would be a mistake, because we may then inject this question back into the pre-Armey setting.

I do not think that would be useful. I believe at this point the gentleman's amendment ought not to be passed. We ought to proceed with the regular BRAC process.

Mr. HANSEN. Mr. Chairman, may I inquire as to the time remaining on both sides?

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] has 4 minutes remaining, and the gentleman from Oklahoma [Mr. McCURDY] has 6 minutes remaining. The gentleman from Oklahoma [Mr. McCURDY] would have the right to close.

Mr. McCURDY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ARMEY], the author of the original provision on base closure.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

My colleagues in the Chamber will notice that I have taken an unaccustomed position in the well. I do that to dramatize a point. The point is, base closing, since BRAC '88, has not been and is not today a partisan political issue.

In fact, the one thing I think we in this House can feel proud about is that partisan politics has not entered into the process either in this Chamber or in the deliberations of the Commission. The nonpartisan implementation of a truly bipartisan legislative effort is a rare experience indeed.

I would like to also express my appreciation to the gentleman who offered this amendment, the gentleman from Utah [Mr. HANSEN] in particular. I understand this is offered for the best of all intentions. I only reluctantly speak against the amendment.

The fact of the matter is, keeping bases open 2 more years will cost $9 billion. The Defense Department, on May 20, said, "Delaying the base closure process until 1997 would deny the De-

fense Department up to $9 billion in annual recurring savings resulting from the lost 2-year period."

Wasting that $9 billion will hurt our military readiness. The base closure process is not underfunded.

According to the DOD's May 20 letter, "The claim that the base closure process is 'seriously underfunded' is without basis."

The military construction bill we just passed increases funding for base closures by 23 percent over last year. A vote against the Hansen amendment is a vote for good government.

The Secretary of Defense opposes it, the Chairman of the Joint Chiefs of Staff opposes it, the National Taxpayers Union opposes it. Citizens Against Government Waste oppose it. The New York Times opposes it. The Washington Times opposes it. The chairman of the subcommittee and the chairman of the Committee on Armed Services oppose it. Millions of American taxpayers oppose it.

I ask the Members of this body, please vote "no" and do so out of all respect for the author of the amendment.

Mr. Chairman, I include for the RECORD the following information.

DOD POLICY ON THE BASE REALIGNMENT AND CLOSURE PROCESS

Secretary of Defense William J. Perry and Chairman of the Joint Chiefs of Staff General John Shalikashvili jointly issued the following statement on 1995 base closures:

"We will conduct the 1995 round of base closures. The prudent management of our resources demands it. As in the past, the number and types of facilities recommended for closure will depend on our force structure needs. We shall also consider the cumulative economic impact on communities as well as our capacity to responsibly manage re-use of closed facilities. We must proceed to close bases in order to save money, managing the process in a way that recognizes that base closing costs money before it saves money. Too much, too soon jeopardizes our current program; too little, too late jeopardizes our future program. These are the considerations that will determine the size and shape of the closings we will recommend to the Base Closure and Realignment Commission for 1995. If closures beyond the amount we can responsibly accomplish in 1995 are required or force structure requirements change, we will seek authority for future BRAC rounds."

POTENTIAL AMENDMENT TO DELAY BRAC 95

Background: A "Dear Colleague" letter from Congressmen Floyd Spence and James Hansen solicits support for an amendment they intend to introduce to defer the 1995 BRAC round until 1997.

DoD Position: The Department is strongly opposed to such an amendment. The "Dear Colleague" letter's acknowledgement that DoD cannot continue to maintain its Cold War infrastructure negates the letter's further assertion that deferral of the BRAC 95 process makes both economic and military sense.

Delaying the BRAC 95 process two years until 1997 would deny the Department up to $9.0 billion in annual recurring savings resulting from the lost two year period, which would severely impact readiness. Also, domestic base closures are lagging way behind force structure reductions. If this situation is allowed to continue, or is exacerbated by a delay in the BRAC 95 process, the Department could find itself in the position of maintaining military installations for which there are no longer military missions. The maintenance of unnecessary infrastructure is unsound policy both economically and militarily.

The letter's claim that the BRAC process is seriously underfunded is without basis. The recent Congressional rescission of $507 million in BRAC 93 appropriations does have the potential to delay some base closure schedules, but it would be misleading to hold this up as an example of the BRAC process being "seriously underfunded". The Department and the Congress, with the exception of the recent rescission, have fully funded necessary BRAC costs which are offset by BRAC savings that are realized during implementation.

The cited increase in environmental cleanup cost estimates does not support delaying the BRAC 95 process. The Department has experienced environmental cost increases at active military bases also. Environmental cleanup cost increases are for the most part a function of improving technology; both for identification of environmental hazards and techniques to mitigate or eliminate them. Regardless, delaying the BRAC 95 process would not reduce environmental cleanup costs as the Department is obligated by law to cleanup its bases, closing or not.

The letter also cities a report that criticizes the Department for disposition actions that had the "* * * potential for large monetary losses * * *" related to the transfer of a medical facility and perishable supplies to the Bureau of Prisons. The report misses the point that another Federal agency (Bureau of Prisons) benefited from this transfer, that perishable supplies will be put to their intended use and, most importantly, that the local community supported and welcomed this transfer and the attendant influx of jobs. This action by the Department is in complete accordance with the wishes of the President as expressed in his Five-Part Program to speed economic recovery in communities adversely affected by base closures.

It is an undeniable fact that the Department must close more military installations. Delaying the BRAC 95 process will add unnecessary costs, forgo considerable savings and delay the ultimate economic recovery of the affected communities. We urge the Congress to not support efforts to delay the BRAC 95 process.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, May 20, 1994.

Hon. DICK ARMEY,
House of Representatives, Washington, DC.

DEAR DICK: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), thank you for your efforts on the fiscal year 95 Defense Authorization Act, H.R. 4301.

As the founder of the Military Base Closing Coalition in 1988, when your bill to establish the Base Closure and Realignment Commission was first enacted by Congress, CCAGW fully supports the effort to block any attempt to postpone the 1995 round of base closing recommendations. This is not the time to repoliticize military base closures or return to parochial politics. More importantly, at a time when our Armed Forces are being asked to drastically reduce nonessential spending, sparing obsolete bases would come at the expense of the nation's military readiness.

Some members of the Congress feel the defense budget simply absorb the up-front costs of the 1995 round. This statement is simply not true. The *New York Times* reported on May 5 that Admiral Jeremy Boorda, the new Chief of Naval Operations said, "We really need this (1995 round). There's not enough money to maintain infrastructure we no longer need."

On May 11, 1994, Secretary of Defense William J. Perry and Chairman of the Joint Chiefs of Staff General John Shalikashvili jointly issued the following statement on 1995 base closures:

"We will conduct the 1995 round of base closures. The prudent management of our resources demands it. As in the past, the number and types of facilities recommended for closure will depend on our force structure needs. We must proceed to close bases in order to save money, managing the process in a way that recognizes that base closing costs money before it saves money. These are the considerations that will determine the size and shape of the closings we will recommend to the Base Closure and Realignment Commission for 1995."

CCAGW strongly urges the House of Representatives to fight any attempt to postpone the 1995 round until 1997. This vote will be considered in our 1994 Congressional Ratings.

Sincerely,

TOM.

NATIONAL TAXPAYERS UNION,
Washington, DC, May 18, 1994.

Hon. DICK ARMEY,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE ARMEY: The 250,000-member National Taxpayer Union opposes any legislation that would delay the 1995 round of military base closings, and supports your effort to prevent such a delay.

Thanks in no small part to your tireless dedication, the Defense Base Closure and Realignment Commission was formed in 1988 to address Congress' lack of will to close individual military facilities located in members' districts. The National Taxpayers Union actively campaigned for this important reform.

By 1991, the Commission had already closed or realigned 82 bases, for a total budget savings of $1.5 billion annually. More than 150 industrial parks, municipal airports, and educational establishments have already been created from closed bases, resulting in a net gain of more than 60,000 civilian jobs. The latest round of base closings, approved by Congress last year, could save taxpayers more than $3 billion annually over five years.

In short, the military base closure process created seven years ago has been a resounding political and economic success. Any attempt in this Congress to delay the process only invites a return to the partisan bickering, pork-barrel politics, and unacceptable taxpayer burdens that once marred the debate over closing obsolete military bases. Overburdened taxpayers should not, and need not, be treated to such a sorry spectacle.

Accordingly, the National Taxpayers Union strongly opposes an amendment offered by Rep. Hansen (R-UT) to postpone the 1995 round of base closures to 1997. NTU would also strongly oppose any other attempts to delay, alter, or repeal the content or schedule of the 1995 round of base closings. *A "NO" vote on the Hansen Amendment, or any other amendment to delay or alter the 1995 base*

closing schedule, will be included in NTU's annual Rating of Congress as a pro-taxpayer vote.

Sincerely,

AL CORS, Jr.,
Director, Government Relations.

[From the New York Times, May 24, 1994]

KEEPING POLITICS OUT OF BASE CLOSINGS

Congress removed politics from the painful process of closing military bases in 1988 by giving the central role to an independent commission. It was a smart move. In the preceding decade, bluster by the Pentagon and politicking by members of Congress had prevented any closings at all. But since then, more than 200 large and small bases have been tagged for closing, and 24 of them are already closed. When they are all closed, the savings will exceed $4 billion a year.

The Supreme court ruled yesterday that the Federal Government's choice of which bases to close is not subject to challenge in court, thus foreclosing efforts by some states to save facilities in their areas. But the carefully constructed process is now threatened in Congress. A proposal to tinker with it has support in the House, and will be offered this week as an amendment to the defense authorization bill. Its passage would be a mistake.

Representative Dick Armey, a Texas Republican, devised the process under which an independent commission reviews a list of bases the Pentagon proposes to close or restructure. Starting from the Pentagon's list, and after hearing arguments pro and con, the commission draws up its own list. That list goes to the Secretary of Defense, then the President and finally both houses of Congress; any of them may kill the entire list, but they may not pick and choose among the candidates for elimination. No list has yet been rejected.

The first commission worked so well that Congress voted in 1990 to repeat the process in odd-numbered years through 1995—avoiding the unpleasantness of closings in election years. The 1991 and 1993 rounds are history, but the 1995 round has some politicians nervous. The Pentagon is expected to submit a long list, because this would be its last chance under the current law.

A bill co-sponsored by Representatives James Hansen of Utah and Floyd Spence of South Carolina, both Republicans, would postpone the 1995 round to 1997. The Pentagon estimates that this would waste $9 billion. The Administration opposes this bill, but is toying with the idea of letting the 1995 round proceed, then adding another in 1997. This, too, would reduce closings in 1995, on the eve of the 1996 Presidential election.

Military leaders oppose any stretch-out, because it makes them spend money on bases they do not want instead of weapons they need. Congress made the right decision in 1988, and reaffirmed it in 1991. Any fiddling puts the whole process at risk.

[From the Washington Times, May 24, 1994]

LET THE BASES CLOSE

The House may vote as soon as today on a proposal to delay the fourth and final round of military base closings from 1995, as scheduled, to 1997. Delay would be a major and costly mistake.

The political popularity of military bases on Capitol Hill is legendary. To create even the possibility of closing bases that are no longer militarily necessary, Congress adopted a proposal by Rep. Dick Armey to eliminate political horse-trading from the process. A commission would draft a list, and with the approval of the administration and the Congress of the list as a whole—on an up-or-down vote in which the list is not subject to revision—obsolete bases would finally close. The process has worked well three times, to the benefit of taxpayers and the military itself, which need not allocate resources to useless institutions.

Comes now Rep. Ron Hansen, Republican of Utah, to suggest a two-year delay in the final cycle. Numerous arguments for delay are making the rounds. Some of them are more disingenuous than others. One suggests, absurdly, that base closing is "underfunded" in Pentagon budgets—that is, that the Pentagon does not have the money to save money. It's true that it costs money to shut down a military base. But if Congress is serious about making necessary closures, that is money that is going to have to be spent one day. Delay merely compounds the cost by the amount it takes to keep unnecessary bases open in the interim. The pentagon reckons the long-term costs of the Hansen amendment at $9 billion. The secretary of defense and the chairman of the Joint Chiefs of Staff both want this round of closings to go forward.

Congress did the right thing by agreeing in 1988 to a formula that would, at long last, shut obsolete bases down. The House shouldn't lose its nerve on the eve of the successful conclusion of this process. Although some legislators fear the negative economic effect, and thus the electoral consequences, of a closure in their district, delay now would have grave consequences as well. It would be an indication that Congress is incapable of real fiscal discipline. People are worried about that as well, and members of Congress need to understand that risk to their careers as well.

□ 1410

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to thank the gentleman from Utah [Mr. HANSEN] for offering this amendment. To those who suggest there is not politics on the Base Closing Commission process, they are sadly mistaken. Unfortunately, we in Maine were targeted by the Base Closing Commission, and we felt the heavyhandedness of Pentagon politics when it targeted Loring Air Force Base for closure on the basis of quality of life, and not on the issues concerning military value, because that decision was driven by the Pentagon.

For those who suggest that somehow this is an underfunded process, they are not looking at the facts. That is what this amendment is all about.

I want to congratulate the gentleman because he is forcing us to look at the issues, and not to bury our heads in the proverbial sand. If we look at the facts, it is a clarion call for supporting this amendment.

First of all, not one base closure round has been completed since 1988. That is 6 years ago. The Congressional Budget Office has indicated that they have underestimated the BRAC-related environmental cleanup costs by more than 60 percent.

We have also, in the State of Maine, the environmental cleanup associated with Loring Air Force Base. This year we are appropriating $265 million. Do Members know what the Congressional Budget Office is saying we are going to need on an annual basis for the next 5 years? Four billion dollars, so we have underestimated environmental cleanup by more than $20 billion.

The cost is to whom? The cost is to the defense and to the national security interests, by taking this money out of modernization and readiness, because we have underestimated the costs and overestimated the savings.

Finally, it is going to affect the communities and the personnel that will be directly affected by base closing processes, because we have hardly begun to address our responsibility in defense conversion activities.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MCCURDY] has 4 minutes remaining, and the gentleman from Utah [Mr. HANSEN] has 3 minutes remaining.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, we are not keeping bases open for 2 more years, as my friend, the gentleman from Texas [Mr. ARMEY] said. We are trying to close them. BRAC 1993 is not funded. The military right now is funded in 1994 at a bone marrow minimum. All the funding for 1995 and out is based on closing those bases, but yet this administration and this body will not even fund BRAC 1993.

NTC closed, but yet the skipper had to just put out a check for $30,000 out of training money because this body will not fund BRAC 1993. Now we are going to dump BRAC 1995 on top of that? Our communities that we are talking about, the military is going to have to take this out of hide, and it is going to kill defense.

I think it is purposeful, and I think that the liberal leadership on the other side is attempting to do this to kill defense. They kill it with $127 billion defense cuts, they put peacekeeping in it, they do not fund BRAC, and then they dump BRAC 1995 on top of that, and they are killing the military.

Mr. Chairman, let us support the amendment.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, there is another side to this BRAC debate. I might note that my colleague and I, and the gentleman from San Diego, have fared well under BRAC. We have gained about 7,000 jobs, and the parochial vote in San Diego is to support BRAC and try to get Long Beach closed down, which would bring another several thousand jobs to San Diego, but there are some long-range questions about BRAC that I have asked over and

over again in our committee hearings that the chairman and I have held, that DOD has not been forthcoming on.

One of those questions is, is there a long-range mobilization plan that fits in with BRAC? Is there a deep thinker in the Pentagon who has looked at what it is going to take in terms of military structure to meet a mobilization requirement, because once we give away air space, once we give away coastline, we cannot retrieve that.

I would suggest, Mr. Speaker, that the answers that I have gotten in briefings have been one-liners. They have not been intellectual, they have not been in depth, and I have come to the conclusion that there is not a long-range deep thinker who has decided when this project comes to closure.

Additionally, we have created an environmental monster that has taken $30 billion out of DOD since 1988. That money has come out of readiness. We should flesh out the first three rounds of BRAC and then move forward.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has been an interesting debate. I appreciate both sides talking about this very important issue.

Mr. Chairman, I would like to point out that this 90-percent figure that my friend, the gentleman from Texas, talked about is funding the request, not the cost. If people will really take a look at this, no one has addressed the cost of closing these bases.

As the gentleman from California [Mr. HUNTER] just pointed out, we have a huge backlog. I ask the Members to call their base commanders, do not take my word for it. They are going to have 15 minutes or so. Give him a call and ask him. I can guarantee what he is going to say. He is going to say, "I am taking the money from O&M, I am taking away readiness, I am taking away training, because the Pentagon is not giving me the money." That is the reality of this thing.

If we want to tear the military down this way, by all means, let us go pell-mell into 1995, take this huge backlog we have from 1988, from 1991, from 1993, and dump it right on top of them.

Does that make any sense to anybody? Three lessons on how to kill the military. We did it after the First World War, the Second World War, and we win one over in the Persian Gulf and we want to tear it down again.

Where do people believe it is all safe in the world? Can anybody in this hall, anybody over in that five-sided building over there, tell me where we are going in America? I do not know where we are going.

The Director of the CIA says there are 50 poison snakes out there. I would urge Members to take a close look at this and let us keep our military solvent.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MCCURDY] has 4 minutes remaining to close debate.

Mr. MCCURDY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I rise in strong opposition to the Hansen amendment, which would delay the last authorized base closure round from 1995 to 1997, It defies logic to offer an amendment which would so directly affect and decrement our readiness of our forces.

Nobody has ever claimed that base closure would be easy. That is why Congress passed legislation which created the Base Closure and Realignment Commission in the first place. Passage of this amendment would show a complete lack of political courage and would tell an already skeptical Nation that Congress cannot keep its commitment to this process. The House spoke when we passed comprehensive base closure legislation and should not be second guessed at this point.

Mr. Chairman, nobody has ever claimed that this legislation would be perfect or that it would bring about immediate savings, particularly in the area of proceeds anticipated from land sales. The reality is that we're not going to achieve revenue from sale of facilities and land as long as we give these properties to communities to mitigate the impact of a closure. Nonetheless, DOD still forecasts steadily increasing annual savings figures beginning in fiscal year 1996.

Mr. Chairman, we have known from the outset that this process would have up-front costs. It will cost money to implement decisions made by the Base Realignment and Closure Commission to realign forces as installations in fact close. The Congress has been supportive of these efforts, fully funding the base closure accounts to ensure that we are good stewards of the BRAC's recommendations.

If this amendment passes, it sends a signal to our military leadership that we are not committed to achieve the readiness levels so greatly needed in preparing to meet the threats and challenges facing our forces today and in the future. Keeping unneeded infrastructure begs the question, "for whose benefit?" Do we keep unnecessary installations for short-term political gain or do we let the process continue as authorized so that the military can get the most efficient use of declining resources?

If I believed that the defense budget would again reach its 1985 peak, I too would question the legitimacy of conducting the next closure round. But reality tells us otherwise. Delay of the next round will ultimately force our military leadership to cut readiness accounts to keep the lights on at installations that do not have a mission. If we vote for this, I seriously doubt we will be able to afford any modernization of our equipment and forces. Even if we keep forces at a level to meet the Bottom Up Review requirements, we run the risk of a 30 percent shortfall in acquiring systems to replace rapidly aging forces.

□ 1420

Furthermore, all over the country both strong and vulnerable installations would experience reductions in force of civilian personnel just to sustain unneeded infrastructure. In that scenario, all military installations and their neighboring communities around the country would lose. We already face a $14.5 billion backlog on maintenance and repair of real property in the system today. And in the end, we would still face the inevitable closure of unneeded military bases.

Mr. Chairman, last year Congress passed legislation to assist communities affected by base closure. Its ultimate aim is to ensure that the closing base can act as an economic engine, not a burden, for local communities. Public benefit conveyance is but one avenue that provides this opportunity for impacted communities. No longer can it be said that the base closure is simply chaining the gates and walking away.

Unfortunately, the proponents of this amendment are creating even more dire circumstances than they assumed. The department will use fast paying accounts to continue to breathe life into installations that have no mission and unduly impact the readiness of our forces.

I ask my colleagues to oppose the Hansen amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. HANSEN].

The question was taken; and the Chairman announced that he was in doubt.

RECORDED VOTE

Mr. MCCURDY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 68, noes 362, not voting 8, as follows:

[Roll No. 194]

AYES—68

Andrews (NJ)	Hayes	Ravenel
Applegate	Hefley	Roberts
Bartlett	Huffington	Sarpalius
Blackwell	Hughes	Saxton
Boehlert	Hunter	Schenk
Burton	Jacobs	Shepherd
Calvert	Kim	Shuster
Canady	Lancaster	Skeen
Chapman	Lewis (CA)	Smith (NJ)
Clinger	Livingston	Snowe
Coble	McCollum	Spence
Combest	McDade	Stearns
Cunningham	McKeon	Stump
DeLay	Meyers	Swett
Farr	Mica	Taylor (MS)
Filner	Mink	Tejeda
Foglietta	Molinari	Torkildsen
Fowler	Montgomery	Traficant
Gallegly	Murtha	Tucker
Gallo	Myers	Williams
Gejdenson	Orton	Young (AK)
Gonzalez	Pallone	Zeliff
Hansen	Parker	

NOES—362

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Camp
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hastings
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Mollohan
Moorhead
Moran
Morella
Murphy
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOT VOTING—8

Barlow
Barrett (WI)
Grandy
Horn
Matsui
Ortiz
Washington
Whitten

□ 1448

Messrs. INHOFE, STRICKLAND, and BEVILL changed their vote from "aye" to "no."

Mr. KIM changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MOLLOHAN) having assumed the chair, Mr. MAZZOLI, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

□ 1450

PERMISSION FOR COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION TO NEXT CONSIDER PROCEEDINGS CONTEMPLATED BY SECTION 3(e) OF HOUSE RESOLUTION 431

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that when the House next resolves itself into the Committee of the Whole House on the State of the Union for the further consideration of H.R. 4301, the Committee proceed to the consideration of the proceedings contemplated by section 3(e) of House Resolution 431.

The SPEAKER pro tempore. (Mr. MOLLOHAN). Is there objection to the request of the gentleman from California?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so in order to ask a couple of questions of the gentleman from California [Mr. DELLUMS].

It is my understanding that the unanimous consent propounded by the gentleman from California would, in fact, allow the House to proceed in the next few minutes with the C–17 debate.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] is correct in the first instance.

Mr. WALKER. We are concerned then with the schedule following that. We would certainly be in agreement that it is reasonable to do that at this point.

Mr. DELLUMS. Mr. Speaker, if the gentleman would yield to me, I would be happy to explain as I am sure the gentlemen on that side of the aisle are very concerned that before the House adjourns this evening that two important issues are debated and acted upon. One instance relates to Haiti, and the second relates to peacekeeping.

Mr. Speaker, I have given the gentleman my assurances that this gentleman would not move that the Committee rise until such time as the body has acted upon not only the C–17, but peacekeeping and Haiti.

Mr. WALKER. Mr. Speaker, I thank the gentleman for that. The gentleman is correct that that is a concern on our side, and it is my understanding that this is something which the gentleman has discussed with leadership, that he is not going to run into leadership problems later on his side with regard to those two issues.

Is that correct?

Mr. DELLUMS. Mr. Speaker, the gentleman has my word on that.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 431 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301).

□ 1453

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for

fiscal year 1995, and for other purposes, with Mr. MAZZOLI, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Utah [Mr. HANSEN] printed in part 2 of House Report 103–520 had been disposed of.

Pursuant to the order of the House, it is now in order to debate the subject of the C–17 aircraft.

Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

(By unanimous consent, Mr. BARCA of Wisconsin was allowed to speak out of order.)

ANNOUNCING THE BIRTH OF ANN ELIZABETH BARRETT

Mr. BARCA of Wisconsin. Mr. Speaker, I have an important announcement. It is my great pleasure to be able to announce, for purposes of reinforcing the family values that this House believes in, that our colleague, the gentleman from Wisconsin [Mr. BARRETT] and his wife, Kristine, were blessed early this morning with a new baby girl. Her name is Ann Elizabeth, and I would ask my colleagues to join me in celebrating the birth of Ann Elizabeth to the Barretts.

Mr. DELLUMS. Mr. Chairman, I yield 15 minutes of the 30 minutes which has been allocated to me to my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT], and I ask unanimous consent that the gentleman be allowed to control that 15-minute block of time as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 15 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, it is said that those who do not study history are doomed to repeat it; 7 years and 12 days ago I stood in this spot and asked my colleagues to delete funding for the C–17 aircraft. We stated at that time that the plane was a paper airplane and would never fly. Very rarely in life are we granted an opportunity for a second chance and an opportunity to correct our mistakes. But now today we have a chance and a choice to slow down this aircraft and hopefully reexamine its efficiency.

In 1987, the C–17 was already behind schedule, already over budget and far from being anything other than a paper airplane. Now, in 1994, the C–17 is behind schedule by years, over cost by billions, the Department of Defense is cutting deals with a contractor, and I do not know if the plane is flying. The tail has almost fallen off. It has scraped its belly on the runway during takeoff. Parachutists are not allowed to jump out of it, and the brakes burn when it tries to land. The paper airplane of 1987 is now a metal airplane that really should still be a paper airplane.

And now, Mr. Chairman, we are talking about adding on to the modest committee proposal and trying to spend even more money for this boondoggle? Mr. Chairman, this is pure folly, and I want to commend the chairman of the full committee, the gentleman from California [Mr. DELLUMS] in his approach to funding for the C–17 and strongly oppose any efforts to increase what has already been done responsibly by the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in support of the C–17 program and to note that later today we are going to have an opportunity to vote on two programs, one that would buy four C–17's in the next fiscal year and three or four other types of airplanes, commercial derivatives, if my colleagues will, or to buy six C–17's, and of course, as most of my colleagues know, I support the latter proposal, and the reason I do so is because we know that the C–141 fleet has got to be replaced. It was originally built in the 1960's with 1950's technology, and that technology is now old and needs to be replaced. In addition, the cargo that we need to carry into theater today is larger cargo than before, and so we need a new vehicle to get it there.

Now some of our good friends in the military who have some stature have come to some conclusions about this. General Shalikashvili, the Chairman of the Joint Chiefs of Staff, says this:

> Today there is only one alternative that can meet the requirements of a core airlifter, the C–17.

He goes on to say:

> The continuing myths of service life extension program for the C–141 or the ability of a commercial derivative to meet the needs of a core airlifted are just that, myths.

□ 1500

Then we have heard from General Sullivan, the Chief of Staff of the Army. He says very simply, the C–17 is the only aircraft that can get the Army's outside combat system to the next war when required.

We have heard from General Hoar, the commander of CENCOM, and he says very simply, in the foreseeable future, the C–17 is the only airplane acting as the Nation's core military airlifter that can provide the capability and flexibility that we need.

So these people have come to some conclusions, and I think for some very good reasons. There are three reasons why I think we should support the Harman amendment this afternoon to increase the buy to six.

One is that we all know we need more airlift. We need more outsized airlift, and we need more airlift that is designed specifically for military purposes. That is simple. That is reason No. 1.

No. 2, buying six units instead of four decreases the unit price. The estimates are between $30 and $40 million a copy. Now, that is a powerful lot of money. One of the things that happened to some other weapons system programs was that we brought the buys down so low that it got so expensive per unit that none of us could support them. So it is important to keep our economy of scale at the right place.

The third reason we should support the buy of six, not four and four, is that the contractor, McDonnell-Douglas, has stated that it can do certain things in production models of this aircraft, and the only way to make them prove that they can do it is to give them the opportunity to provide for us the number of units that will bring that about.

So, for those three reasons, the C–17 and its capabilities of airdrop, its capabilities of providing a safety structure for troops that we send into battle. There is a dual facet safety concern here. One concern, of course, is getting the troops to the theater on time, recognizing that when they get in theater it is a very rough place to be, and so redundant systems have been built into the C–17 to make them safer.

But just as importantly, and maybe more importantly, we have to transport the materiel that these troops need there, and these are big systems, helicopter, troop carriers, Patriot missile systems. The C–17 can do that. It is the only airplane on the books, on the drawing board or elsewhere, that can deliver troops and the goods, the materials, the weapon systems, they need at the same time into the theater safely.

Finally, the large outsized cargo issue is a very important one. The C–5B is a great airplane and can carry that same cargo, almost the same tonnage. But it cannot land and it cannot service the same troops in the same theaters of operation that the C–17 can, primarily because the C–5 takes longer to land, twice as long, twice as much distance, as well as takes up too much room on the ground when it gets there.

We can fit five C–17's in the same space we can fit four C–5's, a very important issue.

Finally, and the last point I would make, is that once the C–17's are online, they are much more economical to operate. They are modern technology, not 1950's technology. The crew is three people, not six people, as is the case with the C–5B commercial wide bodies.

So for all of these reasons, I hope that in about an hour or so we will have a opportunity to vote on the Harman amendment, and I ask all my colleagues to support it.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I rise in support of the C–17 and urge my colleagues to support the Harman amendment and oppose the Furse amendment.

I want to stipulate, I have one constituent employed on this aircraft's production. I got interested in this plane as a member of the Committee on Armed Services 15 long years ago. It is not something that is a recent interest of mine. While I learned about it from constituents who are with the Military Airlift Command at Travis Air Force Base, it is really an airplane that serves the needs of the Army.

We are here because as we bring home our troops from overseas, we have got to have military airlift capability to be in those places for peacekeeping or for humanitarian purposes that we deem important. I think as we saw what happened to our troops in Somalia, we understood how vulnerable they could be without armor, without personnel carriers, without tanks. We simply have to have the ability to go to places in the world that cannot be served by the larger C–5 aircraft which are now the mainstay of MAC.

This aircraft can get in 9,000 more runways worldwide, giving us the ability to respond with more effective measures, more quickly.

The question is whether or not this aircraft has been developed to the point where it lives up to its potential. I believe it has. And if we procure six aircraft at a cost that is available in the Armed Services authorization bill, we will know whether or not we can go ahead and procure what is a reduced number of aircraft, but still a substantial number of aircraft, at an affordable price. If we come forward with four and not six, the unit costs skyrocket and our ability to afford this airplane, which we need, is going to go out the window.

We have reduced our overseas facilities by 50 percent already. Eighty percent of the Army troops are going to be on American soil by 1997. If we want to be able to project them where we must around the world, we need the C–17.

Mr. Chairman, I rise in support of the C–17 and urge my colleagues to support the Harman amendment and oppose the Furse amendment.

The C–17 will provide the armed forces with a critical capability that they currently do not have.

The C–17 has the ability to land on smaller runways and maneuver on smaller taxiways and ramps. This capability means that the C–17 will have access to 9,000 more runways worldwide, making our response capability more effective and far-reaching.

The C–17's small austere airfield capabilities expand the options available to planners and operators conducting all airlift missions. It will substantially enhance our ability to respond to remote locations which will have a direct positive impact on peacekeeping and humanitarian missions.

I know there have been concerns about the C–17 program, but it is important to know that substantial corrections in program management and execution have been made. The C–17 program has successfully undergone exhaustive reviews by DOD, Defense Science Board, and independent agencies. The C–17 program is back on track.

However, the production rate of six aircraft in fiscal year 1995 is essential. If we do not restore the production level to six aircraft, the impact will be an increase of $40 to $50 million in the unit cost of the plane. We simply cannot afford this added cost.

Finally, Mr. Chairman, as we base more of our troops in the United States, our airlift capability becomes even more important. The Army states that by 1997, 80 percent of Army troops will be stationed on American soil. We simply cannot reduce or eliminate our modern airlift capability in light of these changes. As General Shalikashvili recently wrote, "there is only one alternative that can meet the requirements of a core airlifter—the C–17."

We need the C–17. Defeat the Furse amendment and support the Harman amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise today to support the Harman amendment which will be offered in about an hour to raise the number of C–17's we will buy this year from four to six. It is not a parochial amendment. This is not a partisan issue. That amendment will be supported I hope and expect by a broad coalition of Members, from liberal Democrats to conservative Republicans, from the top officials of the current administration to the leading members of the Joint Chiefs of Staff. The C–17 is a plane that was supported fully by the top officials of the last administration. There is a reason why there is such broad-based support for this plane and why I believe there will be broad-based support for the buy of six in the House, and that is quite simply this: It makes enormous strategic sense, no matter what your view is of where America's military should go.

There is no question we are downsizing now, that we are moving back from forward bases, that we are going to end up with a military which has smaller numbers and more people concentrated in the United States. If we are to be a hemispheric power, if we are to continue being a world power, no matter what your view of American foreign policy should be, we have got to be able to get people from the United States to places around the world, whether for Desert Storm-like contingencies, or peacekeeping in Somalia or the Balkans, wherever you think we ought to be, we have got to get them from here to there. The only way to do that is to increase the lift that is accessible to them. And it is by far true, I think it is self-evidently true, that the C–17, if it works, is the best way of achieving that.

So whether you are for, and I am one of those people that believes we need to increase the amount of money that we are putting into the defense budget as opposed to what we have now planned over the next few years, or whether you are a person who believes that what the administration is planning to do is about right, whatever you think, Mr. Chairman, the C–17 is at the crux of our plans for the American military over the next few years.

The Department of Defense has a carefully tailored plan to buy six this year and six next year. This is the minimum that is necessary. The Harman amendment would not cost any more money. We are just reallocating. I urge the House to support it when it comes up in a hour or so.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise today in support of the Harman amendment to restore from four to six the number of C–17 aircraft authorized for fiscal year 1995. Not only is the C–17 currently being produced at a rate of six aircraft a year, it is done so with improved efficiency and decreasing cost. Was there a problem early on on the C–17 with wings? Yes. Was this problem addressed and resolved? Yes. Is this any longer an issue? No. To cite such an example as problemmatic today is a bogus argument and does not represent responsible, honest debate.

The program has undergone exhaustive review by both government and industry. Structural experts agree—C–17 testing has verified wing structures meet military strength requirements. In addition, aircraft delivery schedule and quality commitments are improving at all levels.

The future of air-deployable combat units rests largely with continued and successful production of the C–17. The military's airlift requirements have changed and they are unique.

The C–17 is the only aircraft in production that can carry outsize cargo and has the versatility to rapidly reconfigure to carry vehicles, cargo, passengers, medical equipment and patients, or to perform airdrop missions. I urge my colleagues to consider this issue carefully.

Do not vote to send our troops, our young soldiers, into military crises on outdated aircraft whose capabilities are ill-suited to the missions of tomorrow. I urge my colleagues to support the Harman amendment. Sunday, I talked to our Under Secretary of the Air Force, a woman of impeccable academic reputation. She pledged to me this plane is now a safe plane, a needed plane, and we must have it for our airlift.

□ 1510

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I serve on the Subcommittee of the Committee on Appropriations that deals with defense. I am not a member of the authorizing committee, and normally I would not rise to take the time of the authorizing committee.

But we have a very, very important amendment coming to us later in the day that addresses the future of the C–17. There is little doubt that most of us recognize that before the end of the century over 80 percent of our troops will be here at home rather than stationed overseas. But America is going to continue to be a leader in the world. To be able to defend democracy, we have got to be able to deliver our materiel to our troops at foreign locations in times of crisis.

Above and beyond that, in our committee we constantly are talking about the fact that it is important in terms of shrinking budgets that we keep ourselves on the cutting edge of technology.

I would say, in terms of the C–17, all the technology in the world is going to do us no good if we cannot get our equipment there.

Mr. Chairman, I am speaking today, however, because among those Members who worked as hard as anyone in support of the C–17, our colleague, the gentleman from California [Mr. HORN] has been a leader among those Members. Unfortunately, while he gave an extended discussion on the floor on Friday night, on Saturday morning he had to go to the hospital for surgery. So today I am suggesting to my colleagues, please be aware of the work of the gentleman from California [Mr. HORN]. His efforts have made a tremendous difference in this debate.

If he were here today, he would say the following:

For those who do not pretend expertise on this subject, listen to the military experts. Secretary Dick Cheney: "It is an absolutely vital strategic asset, regardless of what size force we have in the long term."

The Joint Chiefs of Staff: "The C–17 aircraft continues to be the most cost-effective means to meet current and projected aircraft requirements."

Brigadier General John Handy: "Something like Somalia would have been a heck of a lot easier with the C–17 for planners in our organization."

All of the experts support the C–17 and know of its critical interest.

Mr. Chairman, I urge Members, along with my colleague, the gentleman from California [Mr. HORN], to join me in supporting the Harman amendment today on the floor.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong support of the C–17 transport program. This is an issue of accountability. We must be accountable to our military troops, and to the taxpayers.

When our Nation sends our sons and daughters and grandsons and granddaughters, nineteen and twenty years old, to defend us, we should provide them equipment with top speed, efficiency, safety, and flexibility.

The military's top generals, the Chairman of the Joint Chiefs, and the President, all agree that the C–17 is the only alternative that meets the necessary requirements.

Mr. Chairman, we have invested $15.8 billion in the C–17 program, an essential investment to ensure that our military can rapidly deploy all of the equipment that is imperative when we place the lives of young soldiers at risk.

The research and development is complete. It is time to go forward with this cost-effective program.

Mr. Chairman, by the end of the decade, in addition to the significant troop cutbacks we have already begun, we will have redeployed more than 80 percent of America's troops to the United States.

This will create a large demand on our strategic airlift forces and make the C–17 even more valuable than it is today.

More than any other transport carrier, the C–17 combines wartime capability with peacetime utility. In addition to use during regional conflicts, the C–17 will prove invaluable in humanitarian missions such as famine, flood and earthquake relief operations.

If the C–17 program is killed, not only do we lose the money we have invested in this program, but we will have to restart other air cargo programs, at a cost of at least $500 million.

The C–17 manufacturing line is already open, and building modern, capable aircraft. I ask this Congress to heed the advice of our Army and Air Force leaders. Support the C–17.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I used to fly fighter aircraft in the Air Force, and we did not fly old airplanes. I mean, when they got old, we got rid of them. I cannot believe in today's environment we are talking about not buying the Air Force any new airplanes for nearly 8 years.

Here we are arguing about a C–17, which is the guts of our airlift capability, going to protect this country for years to come in its fast reapplication capability, as we move our troops back home, gives us the ability to implement our foreign policy around the world.

I think we are going to rely ever more increasingly on the availability of airlift capability.

This aircraft provides access for outsized loads to 9,000 more runways, an increase of 300 percent over those available to C–5's and C–141's.

The commercial alternative that everybody proposes is not there. I doubt there is a 747 pilot in the world that wants to fly into some jungle in Africa or into Haiti even for that matter.

Our aircraft are ancient. Are we going to put our 20-year-old troopers in 40-year-old equipment and risk their lives by sending them into a combat area in an insufficient or subsufficient aircraft? I say no.

We need to vote for this amendment. Vote for America. Vote for freedom. Vote for the C–17.

Mr. Chairman, I thank the gentlewoman from California [Ms. HARMAN] for introducing the amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I rise today in support of the Harman amendment that will be offered, which restores procurement of the C–17 to the level requested by the administration—that is 6 planes for fiscal year 1995 and long-lead for 8 C–17's in 1996.

There are no two ways about it—this country has an airlift requirement to meet and the C–17 is the program to do it.

As the U.S. continues to pull troops out of forward deployed bases, we need an aircraft that can carry outsized and oversized cargo to small, austere airstrips anywhere in the world. The C–17 has the unique capability to accomplish such missions, which are sure to become commonplace in future contingency scenarios.

Let us face the facts. We have already made a significant investment in the C–17 of $15.8 billion resulting in 26 planes, 7 of which are in operation down in Charleston. I have talked to the men and women who fly and maintain the C–17 and, having flown them over 800 hours, they enthusiastically endorse the aircraft, time and time again, the C–17 has performed above the expectations of these aircrews.

Certainly, the C–17 has not been a model acquisition program and I am not here to defend its record. However, the administration has put McDonnell Douglas on notice and the contractor is committed to making significant management and production changes. Congress must give the program this last chance to perform. Requesting only four planes for 1995, as the committee suggests, will slow the rate of production, drive up the unit cost, and throw 10,000 people out of work, not to mention severely hamper the future of strategic airlift. I urge my colleagues to vote for the Harman amendment.

Mr. SPRATT. Mr. Chairman, I yield 90 seconds to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, as a member of the House Committee on Armed Services, and also one coming from a background in aerospace engineering, I strongly support the Harman amendment. We need the C–17 aircraft.

We learned from the Persian Gulf war that clearly we need better airlift and sealift in order to move our people and our materiel.

□ 1520

We also know that starting in 1995, we will be reducing 51 percent of our overseas assets, and therefore it is imperative that we have the ability to move materiel and troops very quickly to those areas where they are needed.

Certainly, Mr. Chairman, as we downsize in Europe, going from 300,000 troops to 100,000, it is even more imperative that we have good airlift capability.

As an engineer with over 20 years' experience in the aerospace field, let me advise the Members, I have worked on many programs. In that period, I have never seen a program that did not have problems. Do we have problems? Of course we do. Will we resolve them? Yes, we will, so it is very important that we keep this program funded at appropriate levels. It is a program that I think has had a normal experience in aerospace development terms.

Let me also point out that this is not a hostile amendment. After the chairman, the gentleman from California [Mr. DELLUMS], had a very excellent hearing on the C–17, 33 of the 56 members of the Committee on Armed Services signed a letter in support of raising the number of C–17's from four to six, so this is not a hostile amendment. It is just a late-coming amendment that is supported by a majority of the House Armed Services Committee.

Mr. Chairman, I urge my colleagues to vote "yes" on the Harman amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to also rise in support of the Harman-Horn-McCurdy-Saxton-Spratt-Johnson amendment, and the gentleman from California [Mr. DORNAN] too, I think, is solidly behind this amendment.

Mr. Chairman, let me expand on one aspect of this debate that the gentleman from California [Mr. HORN] so eloquently put forth to the House the other night during his special order when he was giving a very thorough analysis of the requirement for C–17's.

This is a debate about power projection, and our security around the world largely depends on our ability to project power quickly. That means to move American forces, including equipment and personnel, to critical strategic spots very, very quickly. In the words of Gen. Nathan Bedford Forrest, "It is the ability to get there firstest with the mostest."

We are now in a situation in Europe in which our formerly massive presence of over 300,000 military personnel is being directly reduced to around 100,000 personnel. That means we do not have the security, the airfield security, and the airfield security capability that we had a couple of years ago. It means now if we wanted to go in for these long runways that the C–5 requires, we might have to lose some people. We would certainly have conflicts, because one of the most strategic targets in any conflict is runways, airways, and the key to the C–17 debate when juxtaposed with the C–5 and its capabilities is runway length. The C–17 uses roughly half the runway that a C–5 uses.

What does that mean? It means in Europe that of all the runways that are available, the C–17 can access roughly ten times the number of airstrips and runways that the C–5 can access. That means instead of having to come in, if there is armor, if we are moving M–1 tanks into a particular area in Europe, or other heavy equipment, instead of having to fly this hardware into an area that may be 100 miles by road or 50 miles by road or 20 miles by road from where we want to strategically place it for conflict with the adversary, we can fly into an air base that is much closer to the action and can get there first.

In Europe we can access many times the runways with the C–17 that we can access with the C–5. We can access 5 times the runways in Europe, and we can access 10 times the runways in South America, and we can access roughly 5 times the runways in Africa with C–17's than those we can access with C–5's.

This is a power projection issue, and the Harman amendment, so ably advocated by the gentleman from California [Mr. HORN], who did a great job before he had to go to the hospital, and others, is absolutely an important amendment for this House to pass today.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I rise today to speak in favor of the amendment that will soon be offered by the gentlewoman from California [Ms. HARMAN]. As those on the Committee on Armed Services know, I have been very skeptical of the so-called Bottom-Up Review, and also the portion of it that states that we can fight two major regional contingencies nearly simultaneously.

If we do not have the capability of this airplane, of a C–17, that will be a show-stopper. That is an absolute show-stopper. That is why it is best that we proceed with this as best we can.

It is also important to point out that this amendment does not add to the total funding already recommended by the committee. It is supported by the President, and I think that it is the only logical choice that we can choose.

Mr. Chairman, there is an absolute need for a new airlifter which will carry outsized cargo and deliver it to smaller airfields. This should be pointed out, that there are many airfields that this is the only such airplane that can land and take off.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as one who is on a task force to go check on the C–17's and is a pilot that has spent a great deal of my time in the air, and know a little bit about airplanes, and know a little bit about what is happening in their air force today, if we are going to ask the United States to do what we are asking it to do every day almost on a yearly basis, to take and transport people all over the world, we are going to have to have a lift capability to do it, and we do not have it now. We have worn it out.

The C–17 is the only answer we have. Sure, we have engineering problems with all kinds of aircraft, and in the development of those aircraft, but that is no problem for anybody in the United States that has been building aircraft for as long as most of our builders have. This is a fine airplane, state-of-the-art, the best navigational equipment that any airplane has ever had in it.

I think it is absolutely an essential part of our airlift if we are going to dis-

perse people throughout the world, as we have been doing in all the hot spots we have had before. Mr. Chairman, I am for the C–17, and all six of them.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I would say to the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS], that he gave us some sage advice several times at the beginning of this year and last year and even the year before, that if we come up with armed services amendments, they had better be cost-saving or revenue-neutral.

I think the gentlewoman from California [Ms. HARMAN] took due note of this recommendation, because this is a revenue-neutral amendment. It is merely allocating existing funds. We cannot think about revenue-neutral enough around here.

We are all dedicating our speeches today to the gentleman from California [Mr. HORN], because the C–17 is made in his district. He has been a strong, forceful, and passionate as well as very accurate and informative proponent of this great airlift system. He is in for some minor surgery, similar to BOB DOLE's recent surgery, so of course prayers from all of those within reach of my voice are with STEVE HORN. He will be back after the break, and I hope we are going to have a big victory for him here today.

Mr. Chairman, the other gentleman from California, DUNCAN HUNTER, mentioned the excellent presentation given by STEVE HORN before he headed back to California on the floor a few nights ago. Here is one of the charts he used. I put it out today on the back of a "Dear Colleague," and in the terms of our great loadmasters they used this word, "throughput capability." That means if we have an average 500,000 square ramp, we can only get three C–5's on that ramp as they are loading and unloading. We can only get three civilian cargo airlift big giants 747's on this same runway, but we can get eight C–17's on such a ramp, in addition to the aforementioned many times, and it should be mentioned, 10,000 additional airfields around the world where only a C–17 Globemaster III can land, and a 747, or our big C–5 Galaxy, cannot land; the C–17 has a throughput capability of 3,852 tons a day, more than double what we can get from the other two large excellent big lifters.

□ 1530

Mr. Chairman, let us listen to Gordo and Shali, our chief of staff of the Army and our chairman of the joint chiefs.

General John M. Shalikashvili says, "Today there is only one alternative that can meet the requirements of a core airlifter—the C–17 Globemaster."

General Gordon Sullivan says, "The C–17 is the only aircraft that can get the Army's outsized combat systems to the next war when required."

Mr. Chairman, that simulator is waiting for you in Long Beach, sir. I flew it over a year ago. It amazed me. This big C–17 has a stick just like a fighter aircraft. That is why our great Gary Cooper from Texas, Congressman SAM JOHNSON, is so enthused over this aircraft. Like the B–2, it has a stick. It flies like a fighter. Imagine an M–1 30-ton tank in the back of your C–17 and flying with a stick like a fighter aircraft.

Mr. Chairman, the C–17 has had its growing pains, Lord knows, but my F–100 that I flew on active duty also had growing pains. They were falling out of the sky like cats and dogs in the middle and late 1950's, and it turned out to be one of our most stable air-to-ground aircraft in the Vietnam war. Some aircraft have no problems going through a test program like a B–2 Spirit. Others have growing pains. We are hopefully through the growing pains with the C–17.

Mr. Chairman, I urge everyone in this Chamber to vote for the C–17, for our Army and Air Force, and for the future of all of our armed services.

Mr. Chairman, I include for the RECORD my "Dear Colleague" letter as follows:

SUPPORT THE C–17—IT MEETS U.S. MILITARY REQUIREMENTS

"Our nation has a critical need for intertheater airlift modernization if we are to maintain our ability to project forces and respond to humanitarian missions worldwide. Our C–141 aircraft are wearing out. The C–17 aircraft continues to be the most cost effective means to meet current and projected airlift requirements. The C–17's ability to deliver outsize cargo, combined with its special capability to use austere fields, will provide us with modern, highly capable strategic airlift."

WILLIAM J. PERRY,
Secretary of Defense.

DEAR COLLEAGUE: We need the C–17. It is as simple as that.

Military leaders up and down the chain of command from our young Air Force pilots to the Secretary of Defense agree that the C–17 meets existing military requirements. Consider what other military leaders have said about the C–17:

"Today there is only one alternative that can meet the requirements of a core airlifter—the C–17."

GEN. JOHN M. SHALIKASHVILI,
Chairman, Joints Chiefs of Staff.

"The C–17 is the only aircraft that can get the Army's outsized combat systems to the next war when required."

GEN. GORDON SULLIVAN,
Army Chief of Staff.

Reprinted on the back of this letter is a diagram depicting another unique and important feature of the C–17, throughput capability or off-load capacity and turn around time on the ground. (Diagram not reproducible in RECORD.) As this diagram clearly shows, the C–17 has much greater throughput capability than existing military airlifters or civilian cargo aircraft. Such off-load capacity and turn around time could be vital, especially during the first few days of a military build-up in an overseas conflict.

Please listen to our military leaders and why they need the C–17. By funding six instead of four C–17 aircraft in FY 1995, we can ensure this defense bill meets our defense requirements.

Best regards,

ROBERT K. DORNAN,
U.S. Congressman.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Chairman, surely, the next Saddam Hussein will not be dumb enough to park his tanks in the desert for 6 months. Very simply—that is exactly why we need the C–17.

The most important issue in this debate is that the C–17 will save the lives of young American soldiers and marines.

How will the C–17 save lives? By moving American troops quickly into areas of conflict with the proper weapons and equipment.

As we pay tribute to the 50th anniversary of D-day, we should ask ourselves this question: Would we have asked brave American soldiers to storm the beaches of Normandy without adequate weapons and equipment? Certainly not.

Whether you are a hawk or dove on defense doesn't really matter on this issue. The C–17 is not about making wars, it is about saving the lives of young Americans whenever we call them to duty.

I urge Members to support the Harman-Horn amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise in full support of the C–17 program. We spend a lot of time talking about force structure and our needs to meet national security interests. We can do all that talk we like, but if you do not have the military lift capacities by air and sea to get soldiers to the battlefield, the minimum risk for which generals talk about will be a reality in loss of life on the battlefield.

I do feel, though, a little odd saying I want to give my full support to the C–17 program given the fact of the track record of the contractor. That is what brings us to this debate today.

Mr. Chairman, I have to say that Mr. Deutch of the Department of Defense outlined an excellent program to make the contractor responsive. I want to support the administration wherever possible, and I will support the administration in this endeavor to give the incentive to the contractor to be a low-cost producer. That means in support of the Harman-Horn amendment.

Mr. Chairman, this aircraft is a necessary component of meeting our military strategic lift requirements in the coming decades. We have had much debate in the House about the size and

capabilities of the military force outlined in the Bottom-Up Review. All of these arguments are futile if we do not have, like I said, the lift capacities to move our forces wherever needed throughout the world.

Mr. Chairman, the C–17 gives us that capacity. The C–17 is an aircraft designed and built to meet the specific military need, the delivery of outsized cargo to remote and unimproved airfields in support of our forces during a contingency or conflict throughout the world. This is a most important issue for our national security.

Mr. Chairman, according to the research and development center, a fleet of C–17's is more cost-effective than any combination of C–17's, commercial wide-body aircraft, C–5/B's or C–141's.

Mr. Chairman, as we downsize our military, we must buy the most capable, effective equipment available for our men and women in uniform. The C–17 is a giant leap forward in our aircraft capabilities and is sorely needed to replace our rapidly aging fleet. I almost feel, though, that a request was made for a Jeep and the Air Force decided that we would not give just a Jeep, "We're going to go out and give you the Grand Cherokee."

Mr. Chairman, it makes me feel a little uncomfortable about us buying the Jeep Grand Cherokee and possibly having a very expensive aircraft where it will get to the point we are saying, "Maybe we shouldn't take it to the battlefield, it might get shot down."

Mr. Chairman, I will support the administration to make the contractor a low-cost producer because the incentive is built into this agreement, that if they do not comply, they are only going to buy their 40 and then we are going to go with a commercial mix.

Mr. Chairman, I support the administration, I urge my colleagues to support the Harman-Horn amendment, and I wish my colleague STEVE HORN the very best in his recovery from cancer.

Mr. DELLUMS. Mr. Chairman, it is my distinct pleasure to yield 1 minute to the gentlewoman from Oregon [Ms. FURSE], the author of an amendment that will come before the body.

Ms. FURSE. Mr. Chairman, today I am also offering an amendment. This is an amendment on the C–17, and what it would do is it would stop production of the C–17 at the 4 we have already bought, that will bring us up to 30 C–17's, and it will then go to take our additional airlift out of commercial wide-body planes.

Mr. Chairman, I want to cite a couple of quotes about this program. John Deutch, Deputy Secretary of Defense, came before the House Armed Services Committee in February of this year.

Mr. Deutch was asked about the program's performance, and he replied: "I think it's awful."

Les Aspin, former secretary of defense, said: "The C–17 is late, it's over ceiling price, and it has serious operational deficiencies."

Mr. Chairman, my amendment would get us the airlift we need, it would get it to us quicker than if we go with the whole C–17 program. My amendment would give us 30 C–17's, and it would save $16 billion.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in support of the Harman amendment which will be offered in just a few minutes.

Mr. Chairman, as we work on the defense budget this year, it is vitally important to keep in mind what kind of military we need for the post-cold-war era.

In Iraq, Somalia, and Bosnia, we have learned that this new era will be marked by sudden, unexpected crises in remote corners of the world. We will confront the urgent need to deliver humanitarian assistance or respond to major acts of aggression. And because we are losing so many overseas bases, we will need to conduct these operations largely from the continental United States.

In this kind of environment, virtually every defense expert and every study of U.S. military policy agrees that our forces must be flexible, agile, and strategically mobile, capable of responding rapidly to unexpected crises. Nearly everyone agrees that strategic lift, both airlift and sealift, must rank among our top priorities.

The C–17 represents exactly the sort of capability we need for this new era.

Those of us who support the C–17 are well aware that the Air Force must make greater use of civilian aircraft for transport purposes. But we are equally well aware that civilian planes alone cannot fulfill all our airlift needs.

They cannot handle all forms of military cargo, or the right combinations of it. They cannot operate from short, rough landing fields, as the C–17 will do.

General Shalikashvili, the chairman of the Joint Chiefs of Staff, has said that "The C–17 represents a capability that the Armed Forces absolutely need to have."

Once we decide we need the C–17, the decision to buy six planes per year becomes the obvious choice.

This rate will allow the Air Force to complete its scheduled purchase of 40 C–17's—a number the Air Force calls the minimum that is militarily useful. DOD can then pass judgment on the contractor and decide whether to buy more.

Buying six planes per year will allow the contractor to bring costs down and ensure that we produce the C–17 at the most efficient rate.

And most importantly, with the retirement of older transport planes and the increasing potential for regional crises, the need for the C–17 grows every day. We need them in our force structure as quickly as possible.

We have an opportunity today to make a strong statement about the importance of airlift to our national security strategy. And if we are going to press forward with this critical program, we should do so in the way that makes the most sense for the taxpayer—by purchasing six planes per year.

□ 1540

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Harman-Horn-McCurdy-Saxton-Spratt-E.B. Johnson amendment to restore C–17 funding. Mr. Chairman, if we get support for anything in this Congress from both sides of the aisle it must be good. I am proud to be speaking in favor of a bill with so many strong bipartisan sponsors.

The C–17 has the support of President Clinton, Chairman of the Joint Chiefs of Staff John M. Shalikashvili, Gen. Gordon R. Sullivan of the U.S. Army and Gen. J.P. Hoar from Cent Com.

The C–17 is a major logistic tool, filling a vital military and humanitarian need. The C–17 has the ability to use 10 times the airfields as any of the alternatives that have been offered, and they cannot compete. The C–17 has the ability to carry oversized cargo, the M–1 tank, that the other aircraft cannot.

The C–17 was designed to fill a need in the New World Order of an aircraft capable of carrying heavy payloads to austere airfields. The C–17 is the ideal aircraft to meet this need.

Mr. Chairman, we have invested a lot of money into the C–17 program. The C–17 fills a vital military mission and deserves our support.

The C–17 is flying and McDonnell Douglas has met its contractual requirements. The seven C–17's at Charleston Air Force Base are getting excellent reviews by the men and women flying and maintaining them.

Mr. Chairman, I urge my colleagues to support the C–17.

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in support of the Harman amendment to restore funding for the C–17 strategic airlift program because it is the most cost-effective transport plane that we have, and I urge my colleagues to support the Harman amendment.

Mr. Chairman, we are living at a crossroads in history. As the cold war subsides and new international relationships are formed, our Armed Forces must have flexible equipment and needs the C–17 for the wide range of se-

curity and humanitarian missions which lie ahead.

We are living in ever changing times and new international relationships are forming throughout the globe. Perhaps more than at any time in history our Armed Forces are engaged in assisting those who are the victims of famines, earthquakes, floods and other natural catastrophes.

All around the world, we are bringing our military men and women and their families back home. As we embark upon these courses, our defense posture requires that we have the ability to rapidly respond with a variety of equipment to unfamiliar places about which we might have very limited information. How many of us knew the politics, history, and geography of Rwanda before the bloody revolution began just a few short months ago? Still, our military was asked to go into that country on a moment's notice and help take our diplomatic staff and their families to places of safety. The Air Force's C–141 accomplished this special mission. But the C–141's are aging and must be replaced. They have served our Nation in times of trouble, but their usefulness is drawing to an end. The C–17 is the aircraft designed to replace the C–141. The C–17 can carry twice the load of the C–141 and yet land on short, austere airfields like those found in Rwanda and other trouble spots around the world. The C–17 is unique in its cargo carrying ability and its short field landing ability—two attributes which typify what is often most demanded in a contemporary humanitarian mission.

Mr. Chairman, I urge my colleagues to support full funding of the C–17 program because it is crucial to our defense system. Criticism of the C–17 has been unfounded. Independent analyses show the C–17 is the most cost-effective solution for meeting America's airlift needs. The need for the C–17 program has been established. Military leaders agree that it is the most capable, cost effective transport plane. I strongly urge my colleagues to support the Harman amendment. The C–17 development is the program our country truly needs as we prepare for the challenges of the 21st century.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, last December when Secretary Aspin announced the decision to take control of the troubled C–17 program, I applauded his efforts. While limiting C–17 purchases to 40 aircraft is a positive step, I remained very concerned.

Over the last 3 years, I chaired five hearings where we heard testimony that painted a bleak picture. The C–17 program suffers from massive technical and financial problems ranging from defective wings to hundreds of millions of dollars in extraordinary payments to the prime contractor, McDonnell Douglas.

We cannot solve these very problems by throwing more money at the program or continuing with business as usual. The taxpayer should not foot the bill for hundreds of millions of dollars on a program that has been in default since its inception. This sends exactly the wrong message to defense contractors, and is the kind of practice we must end if we are truly going to reinvent the procurement process as promised by President Clinton.

Just consider what we are being asked to buy—an Airlifter which will never come close to meeting its original specification. As I hear Member after Member extol the C–17's short runway capability, I must point out that today this capability simply does not exist. Similarly, when I hear Member after Member praise the C–17's global reach, I must point out that unlike the C–5 and the Boeing 747, the C–17 cannot even fly across the Atlantic Ocean without a mid-air refueling. And when I hear Member after Member praise the C–17's durability, I must point out that the C–17 has suffered massive structural deficiencies, from pervasive fuel leaks to defective wings that repeatedly have failed static load tests. All this in an Airlifter that costs more than half a billion dollars per copy.

There is also a serious credibility problem with this program. For years, our committee was repeatedly assured by senior Air Force officers that the integrity of the wing was absolutely not in question. That was before the first wing failure ever occurred. Further, we were assured that the Air Force would never go below the threshold specifications identified by the U.S. Transportation Command. Now even those thresholds have been waived.

In the face of these facts, I would suggest that this is indeed a case where the buyer should beware. It is time to face the fact that the C–17 program is a failure—as the C–17's capabilities decline, its costs continues to grow.

Over the last 3 years, we have repeatedly been told that the C–17 program "has turned the corner." But the hard cold truth is that the C–17 suffers serious problems that will not go away.

Under Chairman DELLUMS' leadership, the Armed Services Committee took the first necessary steps to secure needed airlift capability with existing aircraft that actually work. I commend the gentleman from California for his farsighted leadership in addressing this critical national security need. This is the prudent course, not additional buys of the technically and financially flawed C–17.

Mr. SPRATT. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, let me sum up the general debate on this side, among the advocates of this amendment, first by saying what the amendment is all about.

When the administration sent its bill here, the National Defense Authorization Act of 1995, they requested six C–17's in fiscal 1995 and eight C–17's in fiscal 1996.

When we did the mark in our committee, we cut that request from six C–17's in 1995 to four C–17's, and we took $550 million saved in that cut and put it in something called nondevelopmental alternative aircraft, NDAA, something other than a C–17, which could perform the mission. And what we would do by this amendment, based on what DOD and the Secretary of Defense, the Deputy Secretary of Defense, Mr. Deutch, has since told us, is take that $550 million and put it back in the C–17 line so we can buy six in 1995 and eight in 1996 as the Defense Department originally requested. The amount of money is the same, $2.4 billion going in, $2.4 billion coming out. It is identical.

Let me give you three reasons, give the Members of the House three reasons, why I think we should all support this amendment. First of all, we need the capacity. Everybody has made that argument here. As we draw down our forces and pull them back from Europe and overseas, we need more airlift than we have ever needed before.

If the C–17 performs as promised, and that is a big "if," if the C–17 performs as it is supposed to, it fills a need for airlift better than any alternative we have got. You do not have to take my word for that.

In this very bill 2 years ago, the House and the Senate, in passing the National Defense Authorization Act, directed the Department of Defense to do an independent, disinterested, cost-effectiveness and operational analysis of this very program, the C–17, a COEA, in DOD parlance. Here it is, prepared in December 1993, completed then, delivered to us just a week or two ago.

If you look on page 9 of it, the executive summary says the C–17 is the preferred military airlifter for several reasons. COEA says in the executive summary that the C–17 is the preferred military airlifter because, first of all, of its unique capacity for outsized cargo. Not unique, because the C–5 also has that capacity. It can handle things, it can carry things other wide-body airplanes cannot handle, M–1 tanks, Patriot missile batteries, helicopters, Apache attack helicopters, things too large to get in any other kind of airplane which will go in the cargo compartment of this airplane.

Second, not only in the air but on the ground it has unique capabilities and particularly on the ground, due to the footprint, the size of the wingspan.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Washington.

Mr. DICKS. Is it not true that we have 120 C–5B's, all of which are capable of carrying the outsized capability? In your COEA study it says 85 percent of what we have got to transport is either oversized, not the big stuff or bulk, so a nondevelopmental aircraft, whether it is a C–5 or an MD–11 or a stripped-down C–17 or, heaven forbid, a 747 freighter, could carry 85 percent of what we have got to take out there. It seems to me with 30 or 40 C–17's plus 120 C–5's, we have got all the outsized capability we need.

Mr. SPRATT. Reclaiming my time, this amendment anticipates our going to 40 C–17's, going from 26 to 40; air mobility to command says this is militarily the minimum viable force, 40 planes, a couple of squadrons. We are to provide for downtime, for maintenance, provide for trainers. This is a minimal viable force.

Beyond that, we may buy up to 120, which is the current requirement of C–17's, or we may mix the fleet.

This leaves wide open to the Air Force and to the Department of Defense the option of mixing the fleet with 747's, 767's, MD–11's, and wide-bodied airplanes. Let us not get too zealous about that.

Mr. DICKS. If the gentleman will yield further, we have a lot of outsize capability with 120 C–5's that can carry everything a C–17 can carry.

Mr. SPRATT. But there are some unique features to this airplane other than outsize capacity. It can airdrop. It can drop paratroops. Granted, it has a problem that has to be corrected. It can maneuver on the ground. It can land on short, austere strips, and a 747 simply cannot pull that off; it cannot land on a short strip; it cannot take off fully loaded on a short strip.

Consequently, the C–17's, because of these unique capabilities, make it separate and distinct from anything else we can choose from.

As you have heard here, it can land in hundreds more airports, hundreds more runways, in Africa, in Asia, in the place it is likely to be deployed, things the 747 cannot do.

And that is why the Air Force says let us buy 40 and assess the viability of this airplane and decide from there whether we want to mix the fleet or go forward and buy 120 airplanes.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself 12 minutes, the remainder of my time, and I take that amount of time simply because no one has taken the floor to explain nor attempt to defend the position established by the House when we reported this bill from the House Committee on Armed Services, and I want to briefly outline the position of the Committee on Armed Services that brought the position of the C–17 that is reflected in the House bill.

In so doing, I want to reiterate over and over and over again in the moments that I have with you to say this, very simply, Mr. Chairman: The issue is not the C–17, the issue is airlift.

It changes the nature of the debate, Mr. Chairman, when the discussion is not the C–17, the issue is airlift.

I will repeat that many times in the course of my remarks.

Mr. Chairman, it has been the intention of this gentleman to focus on the national security issue that should drive the decision on what to do about the C–17 program. That issue is airlift capability. Airlift for the number of needs is necessary, and these needs include our participation in multinational peacekeeping operations, which this gentleman supports.

Our airlift problem is not just our need for short fields, for outsize cargo capability of the C–17; the heart of the problem is the planned retirement of our C–141 fleet in the 1995 to 2006 period. The loss of this large portion of our aircraft capability must be offset, and I will attempt to make that point clearly, and unequivocally, Mr. Chairman.

We face a difficult task. How to provide enough overall airlift capability and C–17 capabilities within a realistic spending level. That is the question. If there are so many dollars in a limited-dollar environment, in a military budget that is going down, how many dollars do you project annually that is realistic that you choose to spend for the purpose of airlift? And then the question is how do you buy the airlift that is necessary for this country for these dollars? Straightforward, straightforward, straightforward, Mr. Chairman. The issue is not the C–17, the issue is airlift.

There will be an amendment that comes up, and that amendment is where the department sees salvation primarily in higher C–17 buys. But large enough buys to offset this loss are not affordable at likely budget levels as the data is the Department's own C–17 affordability assessment proves.

Buying eight planes per year, the level DOD specifies in their C–17 white paper, and the level consistent with their affordability report for the next 14 years, leaves us with less airlift than we already have today. Mr. Chairman, I will repeat: By simply engaging in a C–17 buy strategy against the backdrop of the reality that C–141's are being retired during that 10-year period that I laid out, your airlift goes down. It does not come up until way out far beyond the year 2000.

So, how do you engage in a strategy to buy airlift that does not get you back to square one until way out about the year 2008, 2010? Mr. Chairman, under that plan we would not get back to today's level until 2008, despite spending $30 billion. The answer is twofold: Buy the specialized capabilities of a yet-to-be-determined number of C–17's, boosted with aircraft that more cheaply restored the aggregate airlift capability than we lose by C–141 retirements, at the same budget level of airlift as we have today. This is a strategy embodies in H.R. 4301 which will offset the C–141 retirement, give us more aggregate and outsize airlift capability than we have today for less cost than the strategy behind the amendment that would simply put us back to the number 6.

These conclusions are not just this gentleman's conclusions, Mr. Chairman. If that were the case, that is arguable. But an Air Mobility Command study shows that even with the buy of eight C–17's per year, only a substantial buy of complementary nondevelopmental or alternative aircraft in the next 5 years equivalent to 35 to 55 aircraft would prevent a significant decline in our airlift capability by the year 2201.

Not this gentleman's study, Mr. Chairman, the Air Mobility Command study. The Department has not, not, to this gentleman's knowledge, refuted those findings.

Under the provision of H.R. 4301, C–17 fleet will continue to grow.

Mr. Chairman, I listened to many people on the floor as if it were "C–17's to no C–141's." Let us not distort each other's position. The bill has some C–17's in it, and the bill allows that strategy to go forward. The bill adds 4 C–17's for a total of 30 and 4 more for next year.

Beyond that, if the contractor can fix its problem, we retain the option of moving to higher rates. If the program does not improve, we can still decide to buy more C–17's to reach the level of 40 that the Department has told us was militarily acceptable. No one is talking about having no C–17's. That is not in the real world. So you build a strawman when you make that argument.

The issue, again, Mr. Chairman, is not the C–17; the issue is airlift.

Keep in mind that buying 4 C–17's per year would give us a fleet of 58 by the year 2005; combined with our existing fleet that the gentleman pointed out of 120 C–5's, will be able to lift over twice as much outsize cargo than we could just 7 years ago, when the airlift challenge was to move army heavy divisions across the Atlantic in 10 days, those days, to fight the vast forces of the Soviet Union and Eastern Europe. The Soviet Union no longer exists, Mr. Chairman. The Warsaw Pact has vanished off the radar screen. And these were adversaries who were far better armed, far better trained, far better led than the forces many of my colleagues contemplate with these scenarios of the future, North Korea, Iran, or Iraq, that worry many of my colleagues today.

In addition to this outsize capability, the airlift fleet envisioned by the bill would have a substantially better ability to carry the bulk and oversize cargos that made up 90 percent of the air cargos of Desert Storm than would the airlift fleet envisioned in the Department's plans. Again, the issue is airlift, not the C–17.

The C–17 cost and operational effectiveness analysis study also validates the path that H.R. 4301 embodies, Mr. Chairman, and calls into question the Pentagon's approach. It shows that mixes of C–17's and complementary air-

craft are as cost effective as a pure fleet of 120 C–17's in hauling outsize cargo. In addition, the analysis shows those same mixes are far more cost effective in carrying oversize cargo than a pure C–17 fleet. There is wide agreement that the commercial aircraft are far better bulk cargo carriers than the C–17's.

Futhermore, the Department's cost and operational effectiveness analysis shows the superiority of mixed fleets, Mr. Chairman, It understates that 747's performance by at least 22 percent, according to the Air Mobility Command's own data, not this gentleman's data. It assigns costs to the mixed fleets that internal DOD documents prove are improper. Thus mixes of C–17's and 747's are even better than the analysis says and better than pure C–17 fleets.

Department officials have stressed outsize cargo as a main factor responsible for their strong preference for the C–17. But there is a major gap between the rhetoric on this issue and the reality of their own data that they provide us. The Department may tell us that oversize cargo is the main factor to plan for in a major regional contingency, but their own C–17 cost and operational effectiveness analysis disputes this.

The Department finally delivered that analysis to us last week; a little late in the day as we attempt to address this issue. It states, "In the first 30 days in these scenarios [the two MRC's]"—that is major regional contingencies—"used by the joint staff mobility requirements study, 15 percent of the delivery requirement is outsize cargo, 55 percent is oversize, and the remaining 30 percent is bulk," the point that I think my colleague was trying to make.

□ 1600

Their data shows that after the first 30 days the percentage of outsized cargo requirements actually drops.

Mr. Chairman, there are some other issues that I would want to make here, but I do not want time to run out. Let me just finish, and then I will be happy to yield to the gentleman from Washington [Mr. DICKS].

Mr. Chairman, I make this point: The issue is not the C–17. The issue is airlift. Let me tell my colleagues how we got to this point.

The administration should have come before us in a timely fashion as we proceeded to try to mark up this bill. The leadership gave us this date, come on the floor before Memorial Day break. We were under tremendous stress and tremendous strain. The administration did not answer on the record for the record in a timely fashion, when we were preparing to mark up this bill, the concerns of the criticism raised by the GAO. So, what my colleagues have ringing in their ears was a very intelligent analysis with a series of critical issues laid out by the GAO. So, the administration had not done a compelling selling job, had not attempted to support this program at a level that my colleagues would have felt comfortable, and they certainly had not answered these ringing criticisms. So, we have the responsibility of marking, in the absence of the administration's set of arguments, so we put before the Committee on Armed Services a proposal that said the issue is not the C–17, the issue is airlift. We figured the annual amount of dollars authorized for this purpose would probably be in the neighborhood of $2.5 billion. We said, "With $2.5 billion annually, how do you get the airlift that you need?"

So, Mr. Chairman, this led us to this four plus nine developmental aircraft, a mixture.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DELLUMS] has expired.

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DELLUMS. Mr. Chairman, under the rule, does the gentleman and the ranking member have an opportunity to strike the last word?

The CHAIRMAN pro tempore. Once the amendment is pending, the gentleman from California and the gentleman from South Carolina do have that opportunity, but not until an amendment is pending.

Pursuant to House Resolution 431, it is now in order to consider the amendments printed in part 6 of House Report 103–520 relating to the C–17 aircraft, which shall be considered in the following order:

A, the amendment to be offered by the gentlewoman from California [Ms. HARMAN], or the gentleman from California [Mr. HORN], or the gentleman from Oklahoma [Mr. MCCURDY], or the gentleman from New Jersey [Mr. SAXTON], or the gentleman from South Carolina [Mr. SPRATT], or the gentleman from Texas [Mr. SAM JOHNSON], or the gentleman from Missouri [Mr. TALENT]; and, B, the amendment to be offered by the gentlewoman from Oregon [Ms. FURSE].

AMENDMENT OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. HARMAN: Page 19, strike out line 18 and all that follows through line 3 on page 20 and insert in lieu thereof the following:

(a) AUTHORIZATION.—Of the amount provided in section 103 for procurement of aircraft for the Air Force—

(1) $103,000,000 shall be available for Non-Developmental Alternative Aircraft procurement; and

(2) $2,303,402,000 shall be available for the C–17 aircraft program, of which—

(A) $2,249,819,000 is for procurement of six C–17 aircraft;

(B) $47,475,000 is for advance procurement of up to eight C–17 aircraft for fiscal year 1996; and

(C) $6,108,000 is for C–17 modifications.

The CHAIRMAN pro tempore. Under the rule, the gentlewoman from California [Ms. HARMAN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California [Ms. HARMAN].

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I would like to send my own best wishes to the gentleman from California [Mr. HORN] who is a principal cosponsor of this bipartisan amendment and who is not able to be with us today because he is in the hospital.

Mr. Chairman, I would point out that this amendment has overwhelming bipartisan support, including the overwhelming support of a bipartisan group of the Armed Services Committee. We are in this position because, when we marked up and reported our bill, DOD had not adequately justified funding six planes. For this reason, most of us supported the chairman's mark which he himself characterized as a "place holder".

This chart demonstrates that our amendment involves the identical amount of money in the bill as reported by the committee. We would simply redeploy this money to support procurement of six C–17s rather than four, and fund a competition for non-developmental aircraft.

I would say to the gentleman from Washington [Mr. DICKS] that what we are doing in this bill very adequately deals with his concerns and will assure us that commercial wide bodies can be a part of our airlift mix for the future.

The CHAIRMAN pro tempore. The time of the gentlewoman from California [Ms. HARMAN] has expired.

Mr. MCCURDY. Mr. Chairman, if the gentlewoman from California [Ms. HARMAN] would like, if she needs an additional minute, I yield a minute of the 2 minutes she had reserved for me at this time to her. Would the gentlewoman like an additional minute to complete her statement?

Ms. HARMAN. Why don't I just take 30 seconds of the gentleman's time?

The CHAIRMAN pro tempore. The gentlewoman from California [Ms. HARMAN] is recognized for 30 seconds.

Ms. HARMAN. Mr. Chairman, what we need to keep our eye on is that we are not adding money to the airlift program. We are simply rearranging the money so that we can restore the ad-

ministration's original request. The chairman of our full committee, for whom I have the greatest respect, says airlift is the issue, not the C–17. I agree, and I quote from General Shalikashvili:

"Today there is only one alternative that can meet the requirements of a core airlifter, the C–17."

Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I took time to try to lay out the position that is reported in the bill, H.R. 4301. Let me, in a few moments, explain how we got to this point.

A number of our colleagues requested, during the time that we were marking up the bill, that we bring the administration in subsequent to the markup of the bill in the House Committee on Armed Services and hopefully that that hearing would take place prior to our coming to the floor. I said to my colleagues in the spirit of fairness, in the spirit of openness and cooperation we would ask the administration to come before the committee, and all of my colleagues, or virtually all of my colleagues, because the bill passed 55 to 1, when we laid this proposal on the table we said, absent a ringing declaration, a ringing set of supporting arguments for this bill, that the House position, the position that we articulated, was a sound position. I turned to everyone in several meetings, Mr. Chairman, and said, "If any of you have a better idea, lay it on the table, and, in the spirit of give and take, we can discuss that, if there is a new position that anyone wants to assume." No one laid a new idea on the table, and everyone essentially bought onto what is in the House position.

Then they said that they would like to have the administration come. The administration did come, and we had several hours of hearings. After those hearings, Mr. Chairman, a number of my colleagues, the gentlewoman from California and 30-some other members of the committee, decided, based upon that presentation, that now they had more information, more facts, because they felt that the administration had done a, quote, adequate or good job in addressing the GAO criticisms and laying out the concerns and the arguments that they felt needed to be on the record, and they raised some questions with respect to the proposal that we offered. On the basis of that they were compelled then to go back to the original position of the six planes.

That is a legitimate thing to do, Mr. Chairman. I am not quarreling with that. I simply wanted to say, one, the position enunciated in the bill was not just a placeholder amendment. It was carefully thought out, carefully conceived and, I believe, can be defended anywhere openly and in a very straightforward fashion. I think all of my colleagues here are going to have to make a very serious decision about this program and about the issue of airlift. I urge them to listen very carefully. I frankly think, and I may be wrong, that this debate turns on one single issue, one single issue, Mr. Chairman.

Secretary Deutsch says, "If the contractor is able to build 6, we will learn more about that contractor's ability to build 12 than if you have them building 4." Now, if my colleagues buy that argument, then it will lead them in one direction. If my colleagues think that that argument is debatable, it may lead them in a different direction. But I personally think that that is what the issue turns on.

□ 1610

The question is what do you think the learning curve is. The Secretary repeated that on more than one occasion. I need 6 because the learning curve on whether this contractor will be able to build 12 down the road, that gives me that answer. If you accept that argument, perhaps there is efficacy to it. But I think that is where the issue lies on this discussion.

I simply wanted to discuss that in the spirit necessary of openness we held a hearing. A number of my colleagues were compelled to move beyond the committee position. this is no personal thing with us.

You now have two considered positions on this issue, one thought through by the committee and one agreed to after the committee markup and after Secretary Cheney came before the committee, and they are both out there.

I think one can argue both of them very strongly, perhaps even effectively, but they are two different strategies. They are two very, very different approaches, and they have two different consequences. Let me just make one final comment. Secretary Cheney said there are three parts to this C–17 program. There is the settlement, there is the 2-year program, and there is the nondevelopmental airlift aircraft part of it.

Well, this amendment only addresses two, not three. Everyone agreed to put the settlement aside at this point, because it raises a number of issues that go beyond the jurisdiction of the House Committee on Armed Services, perhaps to the jurisdiction of the Committee on Government Operations, perhaps to the jurisdiction of the Committee on the Judiciary, and that is something that has to be resolved in a different context, given the process that we operate under.

So we are back to the second part. Mr. Cheney said give me all of these or kill the program. We even laid that proposal on the table among my colleagues. We said do you want to kill it? There was not a consensus.

So the issue we wanted to grapple with, short of killing the program and short of going whole hog in the program in the context of the markup, was what do you do, absent a compelling set of arguments that refuted what GAO said? We came with that in our bill. My colleagues now are saying that they have new information that leads them to a new position. Listen very carefully, make your own judgment.

Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I just want to rise and say that the distinguished gentleman from California [Mr. DELLUMS] has fully explained the position in the committee, and I think fairly. At the time the subcommittee and the committee marked, we did not have this information, and many of us who did not serve on the committee had asked that there be a hearing prior to coming to the floor.

We had the hearing, Secretary Cheney did come, and I think the overwhelming majority of the members of the committee, upon hearing that testimony, demonstrated both by voting to go back to this provision that Ms. HARMAN is supporting and offering, and also signing a letter which I believe is more of the "ringing endorsement" that the chairman talked about.

Because we believe we are overcoming the problems in the C–17 procurement, this is the most efficient rate. Congress should not micromanage this contract. We are saying that there is sufficient evidence now presented by the administration that leads us to believe that this is the most appropriate way to move forward on this program.

It does, not, as the chairman said, include the settlement, which I think is a contentious issue which is better resolved at a later point.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I rise today in support of the C–17 cargo plane program. Specifically, I would like to urge my colleagues to support the Harman amendment which restores the administration's request for six aircraft instead of four as in the current bill language and oppose the Furse amendment which terminates the program entirely.

In a time when we are trying to reduce our Nation's defense spending and decrease our worldwide force structure, supporting the construction of six C–17's in fiscal year 1995 makes the most economical and military sense.

Authorizing the construction of six instead of four planes is the least expensive way to meet the Nation's mili-

tary airlift needs. Maintaining a production rate of six per year will decrease the unit costs of the planes and will not undercut the Department of Defense's strategy to control program costs. This rate will also allow the prime contractor, McDonnell Douglas, to show that it can bring costs down and ensure that we produce the C–17 in the most efficient manner. Additionally, it is important to mention that the Harman amendment does not add to the overall cost of the bill but merely reprograms funds already included in the bill to cover the cost of the additional two planes.

In this post-cold-war era, there is less of a need to station troops abroad and maintain large military installations around the globe. As we have seen in Grenada, the Persian Gulf, and Somalia, however, there is still a great need for the United States military to have the capability to move large numbers of troops and equipment in and out of remote areas quickly. Our current airlift capabilities simply do not make the grade. The C–141's, which was designed in the 1950's and produced in the 1960's are falling apart and cannot land at small austere airfields. While the C–5 is able to carry similar payloads as the C–17, the C–5 complicates deployment planning because it requires excessively long and wide runways which are not always available in developing countries. Further, the Air Force has testified that there have been instances at large military fields in Europe when operations had to be suspended because a C–5 was unloading and could not get off the runway to allow other planes to land or take off. If we are to reduce our global military presence, it is essential that we continue building C–17's which give us the ability to move troops—and the essential equipment needed to protect them—as quickly as possible.

Terminating the C–17 program would have a disastrous affect on the economy of my congressional district. The F117 engine used in the C–17 is constructed at the Pratt & Whitney plant located in Middletown, CT. I am very proud of the work my constituents have done on this engine. First of all, the engine—which is practically identical to the commercial PW2000 engine—was developed entirely by Pratt & Whitney and its commercial partners. This alone saved the Government over $1.5 billion. Additionally, none of the cost overruns or production problems have resulted from the F117 engine.

To stop the program now would mean the loss of another 200 to 300 jobs in Middletown. In an area that has been hard hit by the downsizing of the defense and insurance industries and where Pratt alone has laid-off 6,700 employees during the past year, the cancellation of the C–17 program would be devastating.

In closing, I ask that my colleagues do what makes the most economic and military sense, vote for the Harman amendment and oppose the Furse amendment.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, in making the decision about how to vote on this bill, whether my colleagues vote for six C–17's or four C–17's and four nondevelopmental types of aircraft, consider the words of Colin Powell when he said,

> Our military strategy is changing from a focus on global war to a focus on regional crisis. And to deal with those kinds of crises, you have got to get there fast, and you have to get there with the mostest.

And he said,

> That is what the C–17 will do for us.

I think he said that for three reasons. I think he said it, first, because it obviously increases lift, outsized lift, oversized lift, and personnel lift.

Second, it keeps the unit price lower. To do four C–17's instead of six C–17's, it increases the price per unit from $30 to $40 million.

Third, it requires the contractor to prove they can produce, prove that they can produce the product on time and of the quality that is necessary in the number that is necessary to get the job done.

Finally, I would conclude, Mr. Chairman, by saying this: Dick Cheney not long ago was quoted as saying, "The C–17 is an absolutely vital strategic asset, regardless of what size force we have in the long run."

I urge my colleagues to support the Harman amendment.

Ms. HARMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri, [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I want to emphasize a point I made earlier in the general debate. Whatever your view of American's military strategy ought to be, whether you are content with the drawdown we are having now or not, you have to support increased additional lift. As we draw down the forces, we end up with a smaller force based in the United States. If you want to be able to do anything in the world, peacekeeping, protection of American interests, we have got to get those forces abroad. We cannot do that without the C–17. Whatever your perspective on the overall military strategy, you need to support the Harman amendment for six C–17's.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the Harman-Horn amendment for three reasons.

First, we need the airlift capability and flexibility the C–17 provides. According to Former Defense Secretary Dick Cheney, the C–17 is "an absolutely vital strategic asset regardless of what size force we have in the long term." This state-of-the-art aircraft can carry outsize cargo to small, remote airfields, giving us a strategic advantage in rapid development capability to meet regional threats. President Clinton agrees, and I support his modest request for funding.

Second, we saved billions of dollars in development costs on the C–17's Pratt & Whitney engines because the manufacturer developed it for commercial use on the Boeing 757 at a cost of $1½ billion. The engine has over 6 million hours of experience on commercial aircraft and is 5 to 7 percent more fuel efficient than its closest competitor. The Air Force has saved taxpayers billions in R&D costs by using off-the-shelf, state-of-the-art commercial engines.

Third, while the impact of canceling the C–17 program would cost 200 to 300 jobs in Connecticut alone, the total employment impact would be far worse, as many as 10,000 jobs nationwide. Such economic dislocation on top of what we've already experienced in the past four years would be tragic under any circumstances, but it would be unconscionable to cause it by terminating a necessary and successful program that is fundamental to our military readiness according to Democratic and Republican administrations.

I encourage members to check all the facts before you take the reckless plunge over the cliff and dismantle a critical component of our national security. The C–17 is important and has already proven its worth in the field, and I urge you to support the Harman-Horn-McCurdy-Saxton-Spratt-E.B. Johnson amendment.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, there is an old saying among military people that amateurs talk about strategy, but professionals talk about logistics, and how quickly and efficiently an army gets military supplies and equipment from here to there determines whether or not strategic plans can be implemented.

In today's high technology, high pressure battlefield, the army that gets there "fustest with the mostest" wins, and the C–17 can certainly help us do that.

The amendment gives the House the chance to restore the C–17 program back to the budget request of six aircraft without increasing the deficit.

My understanding is certainly the administration supports the amendment. The chairman of the Joint Chiefs of Staff, John Shalikashvili, supports it. The former Joint Chiefs Chairman Colin Powell supports it.

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The gentleman from New Jersey quoted Defense Secretary Cheney, who was in my district last night for a big event and reaffirmed again his strong belief in the program. All senior military leaders and field commanders cite the need for the C–47 and the airlift capability it provides.

But the most important endorsement comes from the 20-year-olds whose lives on the battlefield depend on being supplied quickly with the right equipment. As a former combat infantryman, I can tell my colleagues that fighting forces that are supplied with the equipment that they need when they need it get a boost, a big boost in morale as well as an edge in combat.

The C–17 can carry not only outsized equipment, it can carry hope to our troops because it delivers the goods when and where they need it.

One of the arguments raised in favor of the amendment, of course, is that it reduces cost per unit. Naturally, there is no question about that. But I want to remind our colleagues that six C–17's can contribute to reducing the cost in lives per military unit on the battlefield. That is the reduction that counts.

Mr. Chairman, I urge my colleagues to support this bipartisan amendment, and I thank the gentlewoman for yielding time to me.

Mr. DELLUMS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. LEWIS], who is on the other side of this issue but is constrained by time.

Mr. LEWIS of California. Mr. Chairman, I very much thank my colleague for yielding time to me.

Frankly, I wanted to rise simply to express my deep appreciation for my colleague and the professional way he is handling this matter. We do disagree on a specific. That is, the increased numbers of six and eight in the outyears. This amendment will, in turn, reduce the cost for aircraft $40 million to $50 million a year. It will also save 8,000 jobs in California, which is very important to all of us.

This is the technology we need now. It is the airlift of the future. We must be able to project our force throughout the world without having our troops dispersed throughout the world.

I thank the gentleman for yielding time to me and expect passage of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I rise today in strong opposition to the Harman amendment.

Back in 1986, the good old Heritage Foundation, a good, conservative think-tank, issued a report dated January 23, 1986, which I think summarizes my philosophy about the flawed C–17 program.

It came to the conclusion that:

A careful analysis by experts of U.S. airlift needs and of the C–17 program reveals that a new cargo plane is not needed to close the gap. As such, the Air Force should cancel the C–17, now in a full-scale engineering phase of development, and instead build more C–5B cargo and KC–10 cargo tanker aircraft. Better use, moreover, should be made of the existing fleet of C–130 Hercules and C–141B Starlifter strategic aircraft. Not only could this save about $20 billion, but the U.S. would have the needed planes available much sooner.

Let me address one other issue that was raised by the Heritage, good, conservative Republican think-tank, report. It said that the idea of using the C–17 to go to the far edge of the battle area, the FEBA, as it was known, was absolutely ridiculous because "Is it realistic to expect the Air Force to risk the C–17, which may cost $180 million or more each," and, of course, that is up now to about $250 million or more, "on austere airfields in or near combat zones? Former Air Force Secretary Bernon Orr apparently does not think so. As he said in 1982, 'my worry is that with a very large expensive plane like the C–17 and a limited number of them, the forward commander may not want to order them up to the edge of the battle area.' "

Mr. Chairman, in 1987, when I was a Member of the House and a member of the Committee on Armed Services and before I had two children in college and could afford certain extras in life, I ordered and purchased at my own expense these paper airplanes to be sent to each and every Member of the House of Representatives on which it says that the C–17 is a $40 billion boondoggle and, according to my friend, Ed Jenkins, nothing but a town car for the Air Force.

Well, I hate to say, and it really bothers me to say, Mr. Chairman, "I told you so," but, folks, we told you so.

We have thrown away now billions of dollars. We still do not have any capability. Let us not further compound the mistake. Let us put an end to this foolishness. Let us try to do something for the taxpayer here today and vote down overwhelmingly the Harmon amendment.

Mr. Chairman, I include for the RECORD the following information.

CLOSING THE MILITARY AIRLIFT GAP

INTRODUCTION

Should a crisis develop in Europe or the Mideast, it would take the U.S. 483 C–5 and 1,558 C–141B cargo plane loads to rush the 24th Mechanized Infantry Division—with its 16,800 troops, 290 tanks, 430 armored fighting vehicles, 124 helicopters, 780 combat support vehicles, 3,580 trucks and other equipment—from its base in Fort Stewart, Georgia, to the trouble spot within the prescribed ten days. To support Europe alone, the U.S. would have to transport six such Army divisions, 60 tactical fighter squadrons, and one Marine Amphibious Brigade to Western Europe.

In the event of such demands, the U.S. does not have enough cargo planes to speed its forces to distant battlefields. This strategic airlift gap is one of the American arsenal's most serious weaknesses. That the U.S. needs more airlift capability is widely accepted. At issue, however, is whether the Air Force's $39.8 billion Airlift Master Plan is the best way to close the gap. By designating a new generation of cargo airplane, the McDonnell Douglas C–17, as the Plan's centerpiece, the Pentagon may be making a serious and costly error.

The Air Force Plan suffers from two fundamental flaws: 1) it underutilizes aircraft already in the airlift fleet as well as such proposed plans as the Lockheed C–5B, which could be produced sooner and at a significantly lower acquisition cost than the C–17's $180 million each; 2) it rests on questionable operational and planning assumptions, such as using the C–17 for both tactical and strategic airlift missions.

Careful analysis by experts of U.S. airlift needs and of the C–17 program reveals that a new cargo plane is not needed to close the gap. As such, the Air Force should cancel the C–17, now in a full-scale engineering phase of development, and instead, build more C–5B cargo and KC–10 cargo tanker aircraft. Better use, moreover, should be made of the existing fleet of C–130 "Hercules" and C–141B "Starlifter" strategic aircraft. Not only could this save about $20 billion, but the U.S. would have the needed planes available much sooner.

STRATEGIC AIRLIFT AND U.S. MOBILITY REQUIREMENTS

Strategic airlift is used primarily for the rapid deployment of forces, military equipment, and supplies to combat zones in the early stage of wars. Without the prepositioned military equipment that exists for example, in Europe and Korea, most U.S. military contingencies in the Third World would require rapid air transport of men and materiel to the combat zone. Transport by sea is indispensable for sustaining combat an average 30 days or longer, but it is often too slow to reach the combat zone for violent regional conflicts decided very quickly.

The standard categories of airlift military cargoes are: 1) bulk, such as fuel, ammunition, and other cargo that when loaded on pallets can be carried by most airlifters; 2) oversize, such as trucks and towed artillery pieces that fit into all military cargo planes (C–5, C–141, C–130, and KC–10) and some specially designed civilian aircraft; and 3) outsize, such as main battle tanks, helicopters, and other extremely large items that can be placed only in the huge C–5 or the proposed C–17 cargo planes.

The principal aircraft in the Air Force's airlift fleet are its 70 C–5 "Galaxy" and 234 C–141 "Starlifter" strategic airlifters, 16 KC–10 dual-capable cargo/tanker aircraft, and 512 C–130 "Hercules" tactical airlifters. The C–5A jet and its newer modified version, the C–5B, carry outsize cargo such as tanks and helicopters over intercontinental distances. The C–141, the workhorse strategic airlifter of the Military Airlift Command, carries a substantial volume of cargo over unlimited ranges with in-flight refueling. The prop-jet C–130, on the other hand, is the mainstay of the tactical airlift fleet, operating within combat theaters and carrying troops and cargo 100 to 2,000 miles. When modified, it can refuel helicopters and fighter planes, perform as an aerial gunship, airborne command post, or airmobile communication center. The KC–10 is essentially the three-engine McDonnell Douglas DC–10 long-range aircraft capable of carrying cargo and refueling other aircraft.[1]

SHORTFALLS IN STRATEGIC AIRLIFT

In the late 1970s, the possibility that the U.S. would have to defend its interests in the Persian Gulf renewed interest in strategic mobility. A congressional request that the Pentagon review strategic mobility requirements led to the Congressionally Mandated Mobility Study (CMMS).[2] In 1981, the study concluded that the U.S. was woefully short of cargo planes, ships, and military equipment prepositioned abroad. The study recommended that the U.S. be able to airlift 66 million-ton-miles-per-day (MTM/D) to meet its global commitments. Currently, the U.S. has a 43 MTM/D capability.[3]

Even this vastly underestimates U.S. requirements. In 1980, the Joint Chiefs of Staff concluded that a 150 MTM/D airlift capability would be desirable just for reinforcing U.S. troops in Europe.

Simultaneous wars in Europe and the Persian Gulf, or Europe and Korea, are thus far beyond U.S. airlift capabilities. Even the CMMS goal of 66 MTM/D, which will not be met until the late 1990s, is the absolute minimum of what is required.[4]

THE AIR FORCE AIRLIFT MASTER PLAN

Even before the CMMS was completed, the Air Force developed plans for a totally new long-range or strategic cargo plane to supplement the 1960s vintage C-5 and replace C-141s and C-130s. The capabilities of the C-X, as the design model was called, were determined before the CMMS was completed.[5] The Air Force Airlift Master Plan required a plane to have both intercontinental range and the "mission flexibility" to land at small, hard-to-land-on airfields in or near combat zones. Proposed airlift characteristics included short landing and departure approaches for tactical operations and the capability to convert back and forth between cargo, troop, and aeromedical evacuation configurations. The new plane should be capable of aerial refueling and of carrying such outsize cargo as tanks and helicopters. The C-X, therefore, was to be a hybrid cargo lifter. Its mission was to be a cross between intercontinental and intratheater tasks traditionally accomplished by two different airplanes.

In 1983 the Air Force concluded that the C-17 would meet these requirements. The following year, in the Airlift Master Plan, and the Airlift Total Force Plan, the Air Force decided to:[6]

1. Build a strategic airlift force to meet the Congressionally Mandated Mobility Study goal of 66 million-ton-miles-per-day airlift capability.
2. Double tactical airlift capability.
3. Buy 210 C-17s, using 30 for training and backup.
4. Retire 180 C-130 "Hercules" short-range tactical airlifters.
5. Retire 54 C-141 "Starlifter" long-range cargo planes and transfer the remaining 180 Starlifters to the reserves where their use rate and wartime capability will be lower.
6. Use C-17 short-range or "intratheater" shuttles to replace the retired C-130 planes and to augment tactical airlift capability by almost 80 percent.

Before the Air Force issued the Airlift Master Plan, the Department of Defense already had decided to increase airlift capability in the near term. Its plan of January 1982 called for buying an additional 50 C-5Bs, 44 KC-10 fuel tanker aircraft, and 19 converted Boeing 747s for troop transport.[7] The principal reason that these aircraft were bought was that they would be available significantly earlier than the C-17.

U.S. CARGO AIRLIFT CAPABILITY

Aircraft	Number operational	Air Force plans to meet airlift goals
C-5	70	Purchase 50 C-5Bs
C-141	234	Retire 54. Move 180 to reserves at one-half current operating rate
C-130	512	Retire 180
C-17		Purchase 210
KC-10	[1] 16	[2] Purchase 44
CRAF Wide Body Cargo[3]	39	Modify 19 747s

[1] 16 KC-10s assigned to Strategic Air Command.
[2] 44 additional KC-10s to be added to Strategic Air Command fleet but dedicated to airlift use.
[3] Civilian Reserve Air Fleet for transporting cargo on modified passenger planes in times of national emergency.

Source: Military Airlift Command, United States Air Force.

The Air Force claims that the C-17 program is the most economical option it examined. Assistant Secretary of the Air Force Tom Cooper states: "The acquisition of 210 C-17s would cost $16 billion less and require nearly 15,000 fewer personnel to operate when compared to alternatives based on the C-5 that provide equivalent capability."[8] The savings will come from the lower manpower and operational costs of the C-17. Savings will also accrue from the retirement of 180 C-130s and from transferring 180 C-141Bs into the reserves at a lower operating level, which will cut down on active duty manpower and operational costs.

PROBLEMS WITH THE AIRLIFT MASTER PLAN

The Air Force should be applauded for trying to come to terms with the perennial problem of airlift shortfalls. But its way of going about it raises serious questions. Among them:

1. Is a new generation strategic airlifter necessary? Under Air Force plans, the C-5 air cargo plane will remain in service along with the C-17 well beyond the year 2000. Is there really a need for a new strategic airlifter if the current model, the C-5B, has enough productive years left to be retained in the inventory for that long a period?

2. The dual-capability dilemma: A key element of the Air Force plan is the capability of the C-17 to deliver troops, supplies, and military equipment not only over vast distances but directly to combat forces at the forward edge of the battlefield. This will be essential mainly because the Air Force plan would retire 180 C-130 Hercules from the fleet of 512 tactical airlift aircraft. The C-17 is supposed to fly tactical air sorties between strategic airlift missions.

In a major war, however, it is questionable whether the new and expensive C-17 will be available for tactical combat support roles. Presumably, it will be flying intercontinental sorties across the Pacific or North Atlantic. Even if the plane were available, some experts see problems with a hybrid design that equips the C-17 for both strategic and tactical airlift missions.

3. Battlefield vulnerabilities: Is it realistic to expect the Air Force to risk the C-17, which may cost $180 million or more each, on "austere" airfields in or near combat zones? Former Air Force Secretary Vernon Orr apparently does not think so. As he said in 1982, ". . . my worry . . . is that with a very large expensive plane like the C-17 and a limited number of them, the forward commander may not want to order them up to the edge of the battle area."[9]

This problem of the vulnerability of a large, expensive, and valuable strategic carrier plagued the 1983 U.S. military operation in Grenada. Explaining why air cargo sorties were backed up, Colonel Dave Starling, now a commander of the Army's 18th Airborne Corps Support Command, said: "Initially there was concern that the [cargo] aircraft was susceptible to gunfire and, if one got hit, we'd have really been up a creek."[10] "Aircraft were stacked up to the ionosphere," another commander said, who added that lift operations might have been terminated had the enemy had longer range anti-aircraft guns.[11]

4. Cost: the estimated acquisition cost for the Airlift Master Plan is $39.8 billion, of which $37.2 billion is for the C-17. In its own terms, the C-17's price may be reasonable for the research, development, and production of a plane using the latest aviation technology. But whether this plane is reasonable for the allotted task is another matter. To be sure, the Air Force claims that its plan will be $16 billion less than alternatives based on the C-5. Yet by some calculations, adding 101 C-5Bs to the fleet to meet the Pentagon's goal of 66 MTM/D airlift capability would cost at most $16.8 billion.[12] And this is at an inflated "then-year" dollar cost computed to reflect price hikes during the aircraft's production life. Yet this is still far below the then-year $37.2 billion acquisition cost for the C-17. Anticipated economies in producing a plane that has been in production for some time, moreover, could reduce the total acquisition cost of 101 C-5Bs to $14 billion.

Greater savings will come from not retiring the C-141s and C-130s as required by the Air Force Plan. While it is true that the C-141s will have to be replaced some day, their service life can be extended to help meet strategic airlift requirements at a lower cost until 1998. In this time, the Air Force can develop and deploy a follow-on tactical airlifter to replace the C-130. By extending the service life of the "work horse" C-141B at a cost of about $300 million, the Air Force could keep 180 of these aircraft in active status, and not, as is currently planned, transfer them to the reserves.[13] Cost there may be considerably lower, but readiness is also.

The savings from building more C-5Bs instead of C-17s will enable the Air Force to keep the C-130 in operation. The 180 of these aircraft currently marked for retirement could be kept in service until a new short-range tactical airlifter is developed and produced. Keeping the C-130 in the air would safeguard the Air Force's tactical airlift mission. It would ensure that there are enough short-range airlifters to perform the many tactical airlift missions for which an expensive and essential strategic airlift cargo plane like the C-17 may either be unavailable or overqualified.

Many experts argue, in fact, that a new tactical airlifter to replace the C-130 is needed far more than a new long-range air cargo plane like the C-17. Said Lt. General William Richardson, former Army Deputy Chief of Staff for Operations and Plans: "The C-17 is not the 'solution'—there will always be a need for a smaller, STOL (short take-off and landing) aircraft that is technologically superior to the C-130."[14]

It is true that the C-17, with a minimum crew size of three and low maintenance personnel requirements, will demand less manpower than the C-5B, which has a minimum crew size of seven or eight. Decreasing manpower adds to savings. The Air Force claims that the C-17 option will require 15,000 fewer personnel than the C-5 option. This accounts

for some of the alleged savings of the C–17 approach.

But the major portion of the Air Force projections for C–17 savings comes not from C–17 operating and manpower economies but from the cut in maintenance, operations, and manpower costs if the C–141s and C–130s are retired. It makes little economic sense, however, to purchase a new type of aircraft to replace old ones when much of the existing fleet is still capable of longer service at a relatively low cost.

THE C–5 VS. THE C–17: TECHNICAL ISSUES

There are a number of technical issues involving the relative merits of the C–17 or C–5 option. Among them:

1. Design and Operational Concepts: Some critics of the C–17 argue that the design and operational concepts for the C–17 and C–5 are remarkably similar. The C–17 probably has a capability advantage at the tactical airlift end of the mission spectrum, while the C–5 has the advantage at the strategic end.[15]

2. Availability of Airfields: The C–5B requires runways 4,000 feet long and 150 feet wide for landing.[16] But Lockheed Corporation the manufacturer of the C–5B, claims that recent tests of the wing-modified C–5A demonstrate the ability of the C–5A and C–5B to land on runways only 3,000 feet in length.[17] The design requirement for the C–17, on the other hand, is the capability to land on runways 90 feet wide and as short as 3,000 feet.[18] Even if the C–5B still needs 4,000 feet to land, operationally it barely will be at a disadvantage compared to the C–17. The reason: only a tiny fraction of airfields in Europe, Northeast Asia (Korea and Japan), and Southwest Asia are between 3,000 and 4,000 feet long and thus can accommodate the C–17 but not the C–5.[19] In Central America, however, three-quarters of all airfields are shorter than 3,000 feet and thus can handle neither the C–17 nor the C–5B. This is the case in many other Third World countries.[20]

3. Airfield Congestion and Obstacles: A major Air Force argument for the C–17 is that because it is smaller than C–5B, it is less likely to cause congestion at airfields during operations. This is undoubtedly true. Yet because the larger C–5B delivers more cargo than the C–17 (261,000 lbs. vs. 172,200 lbs.), fewer C–5Bs than C–17s will be needed to deliver the same load, thus decreasing congestion. Backups are cut even further by the C–5s because their front and rear loading doors allow them to move in and out of the airports quickly.

It is argued that trees, fences, and other obstacles at the periphery of some narrow airfields in Europe can hinder C–5B access because of its broad wingspan (228 feet compared to 165 feet for the C–17 and 195 feet for a Boeing 747 commercial jet). Trees and fences, however, can be removed quickly. Preparing European airfields, and when necessary, non-European allied airfields, for better use by the C–5B is no major undertaking.

RECOMMENDATIONS AND PROPOSALS

The Gramm-Rudman-Hollings budget balancing bill is going to force careful examination of all federal spending. The Air Force thus needs an airlift-enhancement program that can be sold to Congress as cost effective. If the program cannot be sold, the entire effort to narrow and close the airlift gap could be jeopardized. All airlift-enhancement proposals should be constructed to get the most military capability for the money spent. The guiding principle should be to establish the strategic and military operational priorities for the program, and then to find the most economical way to meet these priorities.

To do so, the Air Force should:

1. Retain the Congressionally Mandated Mobility Study goal of 66 million-ton-miles-per day of airlift requirements. There is a broad consensus behind this number. More capability may be needed in the future, but the 66 MTM/D goal appears adequate for the purposes of an affordable airlift program.

2. Cancel the C–17 program, build more C–5Bs and KC–10s, and retire no C–130s.

3. Retire and transfer no C–141s. Keep all 234 of them in the active force by modifying them to extend their service life. The entire C–141B fleet of 271 airplanes can be extended 15 years for about $300 million.

4. Consider developing a new short-range "tactical" airlifter to replace the C–130. The Air Force will now know more about this need after the completion sometime this fall of the Pentagon's Worldwide Intratheater Mobility Study (WIMS), which will include an analysis of future U.S. tactical airlift requirements.[21] Because the U.S. needs a robust tactical airlift capability, the current force of over 512 C–130s should be kept in place until a follow-up tactical airlift is deployed to take its place. To do so, a service life extension program will be required for the C–130.

For the United States, whose military obligations are spread across thousands of miles, the ability to fly troops, supplies, and military equipment over great distances is absolutely indispensable to its global strategy. The U.S. now suffers from an airlift gap—and it must be closed. Yet the Air Force's proposed new generation cargo plane, the C–17, and the Airlift Master Plan are not the way to proceed. The Administration should buy more C–5Bs instead of C–17s, while moving rapidly to begin the development of a new generation short-range tactical airlifter.—Kim R. Holmes, Ph.D., Policy Analyst.

FOOTNOTES

1. Information provided by U.S. Air Force Military Airlift Command.

2. Final Report, Congressionally Mandated Mobility Study, Department of Defense, May 1981.

3. U.S. Air Force Airlift Master Plan (Washington, D.C.: U.S. Air Force, 1983), p. III–5. The million-ton-miles-per-day (MTM/D) standard measure of capability combines the amount of cargo moved (tons), the distance to be moved (miles), and the time within which the movement is to be completed (days). A follow-on study, Saber Challenge Lift, recommended that at least half of the recommended 20 MTM/D additional airlift capability be for outsize cargo such as tanks and helicopters. The study recommended, moreover, that fast sealift capabilities be * * * ed, *ibid.*

4. Airlift Master Plan, p. III–5.

5. U.S. General Accounting Office, "The Department of Defense Should Resolve Certain Issues concerning the C–X Aircraft before Requesting Proposals from Industry for Its Full-Scale Engineering Development (PSAD–81–B), Washington, D.C., October 10, 1980.

6. See Airlift Master Plan, pp. V–8–9.

7. The C–5B is a modified version of the C–5A. Modifications include a new engine (the General Electric TF–39–1C), new wings, modernized avionics, and a fuselage structure constructed from an aluminum alloy less conducive to corrosion.

8. Hearings, Subcommittee on Sea Power and Force Projection, U.S. Senate, March 7, 1985.

9. Military Technology, Interview, August 1982, p. 87.

10. Military Logistics Forum, July/August 1985, p. 23.

11. Ibid.

12. This figure is based on a Lockheed fixed unit price proposal of around $100 million a copy (in 1984 dollars), which includes Air Force add-on costs. The total then-year cost is derived from a Selective Acquisition Report estimate of $8.4 billion for 50 C–5Bs in then-year dollars. This puts the unit cost of a C–5B at $168 million for a program funded over the FY 1983–FY 1987 period. Adjusting for lower expected inflation results in all estimated then-year cost of $155 million a copy for the C–5B, which compares favorably with $180 million a unit for the C–17. Selective Acquisition Report, Department of Defense, September 30, 1985.

13. Information provided by Lockheed Corporation. It includes cost of extending service life of C–141 from 45,000 hours to 60,000 hours.

14. "Army Operations Chief Says He's Tired of USAF's C–17," Defense Week, February 14, 1983, p. 3.

15. For a more complete comparison, see Jeffrey Record, U.S. Strategic Airlift: Requirements and Capabilities (Cambridge, Massachusetts and Washington, D.C.: Institute Foreign Policy Analysis, 1985), Appendix B.

16. Ibid., p. 44. Information also provided by U.S. Air Force, Military Airlift Command, Scott Air Force Base.

17. Record, op. cit., p. 29. Lockheed Corporation claims that the C–5 can operate on dirt runways as well.

18. Air Force, Military Airlift Command.

19. Record, op. cit., pp. 29–30.

20. As for the C–5B's wider runway requirement, it would be more cost effective to widen runways by pouring more concrete or laying metal planks to handle the C–5B's 150 feet runway width requirement than to buy the C–17.

21. The fact that no current or planned strategic airlifter can operate on three-quarters of the airfields in Central America is a powerful argument in favor of developing a new tactical airlifter which can.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to summarize, our bipartisan amendment reflects a position most of us were not prepared to endorse in the Armed Services Committee, because we did not have adequate information from the Defense Department. That information was made available shortly after our mark, and thanks to the gentleman from California [Mr. DELLUMS], we were able to consider it.

Now an overwhelming bipartisan majority of the Committee on Armed Services supports the Harman amendment.

Let me underscore again that the cost of the Harman amendment and the cost of the committee mark are identical. The only issue is, how we spend that money. DOD has told us convincingly that it needs and can manage a program for 6 C–17s and that it would not know how to spend money and purchase four nondevelopmental aircraft, a part of the committee proposal. We who support this amendment believe that we are spending it in the wisest possible way, and I ask for your support.

Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina [Mr. SPRATT] to close debate.

Mr. SPRATT. Mr. Chairman, let me just make a few wrap-up points.

First of all, as to how many airplanes we buy because, as the chairman said, we have two well-considered choices before us. The committee's version right now would have us buy four a year. The Department of Defense says that will foreordain the result, because the cost will be so expensive, so inordinate at four a year, that trickling rate, that the price itself will cause us to quit the program.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I thank the gentleman for yielding to me.

It just makes common sense to me to vote this amendment. The Pentagon and the company involved have been working on this vociferously for some time. They have reached an agreement. Let us honor that agreement and let us find out if we can produce this plane at a reasonable cost.

If we cannot, then we will decide that. But if we can, we save the $15 billion that we have already spent that we would lose if we terminate this program and do not honor that agreement.

Let us honor that contract. It is the only sensible thing to do.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The time of the gentlewoman from California [Ms. HARMAN] has expired.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of my time.

Let me simply say, we have two proposals, the committee proposition and the amendment offered by the gentlewoman from California [Ms. HARMAN].

What we attempted to do was not to say four in perpetuity. We said over the next 2 years, for each year for 2 years and then make a judgment.

The amendment says six this year, eight next year. Remember, this only works in the context of the settlement. The settlement has not been dealt with.

I would suggest to Members that this is where the real contentious issues and contentious arguments really are going to fall.

Whether Members fall on their swords about four or six, that is not the most compelling issue here. This only makes sense within the framework of the settlement.

We have to face up to that. My colleagues ought to make a judgment. I ask them to stay with the House and with the position articulated by the House Committee on Armed Services.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Harman amendment, and in support of the C–17. Our military experience during the past few years points to the clear need for a strong airlift capability. It is a question of strategic necessity; of logistics; and of saving lives.

Recent history has taught us that we may need, at any time, to put U.S. forces in distant places, quickly, with the right equipment. The effectiveness of our troops and their ability to perform their mission depends on the right equipment. More importantly, so does their safety. That is why we need the C–17.

Examples of where we could have used the C–17's enormous capabilities are numerous, and the names familiar: Mogadishu, Sarajevo, Desert Storm. In Mogadishu, we could have doubled the amount of equipment we delivered in support of our troops and for humanitarian aid with the C–17. The consequences of not having this capability are clear: Time and lives can be lost.

According to the Chairman of the Joint Chiefs of Staff, the C–17 is the only aircraft for this job. It delivers four times the payload of the C–130; it can land at small airfields that cannot be used by current U.S. military transport planes; it can discharge its payloads quickly; and it can fly much further than other military transport planes.

This is a controversial plane. No question. But the controversy is about the program, not the need. The program has been cleaned up, at no cost to American taxpayers. But the need is still with us—perhaps now more than ever.

We must support our fighting men and women. Let us make sure they have the best support, the best logistics, and access to all the equipment they need to do the job—no matter where they are. Support our troops and the dangerous work they do. Support the C–17.

Mr. DIXON. Mr. Chairman, today I rise in support of the bipartisan Harman-Horn-McCurdy-Saxton-Spratt-Johnson-Talent amendment which will increase the number of C–17 transport aircraft authorized in the defense authorization bill for fiscal year 1995 from four to six and provide funds for eight aircraft in long lead procurement. The C–17 is the cornerstone of our airlift modernization program to replace older aircraft now nearing the end of their useful life. The Harman amendment restores President Clinton's original budget request funding level, and keeps our airlift modernization program on schedule.

The C–17 is an essential air transport program that is designed to meet our Nation's airlift needs well into the 21st century. Defense Secretary William Perry recently said:

> Our Nation has a critical need for intertheater airlift modernization if we are to maintain our ability to project forces and respond to humanitarian missions worldwide. Our C–141 aircraft are wearing out. The C–17 aircraft continues to be the most cost-effective means to meet current and projected airlift requirements. The C–17's ability to deliver outsize cargo, combined with its special capability to use austere fields, will provide us with modern, highly capable strategic airlift.

The characteristics of the C–17 far outweigh those of other aircraft including the C–5 and the C–141. The C–17 can land on shorter runways and is more maneuverable on the ground than the larger C–5 that requires excessively long and wide runways. In many developing countries and remote areas where we are witnessing small, contingent conflicts, the C–5 is too large to be deployed. The C–141, on the other hand, cannot carry critical outsized cargo such as tanks, helicopters, and large vehicles and artillery. Canceling the C–17 or limiting its production will not solve the problem of aging aircraft now in service, such as the C–141. For example, Army units deployed to Panama in 1989 were carried entirely by air, and United States airlift assets were totally employed. The massive military airlift to the Persian Gulf during the Persian Gulf war put heavy additional stress on certain models of C–141's and probably shortened their remaining service life. If our Nation is to remain a world power, we need a reliable and dependable airlift to carry troops, supplies and system weapons, as well as humanitarian supplies during major disasters.

Many of my colleagues may argue that this program is over-budgeted. As a member of the Appropriations Defense Subcommittee, I believe that controlling cost on weapons programs is critical. The House Armed Services Committee, Appropriations Defense Subcommittee, and the Air Force have placed firm conditions on the C–17 aircraft program to reduce the overall costs, and ensure that it is cost efficient and meets the Air Force's performance requirements. Reducing the production rate from six aircraft to four aircraft would dramatically undercut the Department of Defense's strategy to control costs on the C–17, and possibly make it unaffordable. Any further reduction in the C–17 production rate would drastically increase the annual unit costs of this program by $40 to $50 million. We cannot afford to keep scaling back programs like the C–17 and still make this program affordable. In addition, we must hold the contractor accountable and demand that the aircraft is operational and manufacturing inefficiencies are corrected.

Over the years, we have invested $15.8 million in the C–17 transport program. By purchasing 6 aircraft in fiscal year 1995 and 8 of them in fiscal year 1996, the Air Force may round out its buy to what it calls a minimum viable force of 40 airplanes. And, with 40 C–17's, the Air Force can satisfy the minimum requirements for outsize cargo capacity.

The Harman amendment will also fully fund the Air Force's request to try out nondevelopmental aircraft such as the 747's or newly produced C5B's. The procurement of nondevelopmental aircraft is still an open option for the Air Force.

There is another key issue that I want to raise today, and that is jobs. My State of California, and Los Angeles County in particular, has been exceptionally hard hit by defense downsizing and layoffs. There are over 10,000 Californians employed by the prime contractor on this defense program, and 8,000 California subcontractors. In March of this year, California's unemployment rate reached 8.6 percent—2.1 percent higher than the national average of 6.5 percent. During the same period, Los Angeles County's unemployment was 9.4 percent—among the highest in the Nation. We can ill-afford to lose more jobs.

Mr. Chairman, the amendment today restores funding for this vital program that is not only important to the Los Angeles area, but to the Nation as well. With broad-based bipartisan support, I am pleased to join my colleagues in casting my vote for the Harman-Horn-McCurdy-Saxton-Spratt-Johnson-Talent amendment to the defense authorization bill.

Mr. CUNNINGHAM. Mr. Chairman, while I have concerns about the C–17 program, Deputy Secretary of Defense John Deutch and Secretary of Defense William Perry have addressed them, and so I rise today in support of the amendment offered by my colleagues from California, Ms. HARMAN and Mr. HORN. As I am sure my colleagues are aware, this amendment would provide the authorization for full funding for six C–17 aircraft for fiscal year 1995, as well as long lead funding for eight aircraft in fiscal year 1996.

Mr. Chairman, the C–17 aircraft will meet the increasingly changing needs of the U.S. military in the post-cold war era. As demonstrated by the Desert Storm operation, there is a necessity for the military to be able to

quickly transport combat power directly to the front line. According to General Gordon Sullivan, Army Chief of Staff, "Today there is only one alternative that can meet the requirements of a core airlifter—the C–17."

Mr. Chairman, the C–17's capabilities are crucial to the Air Force's ability to deliver and sustain forces in support of theatre commanders. The C–17 can carry outsize cargo to give early forces firepower; it can deliver its cargo into remote locations with short runways; and it has the ability to airdrop heavy equipment, supplies, and troops.

The importance of the C–17 aircraft has been recognized by the President of the United States and the Chairman of the Joint Chiefs of Staff. Each has gone on record supporting the restoration of the budget request for six C–17's in fiscal year 1995.

Mr. Chairman, I would also like to register my strong opposition to the amendment offered by the distinguished gentlelady from Oregon [Ms. FURSE]. The Furse amendment flies in the face of every recommendation from the senior commanders of the U.S. military. More importantly, the Furse amendment will do nothing but waste resources and eliminate jobs. If the Furse amendment is agreed to, a projected 8,000 layoffs will occur over the next 2 years. A vote for the Furse amendment is a vote against jobs, a vote against the American worker.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support the Harman amendment. Supporting the C–17 is the right thing to do.

Mr. WHEAT. Mr. Chairman, allow me to first of all commend Chairman DELLUMS for his hard work in crafting the fiscal year 1995 Defense authorization bill and moving it to the floor so expeditiously.

I particularly applaud the Chairman for convening a recent hearing on C–17 procurement to get the facts out on the program. And it is this important issue that I would like to comment on today.

Mr. Chairman, I rise to add my strong support to the Harman amendment to restore funds for the C–17 program.

There is little debate about the vital need to modernize our military's lift capability. The question revolves around how best to meet that need.

Among our Nation's top civilian and military experts, the answer to that question is clear. The C–17—and only the C–17—meets the high demands and the core strategic airlift requirements for our forces in the post-Cold War era.

It is the only transport aircraft that meets these demands today and into the future.

Mr. Chairman, the C–17 program has undergone program improvements over the last year. In fact, it has met all of the mandates set out in last year's defense authorization bill. Efficiency is going up, costs are going down.

We should not penalize the C–17 program for meeting the goals we have set. We should not phase out this program which has the unified support of our military and civilian leadership. We should not turn our backs on a $15.8 billion investment that American taxpayers have already made.

The need for the strategic airlift capability represented by the C–17 is critical and it is growing. As regional crises erupt across the globe and our own forces are drawn down, only the C–17 offers the unique ability to deliver outsized cargo such as tanks and helicopters to austere environments.

According to the DOD's Cost and Operational Effectiveness Analysis, the C–17 is the most cost-effective solution to filling a clear and compelling need.

The C–17 program is a critical element to U.S. defense modernization in our changing world. It is also vital to thousands of people in Missouri and elsewhere who are working hard to produce a quality product for our Nation's Armed Forces at an affordable price.

Mr. Chairman, I urge all of my colleagues to approve the Harman amendment, reject the Furse amendment, and restore full funding for six C–17 aircraft.

Ms. LONG. Mr. Chairman, I rise today in support of the Harman amendment to the Department of Defense [DOD] authorization bill (H.R. 4301) to increase the number of C–17 transport aircraft authorized in the bill from four to six.

The increased number of C–17's represents what was included in the President's fiscal year 1995 budget request. Funds for the additional aircraft will be offset by reductions in other defense programs.

I fully recognize that the C–17 program has had its share of timetable and budgetary difficulties in the recent past. However, since the Congress voted in 1992 to require the Department of Defense to report to the Congress on the viability of terminating the project we have seen marked improvements to the management of the C–17 program.

There is no doubt that there remains much room for improvement. However, I believe that we should allow time for additional improvements—some of which have already been implemented—to take effect and to determine whether these improvements benefit the program's timeliness and cost-effectiveness. By placing the C–17 program on probation, while supporting the administration's request, we will send the DoD a signal that future congressional support for the C–17 program will depend upon the degree to which improvements have been made during the next year. Furthermore, this policy will ensure that we are not prematurely abandoning a technological development which could prove to be the most advantageous to our Nation's Armed Forces during future military contingencies.

□ 1630

The CHAIRMAN pro tempore (Mr. MAZZOLI). All time has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. HARMAN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 330, noes 100, not voting 8, as follows:

[Roll No. 195]

AYES—330

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
de Lugo (VI)
DeLauro
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fish
Flake
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kennelly
Kim
King
Kleczka
Klink
Knollenberg
Kolbe
Kopetski
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Manton
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Meek
Menendez
Meyers
Mica
Michel
Mineta
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murphy
Murtha
Myers
Neal (NC)
Oberstar
Obey
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Rowland
Roybal-Allard
Royce
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen

Skelton	Tanner	Valentine
Slattery	Tauzin	Visclosky
Smith (MI)	Taylor (NC)	Volkmer
Smith (NJ)	Tejeda	Vucanovich
Smith (OR)	Thomas (CA)	Walsh
Smith (TX)	Thomas (WY)	Waters
Snowe	Thompson	Weldon
Solomon	Thornton	Wheat
Spence	Thurman	Whitten
Spratt	Torkildsen	Williams
Stearns	Torres	Wilson
Stenholm	Torricelli	Wise
Stump	Towns	Wolf
Stupak	Traficant	Wynn
Sundquist	Tucker	Young (AK)
Swett	Underwood (GU)	Young (FL)
Talent	Upton	Zeliff

NOES—100

Abercrombie	Kildee	Poshard
Applegate	Kingston	Price (NC)
Barca	Klein	Pryce (OH)
Barcia	Klug	Regula
Becerra	Kreidler	Ridge
Brown (OH)	LaFalce	Rose
Cantwell	Lewis (GA)	Roth
Conyers	Linder	Roukema
Coyne	Maloney	Rush
Darden	Mann	Sanders
Deal	Margolies-Mezvinsky	Schaefer
DeFazio	Markey	Schroeder
Dellums	McDermott	Sensenbrenner
Deutsch	McKinney	Shepherd
Dingell	McMillan	Slaughter
Edwards (CA)	Meehan	Smith (IA)
English	Mfume	Stark
Eshoo	Miller (CA)	Stokes
Evans	Miller (FL)	Strickland
Fingerhut	Mink	Studds
Foglietta	Moakley	Swift
Frank (MA)	Morella	Synar
Furse	Nadler	Taylor (MS)
Gekas	Neal (MA)	Unsoeld
Gillmor	Norton (DC)	Velazquez
Goodling	Nussle	Vento
Gutierrez	Olver	Walker
Hamburg	Pallone	Watt
Hoekstra	Payne (NJ)	Waxman
Inslee	Pelosi	Woolsey
Johnson (GA)	Penny	Wyden
Johnston	Porter	Yates
Kasich	Portman	Zimmer
Kennedy		

NOT VOTING—8

Barlow	Grandy	Romero-Barcelo (PR)
Barrett (WI)	Horn	Washington
Faleomavaega (AS)	Ortiz	

□ 1710

Mr. PALLONE and Mr. MCMILLAN changed their vote from "aye" to "no."

Mr. PETRI changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. LAROCCO). The gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

Ms. FURSE. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Chairman, it is not my intention at this time to offer my C–17 amendment, but I would like to take a few moments to speak about that amendment and why I think it is still relevant. I believe that it would have provided more airlift sooner and done it cheaper. With my plan the airlift we need could have been provided for $16 billion less than the Department of Defense's plan. Mine would have provided for a total of 32 C–17's, and we would have got our remaining airlift that we need from commercial and military alternatives.

When any of us goes shopping, Mr. Chairman, we look for value, and defense spending is no different. We need to get the best value out of every defense dollar. But it we continue on an excessive and unnecessary course, the American taxpayers do not get value, they get soaked.

We have military needs that we cannot afford right now: Communities facing base closure, veterans health care in which we must spend our military dollars more wisely so we meet our needs. There are several concerns I would have addressed in my amendment.

One is jobs. I think people fail to realize that my alternative, Mr. Chairman, would have created thousands of jobs through a building of the Boeing 747, the Lockheed C–5 or the McDonnell Douglas MD–11. And then we must talk about military needs. If we spend all our airlift dollars on the C–17, we will not have enough money to replace our airlift needs when we lay down the C–141's.

Our shortfall, Mr. Chairman, is in bulk and oversize capability. Now the existing commercial wide body planes, such as the 747, the MD–11 or the DC–10 could provide that shortfall, and it seems to me that, if the shortfall is there, we should be providing it there, not putting it on into a C–17 program which does not provide our airlift.

Then there is another requirement we have been told about, and that is that the C–17 can land on austere fields. Well, I checked with the Department of Defense, and there is a report that states that the C–17 can land in only 5 percent more airfields than the C–5, and the C–5 can land on dirt, and the C–17 cannot. Our alternative wide body commercial and military planes can travel farther than the C–17 with much greater payloads.

I say to my colleagues, "If you take a payload of 75 tons, which the C–17 can carry, it can only go 2,000 miles. The C–5 with the same payload can go 3,000 miles. The MD–11, same payload, 3,800 miles. And the 747 gets 6,400 miles with the same payload." So, I think we get more with my amendment of 32 C–17's and the rest in other outside airlift.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to say to the gentleman from California [Mr. DELLUMS] and the gentlewoman from Oregon [Ms. FURSE] that I hope that today's vote will not be seen as a repudiation of the committee's work in developing the notion of a nondevelopmental aircraft because in my judgment, looking at this budget over the next 5 or 6 years, we are going to have a very hard time coming up with enough money for airlift.

So, I commend the chairman for putting forward this notion, and it was also encompassed in the bill by the gentlewoman from California [Ms. HARMAN]. But I think we have got to continue to look at that option, and I certainly hope that the administration will look at it as well because, when we look at the money for airlift, it simply is not there unless we have a supplement to the C–17.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman from Washington.

Mr. Chairman, I yield further to my colleague, the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I think I would like to close by saying that good government is about making wise choices. We must remember that it is the taxpayer who pays the cost of unwise choices. That, I believe, is why the National Taxpayers Union and Citizens Against Government Waste endorse my amendment.

I think the C–17 is a flawed program. I think there are less risky military and commercial alternatives available to us. However, Mr. Chairman, I bow to the will of the House, and I withdraw my amendment.

Mr. DARDEN. Mr. Chairman, it is said that those who do not study history are doomed to repeat it. On May 12, 1987, I stood in this very spot to offer virtually the same amendment as my colleague from Oregon. My amendment failed to pass. Very rarely in life are we granted the opportunity for a second chance, an opportunity to fix our mistakes. But, now, this body has the chance to correct itself. The C–17 was a waste of taxpayer funds then, in 1987, and it remains a waste of taxpayer funds now, in 1994.

In 1987, the C–17 was already behind schedule, already over cost, and far from being anything other than a paper airplane. How, in 1994, and C–17 is behind schedule by years, over cost by billions, the Air Force is cutting deals with the contractor to keep him solvent, and although the paper airplane is finally flying, the tail has almost fallen off; it has stalled in midflight and, because the pilot was unaware of the situation, the plane nearly crashed; it attempted to take off with only three engines, a maneuver most any plane can perform, failed to have sufficient power for the takeoff, and its fuselage scraped the ground; jump testing has recently been halted due to parachutists crashing into the vertical stabilizer; and, in the most recent incident, the brakes burned up on an emergency landing. The paper airplane of 1987 is now a metal airplane that really should still be a paper airplane.

There is no question that the Nation needs more airlift. As we draw down our forward deployed forces we must have the capability to rapidly move equipment and personnel to the battle site. The Air Force has singled out the C–17 as being uniquely capable of accessing more runways than the current C–5 and thus more capable of delivering this timely, critical

cargo. But the Rand Corp. says this is overstated because the C–17 requires a much stronger runway than the C–5. The Armed Services Committee performed a study that verifies this Rand finding. The Committee study documented that the C–17 and C–5 could land at about the same number of runways. In fact, the recent failure to take off with only three engines leads many experts to believe that the C–17 will not be able to meet the requirement of operating off of a 3,000-foot runway. And, the same argument that I used in 1987 remains true today: the Air Force will not take this $400 million aircraft into the front lines.

The most rapid response to a crisis is through airlift. We must improve our airlift capabilities, but the C–17 is not the best solution.

The original proposal was to buy 210 C–17's. The previous administration realized this was unaffordable at the enormous unit cost of almost $400 million each, and lowered the proposal to 120 aircraft. Now, the Commander in Chief of the U.S. Transportation Command has testified before my Subcommittee on Defense Appropriations that he only really needs 60 or 65 and that other aircraft, C–5's or commercial wide-bodies, could perform the mission. And even this number, 60 to 65 aircraft, is only to establish a new core airlifter, not because the C–17 is currently the best alternative available. Even the Secretary of Defense's most recent selected acquisition report, the SAR, gives the number of C–17's to be procured as 40, rather than 120. Citing this SAR, the Air Force has been unable to provide the Armed Services Committee with updated cost data for the C–17 past fiscal year 1996.

There have also been tremendous alterations in the military specifications for the C–17. Basically, its payload capability has been severely decreased and its takeoff and landing distance has been greatly increased. When the plane couldn't meet the military requirements, the Air Force simply reduced the requirements.

Since May 13, 1987, I have kept a record of all the problems associated with the C–17. Let me cite a few highlights:

A March 1989 headline reports the "Air Force Is Stretching [C–17] Production to Cut Budget."

A June 1989 headline reports "Software Problems Lead to Massive C–17 Cost Overruns."

Another June 1989 headline reports "Lukewarm Support for C–17 Could Spell Doom for Costly Transport."

A July 1989 headline reports the Air Force "May Give the C–17 a New Job Description."

An October 1989 headline reports the C–17 "Will Have to Lose Weight to Meet Performance Specifications."

1990

A February 1990 headline reports that "Half of McDonnell's C–17 Tools Defective."

February 1990 headline reports "Pentagon Admits C–17 Is $4 Billion Over Its Budget."

1991

A January 1991 headline reports "Massive Cost Overruns in C–17 Program Raise Specter of Termination."

An April 1991 headline reports that "Air Force Eases C–17 Payload Requirements."

Another April headline in Air Force Times states "C–17 Standards Cut to Lower Price, MAC Chief Says."

A July 1991 headline reports that the "Air Force Is Reluctant to Land C–17 Near Front."

1992

April headline says "Persistent Fuel Leaks in C–17 Test Aircraft Pose Troublesome Hurdle for Air Force."

1993

A March 1993 headline reports "C–17 Cost Rises as Deliveries Slip."

An April 1993 headline reports "C–17 Cargo Jet Nearly Fell During Test."

Another April headline reads "Pentagon to Consider Terminating C–17 as Part of Upcoming DAB Review."

Another April headline reports "Management Miscues, Delays Snarl C–17 Program."

A July 1993 headline says "Most C–17 Test Aircraft Have Substantial Fuel Leaks." This is the same headline as in April of 1992.

An August 1993 headline states "Pentagon, Industry Abuzz About Possible New C–17 Wing Test Problem."

AND NOW IN 1994

Just two and a half months ago a headline reads "C–17 Belly-flops on Runway in Botched Operational Test."

And just last month headlines said "C–17 Needs New Software Laws for Heavy Braking Situations."

The point is, Mr. Chairman, I could go on and on citing examples of problems with this program: Cost overrun problems, scheduling problems, design problems, technical problems, and management problems.

In 1987, during debate, my colleague from Georgia, Ed Jenkins, said that the C–17 was "nothing more than a Town Car for the Air Force!" Well, Mr. Speaker, now the C–17 can no longer even live up to that label. It can best be described as a broken-down Edsel.

Numerous committees in this House have held countless hearings on this program. I would suggest that there probably have been more hearings held on this program in the last 5 years than any other single Department of Defense program. These hearings were held not to determine the need for more airlift capability, but to see if there was any way to salvage this troubled program. I would also speculate that the majority of Members who have sat through these hearings, deep in their hearts, realize there is no way to effectively salvage this program and we should move on before we waste any more of the taxpayers' money.

The proposed Furse amendment would expand what the Armed Services Committee has done by directing the savings from the C–17 into the nondevelopmental aircraft account. This is how we should be addressing our airlift shortfall. Recent Air Force tests have proven to the Air Force that commercial wide-bodies can be loaded and offloaded much more efficiently than they originally projected. Also, it has been reported that at least 11 contractor teams have responded to the Air Force's request for nondevelopment airlift aircraft. Better alternatives are out there and we should not spend another dollar on the C–17.

The time has come for this House to make the proper decision, a decision that should have been made many years ago. Forget this $40 billion boondoggle. Take these precious funds and direct them toward the procurement of a nondevelopment airlifter. The cancellation of this program and the subsequent directing of these funds to escalate a nondevelopmental airlift program, be it C–5's or commercial wide-bodies, is the most cost-effective, time-efficient, and logical method for increasing and improving our airlift capabilities.

Mr. DELLUMS. Mr. Chairman, I thank the gentlewoman from Oregon [Ms. FURSE], and I appreciate the integrity of her remarks.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCDERMOTT) having assumed the chair, Mr. LAROCCO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE OF THE WHOLE TO NEXT CONSIDER PROCEEDINGS CONTEMPLATED BY SECTIONS 3(c) AND 3(d) OF HOUSE RESOLUTION 431

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that when the House next resolves itself into the Committee of the Whole House on the State of the Union for the further consideration of H.R. 4301, the Committee proceed to the consideration of the proceedings contemplated by sections 3(c) and 3(d) of House Resolution 431.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so to clarify the situation we are in.

If I understand the gentleman's request correctly, this will move the debate next to a discussion on Haiti and then on to the discussion of peacekeeping, skipping over, for the moment, Bosnia.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] is correct in both instances.

Mr. WALKER. In addition, it is my understanding then that we are going to come back to the Bosnia issue when we return from the district work period, and at that point we would have a more extended debate than was originally anticipated on Bosnia.

Is that correct?

Mr. DELLUMS. Mr. Speaker, the majority leader, the gentleman from Missouri [Mr. GEPHARDT], should speak on whether that issue is resolved or not.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for having yielded to me.

Mr. Speaker, it is my understanding that we are intending to take up the Bosnian question on June 9, and there would be an hour of debate on the amendment to be offered by the gentleman from Indiana [Mr. HAMILTON] and an hour of debate on the amendment to be offered by the gentleman from Indiana [Mr. MCCLOSKY].

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I say, "So, our anticipation is that, once we have completed the work on peacekeeping and on Haiti, the Committee would then rise, not having completed the bill, and would come back to this bill."

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, the gentleman is absolutely correct. Upon completion of these two remaining items it would be the intention of this gentleman to move that the Committee do now rise. We would return to H.R. 4301 when we return from the Memorial Day break.

Mr. WALKER. Would a further unanimous-consent request be required in order to extend the debate?

Mr. DELLUMS. Yes, the gentleman is correct, and I will do that when the gentleman concludes his reservation of objection.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1720

PERMISSION TO EXPAND TIME FOR DEBATE ON AMENDMENTS PRINTED IN PART 3 OF HOUSE REPORT 103–520 ON HOUSE RESOLUTION 431

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that during further consideration of the bill, H.R. 4301, in the Committee of the Whole House on the State of the Union, pursuant to House Resolution 431, the time for debate on each of the amendments printed in part 3 of House Report 103–520 be expanded to 60 minutes, equally divided and controlled by the proponents and opponents of the amendments.

The SPEAKER pro tempore (Mr. MCDERMOTT). Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I do so just to clarify one more point, as we proceed through tonight, it is the intention, as was mentioned previously, and the gentleman from California [Mr. DELLUMS] gave us his word on this, on the two items left, that we will complete those items tonight. We will go clear through to votes on both of those items tonight?

Mr. DELLUMS. Mr. Speaker, if the gentleman will yield, for about the third time, the gentleman is absolutely correct.

Mr. WALKER. Mr. Speaker, I just wanted to clarify that for Members over here. I thank the gentleman. The gentleman has been very helpful throughout this.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. DELLUMS]?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant the House Resolution 431 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4301.

□ 1721

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, with Mr. LAROCCO Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 1 printed in part 6 of House Report 103–520, offered by the gentlewoman from California [Ms. HARMAN], had been disposed of, and amendment No. 2, printed in part 6 of that report, was not offered.

It is now in order to debate the subject of Haiti. The gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California.

Mr. DELLUMS. Mr. Chairman, it is my distinct pleasure to yield 5 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I rise because I think this is an unprecedented amendment. We are considering an authorization of the Defense Department, and we suddenly plunged into foreign policy.

We consider the issue of Haiti so important that we have forced it on the agenda, and I would like to note that this is a matter that was not discussed and not taken through the usual committee procedure, neither the Committee on Armed Services or the Committee on Foreign Affairs. Neither committee has considered this amendment. It went directly to the Committee on Rules, which means a number of people consider the issue of Haiti to be of great importance and great immediacy.

No one thinks the problem is more important than I do. As the chairman of the Congressional Black Caucus task force on Haiti, we have been wrestling with the issue now for almost 2 years. We see no reason necessary to rush to judgment on any aspect of Haitian policy at this moment. However, we would like to call to the attention of those who see it as being such an immediate problem that it is an immediate problem which requires a more reasoned and a more deliberative solution, without interference of this kind.

It is important to note that it is a complex issue that has been discussed quite a bit lately, and the President finally has spelled out the fact that we do have compelling national interest in Haiti. We do have compelling national interests, because Haiti is located less than an hour away from the shores of the United States. We do have compelling interests, because there are a million Haitian-American citizens. We do have compelling interests because of the fact that large numbers of Haitians have left the country since the deposing of its rightfully elected president, John-Bertrand Aristide, elected by 70 percent of the vote, but overthrown by military coup. Since that time large numbers have left to come to the shores of the United States, and there is definitely a problem with relocating and resettling refugees.

We have not acted in a very moral manner. We have imposed conditions upon the Haitian refugees unlike any conditions ever imposed on refugees before. When the Hungarian revolution took place, not only did we accept refugees from Hungary without extensive interviews, but we also sent planes to pick them up. The planes were for free. They picked them up, they brought them back into this country, and large numbers of Hungarians were resettled because of the fact it was understood they were escaping a totalitarian regime.

Nobody interviewed each Hungarian to ask them are you a politician or in some way connected with the government, and sent them through a set of refined criteria to determine whether or not they deserve to come into this country as political refugees.

We do not recognize the Government of Haiti, and none of the other nations of the world recognize the Government

of Haiti at present. The military thugs who are in charge are criminals. They have no plan, they have no philosophy. They are not even good fascists. They are just criminals, using their power to drain off all the remaining resources of a very poor country. We are dealing with criminals, and we cannot negotiate with criminals.

The issue is raised over and over again about the use of every other means to effect change in Haiti and restore the rightfully elected President. We would like to see every other means used, but we do not want to rule out the option of force.

We do not want them to know there is no option to use force to restore the democratically elected President. We do want to use every means, and we must concede that this administration has not used every available means.

We have had rhetoric which talked about using sanctions. We have had rhetoric which talked about an embargo, rhetoric which talked about lifting the passports of the military leaders and the elite who helped to overthrow the rightfully elected government. But those sanctions have not been enforced, the passports have not been lifted, and the assets of the officers have not been frozen.

There are a number of steps we were promised that would be taken that were never taken. Even now there is a shallow commitment to the lifting of passports, the freezing of assets, and going beyond the U.N. resolution which imposes an embargo on all goods except food and medicine. That embargo itself is a joke if we continue to allow the border between the Dominican Republic and Haiti to be a sieve through which everything flows.

We can put pressure on the Dominican Republic. They are a close friend of ours and receive aid from us. But we are not seriously enforcing the embargo, because we let the traffic continue to flow across the border. We have not taken all the steps we can take peacefully. We should take those steps. We should do nothing here in the Congress to rule out any policy option of the administration in the meantime.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by commending the efforts of my colleagues, PORTER GOSS and JON KYL, in bringing this matter to the floor of the House. It is due to their diligence that the House has this timely opportunity to debate and consider the various directions of the administration's Haiti policy.

A few short weeks ago, the President signed "PDD-25" which attempts to map out administration policy on peacekeeping. A central element of this document is a checklist of conditions used to evaluate whether the United States should undertake any given peacekeeping operation.

However, when you apply the Clinton Peacekeeping Doctrine to Haiti, the first test since the PDD was signed, it flunks the test.

The first criteria for U.S. involvement is: "Is there a threat to international peace and security?" The answer in Haiti is obviously no. If such a threat to international security existed the only country sharing land with Haiti—the Dominican Republican—would be clamoring for action.

The second criteria for U.S. involvement is: "Does the mission have a clear objective?" The answer is once again no. The only mission objective seems to be to restore Aristide to power, even if that may not be the most realistic or viable approach to achieving a lasting democracy in Haiti. The long-term mission of U.S. military is very unclear.

The third criteria for U.S. involvement is: "Do all parties agree to a U.N. presence?" The answer for Haiti is no. Supporters of the military regime proved that last October 11 in greeting the U.S.S. *Harlan County* with violent protests.

The fourth criteria for U.S. involvement is: "Are sufficient resources available for the mission?" The answer here is a qualified no. The DOD budget is already reeling from budget cuts under President Clinton and burdened with the costs of numerous other peacekeeping operations, and it is unlikely that Congress would appropriate new funds to bankroll a military expedition in Haiti.

The fifth criteria for U.S. involvement is: "Can an end-point to the operation be identified?" The answer once again is a resounding no unless the United States enters with only the limited objective of restoring Aristide and withdraws immediately afterwards. Such a strategy would likely result in a replay of the military coup that chased Aristide from Haiti in the first place and is therefore not a viable option in the long term.

Mr. Chairman, as you can see, U.S. military action to restore President Aristide to power resoundingly fails the administration's own peacekeeping conditions. If for no other reason, the House ought to strongly reject the military option under consideration.

The Haiti amendments that the House will consider are similar in substance but different in tone. Both embrace Mr. KYL's original language expressing congressional opposition to military intervention in Haiti. As such, the House has before it little choice on that question.

Therefore, I am hopeful that the outcome of today's debate will send a clear message to the White House that elements of its current policy considerations on Haiti are not supported by the Congress.

Vote "yes" on the Goss-Kyl amendment to send the clearest message possible.

□ 1730

Mr. DELLUMS. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I remember taking the well in a different context dealing with issues that were compelling, human rights questions that were extraordinarily important. At that time it was in the context of South Africa.

Mr. Chairman, at that time I rose and I said to my colleagues that what is happening in South Africa is deplorable. And it seems to me that there are three options that we can address.

Mr. Chairman, we said then, in the context of South Africa, that there were three options available to us. I would suggest in the context of Haiti, there are three options available to us.

We can step aside and do nothing. That is unacceptable. We can talk about the use of force and the invasion of Haiti. Mr. Chairman, I came here 24 years ago as an advocate of peace. I have stood in the well over and over and over again saying that peace is a better idea and diplomacy and political solutions to problems are a better idea. So I take the use of force off the table.

Which comes then to the third option, how do we, within the context of the powers that we have available to us, stand up in defense of human rights and democratic principles in the context of Haiti?

Mr. Chairman, this issue has been on the back burner for too long. The gentleman from New York is absolutely correct. This is not the fashion in which this amendment ought to come. The Committee on Foreign Affairs ought to bring a bill to the floor of Congress to address this. We introduced such a bill and had over 100 cosponsors. There should be hearings. There should be a process by which these matters are dealt with.

But we all understand the politics that go on in these Chambers and, because there is no vehicle, the House Committee on Armed Services bill becomes a vehicle for foreign policy matters.

All right. Then here we are. I am prepared to stand up and face the moment. We cannot keep crying about should have or would have or could have been. We have to deal with what is at this moment. We now have to deal with what is at this moment. We now have an opportunity to talk.

Mr. Chairman, the death and destruction that is taking place in Haiti is an abomination, and we need to stand up unequivocally and oppose it. The drugs that are being trafficked through this situation that have impacted upon our Nation are something that we need to address.

Mr. Chairman, the refugees that are coming toward this country is an example of the deplorable set of circumstances that exist in Haiti that must be addressed. The issue in Haiti, the message we ought to be sending

around the world and certainly in this region is, what is more powerful, the bullet or the ballot?

In the context of Haiti, the Haitian people said, the ballot is more powerful than the bullet. And if we truly believe that, then we must stand in unequivocal opposition to what is happening in Haiti.

Mr. Chairman, I applaud the international efforts that have been taken by this administration, but I believe that this administration also, on a unilateral basis, has an opportunity to impose sanctions and bring stringent pressure on the people in Haiti that are denying these human beings their human rights, their human dignity, their human freedom, and their democratic principles.

Mr. Chairman, remember Nelson Mandela just raised his hand as the President of a great nation in some part because of what this Nation did unilaterally, as we stood up in the world community and took a position and said that we must stand in defense of democratic principles.

Can we do less with respect to Haiti? Can we do less in this region? We should be buoyed by the experiences of South Africa. We should be inspired by the installment of Nelson Mandela in South Africa to give us a feeling that we do have a role to play, make a significant contribution in elevating the international conscience with respect to this issue.

Mr. Chairman, I would not have liked to see this amendment come to the floor in this fashion. I always believe there ought to be hearings and discussions and debate and deliberation. But the fact of the matter is that there is great frustration in these Chambers and so we end up in this place. The one gentleman has offered an amendment. We offer an amendment in the nature of a substitute. But at least it takes the issue off the back burner, puts it on the front burner of America and allows us to discuss this issue in some clear and unequivocal terms.

The message that we must send to the elite and the powerful in the military in Haiti is that as a great Nation we cannot sit by idly and allow these things to happen.

The world is marching toward a more rational reality. The world is marching toward some greater reality, some greater commitment to human rights.

When Israelis and Palestinians can cross eons of time to shake hands, to march forward into the future, when Nelson Mandela and Afrikaners can shake hands to march into the future, then it is very clear that the world is on a different path, Mr. Chairman.

We have to be on the right side of history. I am concerned that we are not bringing the most stringent pressure that we can on Haiti.

Question: Does sanction create greater dislocation and bring pain to people in Haiti? The answer is yes. But it can be temporary. At this point, the pain and the oppression are permanent. The death and destruction is real on a daily basis.

My hope is that this separate strategy, nonviolent though it be, a rejection of force, though it be, I will stand proudly and clearly saying that I think that there is a nonviolent mechanism that we can use. We have always argued in these Chambers that before we talk about the use of force that we should be willing to exhaust all nonviolent means to bring pressure to achieve our commitment to democratic principles and to a commitment to human rights.

Well, we are not there yet, Mr. Chairman. We are not bringing the awesome, necessary pressure to bear that we in this country can bring. I hope that we do. This is beginning a significant debate that I hope ends up putting this country on the right side of history.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KYL].

□ 1740

Mr. KYL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would just like to compliment the chairman of the Committee on Armed Services, Mr. DELLUMS, for an excellent statement. It is not often that he and I are in agreement on matters, or I should say only occasionally we are not in agreement. On this matter we are very much in agreement.

I think his statement was eloquent, first of all, in making the point that it is no option to do nothing; second, in making the point that it is no option to use force, and I might say that I introduced a resolution to the Committee on Rules rejecting the use of force in Haiti unless it could be determined that the security interests of the United States were involved, at which point, of course, we could do so. That has not been demonstrated. I do not think it can be, so we should not be resorting to force.

Mr. Chairman, I am pleased to say that both the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Florida [Mr. GOSS] incorporated the language of my resolution regarding the use of force into their two amendments, so irrespective of which of those two amendments might be adopted, we make a clear statement in both of them that we are not going to resort to force. In that, I certainly compliment the gentleman from California [Mr. DELLUMS] in making the case more eloquently than could I.

Of course, he points out that the third option is to debate, study, and to determine a course of action that forcefully deals with the issue, the issue politically, the issue economically, the issue from a standpoint of human rights, and on this we are also in agreement.

The only point I would disagree with my colleague on is that I do not believe that the use of sanctions at this point is a sound policy. That is a matter upon which reasonable people can differ. It is a matter upon which I believe, unfortunately, the people who are in power there today will not respond positively, and that sanctions only hurt the people who we are trying to help. I know, as I say, that it is a point upon which reasonable people can differ.

However, I would suggest that it is the diplomatic and the economic and the political pressure that the United States can bring to bear that must ultimately resolve this situation, as the gentleman from California [Mr. DELLUMS] just pointed out. We have to bring that kind of pressure to bear.

Just to note, yesterday in the Washington Times there was an article describing how the smugglers make a mockery of the toughened U.N. embargo on Haiti, shipping hundreds of gallons of gasoline and diesel oil from the Dominican Republic. So even if there is an embargo, it does not work.

We have the problem of the Haitian children, who are having to rely upon CARE distribution of soy meal and wheat for their daily ration. Most of them go to sleep crying from hunger. This is something that has to be resolved and has to be resolved quickly.

Mr. Chairman, if the greatest Nation on earth cannot bring the kind of pressure to bear upon the situation there that can relieve this hunger and can relieve this poverty, then we have not done our day's work.

We have a problem, of course, because we can only take in the political refugees, and they only represent a proportion of those people who are tying to immigrate from Haiti, so we have to address the problem of the economic refugees. It is not good enough to simply turn them back. We have to resolve the situation by finding a way to bring the pressure on the people who are currently in Haiti and running that Government there, to resolve the political differences, to change the political system, to restore a sense of economic prosperity to the country which will relieve both the political and the economic burden, and the poverty and the sense of frustration that the people cannot resolve the situation on their own, and have to emigrate to this country.

Only by relieving that pressure will we resolve the suffering of the people who set out on the high seas, to come to this country, only to either end up drowning on the high seas or find themselves having to be turned back. That is a situation that we cannot allow to continue.

Mr. Chairman, to conclude, I think it is wise that we have made a very strong statement here against the use of force in Haiti, and I compliment my colleagues for adopting my resolution that abjures the use of force, and compliment the gentleman from California [Mr. DELLUMS] for again raising our voice to find a way to restore both the political and the economic situation to Haiti that will resolve this situation once and for all.

Mr. SPENCE. Mr. Chairman. I yield 3 minutes to the gentleman form Florida [Mr. Goss].

Mr. GOSS. Mr. Chairman, during the next 70 minutes, this House will have the chance to focus attention on an ongoing foreign and immigration policy crisis. Under the original boundaries of the DOD authorization bill, this debate would not have been allowed. But many Members—representing hundreds of thousands of Americans concerned about U.S. military intervention and an ongoing refugee crisis—forced the issue. United States policy toward Haiti is important and is directly relevant to our national interests.

While the President might prefer we remain silent, it is appropriate for this Congress to go on record now, before American lives are placed in harm's way. So I thank the chairman and ranking member of the Rules Committee, and the chairman and ranking members of the Armed Services Committee for agreeing to allow this debate to proceed. Later, my colleagues will be asked to consider two competing views of where United States policy toward Haiti should be heading. Do we look back, toward failed policies of punishing economic sanctions. and stalled negotiated agreements? Or do we look ahead, toward a positive solution for Haiti, implemented by Haitians and carried out on Haitian soil? Mr. Chairman, Haiti lies in America's own backyard. Although desperately poor, the Haitian people know what they want: peace, democracy, and a better life. In overwhelming numbers they took a courageous step toward that future when, in December 1990, they elected Father Jean Bertrand Aristide to be their President. As an official elections observer, I watched as nearly 70 percent of Haitians voted enthusiastically for President Aristide, and celebrated his victory with new hope for a better future in Haiti. After the military coup in 1991, the United States and the international community have sought in vain to broker a solution to the ongoing stalemate. But the result of these efforts has been greater polarization and an emboldened military right wing. As President Clinton and outspoken United States activists continue to beat the drum for military intervention—somehow believing that democracy can be propped up at the barrel of a gun—the Haitian people, suffering under the terrible burden of international sanctions, grow more demoralized. Since the President's latest policy swerve on Haiti, hundreds of Haitians have again taken to leaky boats in a desperate attempt to flee economic hardship, and in some cases, fear of political persecution. It doesn't matter to them that the details of the President's ill-defined new refugee processing policy are still unavailable. It doesn't matter that the shipboard processing has not yet begun and there is no third country option in play. It does not matter whether this is a foreign affairs or an armed services debate. The only thing that matters to these people without hope is getting out of Haiti—where they see no future. Mr. Chairman, there is a better way for Haiti that can bring about an end to the economic sanctions, an opportunity for return of the duly elected President, an orderly and expanded policy for processing refugees, a workable means for supplying humanitarian relief, and a stepping stone to long-term democracy in Haiti. Take a close look at the Goss safe haven plan—it is all there: Haitians, solving Haiti's problems on Haitian soil, under UN/OAS auspices. There in the Ile de la Gonave in the heart of Haiti's major bay.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida [Mr. GOSS].

The increasing human rights abuses and repression in Haiti are tragic and deeply distressing. The situation highlights the need for international actions that clearly show support for the democratically-elected government. The Goss amendment puts the House on record in that regard.

The House should be on record as recognizing that there are other options than using U.S. military force; that we support development of the democratic center; and that any ultimate solution lies with the Haitians themselves.

Regardless of how one views President Aristide, he was elected in a process deemed "free and fair" by the international community, and by a broad spectrum of Haitians themselves.

We have a long-term hemispheric interest in supporting democratic processes, even when they produce people with whom we do not philosophically agree.

Since the coup that ousted President Aristide, I have favored a strong United States response in support of the return of constitutional rule to Haiti; and, until that is achieved, a recognition that we should not condone repression by denying people the right to flee from the tyranny of their oppressors.

Diplomatic and political pressure, and full implementation of the Governors Island Accord, offers the best hope for resolving the crisis and is essential to restoring constitutional government to Haiti.

Recent actions by the Haitian military underscore that they are not interested in respecting the Haitian people, human rights, or their own commitments made to the international community at Governors Island.

I share the concern of many over the likely ineffectiveness and ultimately negative consequences of economic sanctions against Haiti. After some 15 years of encouraging U.S. business to invest in that country, the sanctions have destroyed an important United States presence and will deter many businessmen from looking to Haiti in the future as a place to invest.

However, we are limited in the diplomatic and political instruments available to us. Sanctions is one such instrument. As a moral statement that the coup regime lacks legitimacy, they are important.

My work over the years has been based on one fundamental principle: respect for the human rights and dignity of all individuals. The tragedy that has befallen Haiti only strengthen my opinion that respect for human rights is central to democratic rule and economic development.

Given the increasing violence by the military, and having set out on a course of comprehensive sanctions, it is unfair to say to the Haitian people that they suffer by remaining on the island.

As a result, I have repeatedly called on the executive branch to change our immigration policy, which discriminates against Haitians on the basis that they are economic refugees, not political refugees. Given the current realities of Haiti, this is a distinction without a difference.

The Goss amendment urges the establishment of a temporary safe haven for Haitian refugees. Such a safe haven would be a humane and constructive alternative to current administration policy, and the idea merits our endorsement and support.

Accordingly, I urge my colleagues to vote for the Goss amendment.

□ 1750

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, we have reached the point which very seldom happens in the Congress of the United States where I do not fully agree with my colleague from California. Our positions have been together for a long, long time. Some years ago, he and I led a coalition against our involvement in the Persian Gulf War. Our position then

was that we should not use force because we had not exhausted our ability to negotiate, we had not negotiated as far as we could We had said that sanctions were not given the chance to work. We should see sanctions to their fullest, we should negotiate and try to avoid bloodshed. We believed that our Government was not doing that.

Mr. Chairman, our coalition got 186 Members of this body to vote against the use of force in the Persian Gulf. Now we come to a situation in Haiti, we see a situation where one of our ships went there to offer humanitarian aid and 50 to 100 hoodlums standing on the dock turned away a ship of the United States of America and sent us back. We hear a suggestion here for safe havens, to take Aristide and those who would support him out of their homeland and put them on an island somewhere.

What would we do? Then give the criminals, Francois and Cedras, the island? "This is your island, do what you will with it, kill as you will with it."

Mr. Chairman, is that what we say we should do? Let us look at sanctions. The sanctions have not worked. We see what is happening. Quoting an Associated Press article just the other day, "Eight hours after New World sanctions had taken effect, boats loaded with fuel crossed Saumatre Lake from the Dominican Republic." Boats docked every 5 minutes with fuel that people were selling and making the criminals richer and richer.

Mr. Chairman, they are laughing at us in Haiti. Certainly the sanctions which have been imposed are not the fullest sanctions, we still could go further. We could also now at this point freeze assets. We could do other things right now. However, we have tried sanctions. Sanctions have not worked. Negotiations? We have negotiated until we are blue in the face. The Governors Island Accord, they laughed at us, thumbed their nose at us on the Governors Island Accord.

Mr. Chairman, when I was in Haiti, there was actually a suggestion made that Cedras be made Ambassador to Spain, that Francois be made Ambassador to Chile. How much more could we have negotiated? We negotiated as far as we could. Sanctions are not working.

My friend spoke the other day on the University of the Americas. The gentleman said, "Sometimes we must send a signal." I think now we must send a signal that we will support democracy and we will not support the kind of criminal anarchy we see on that island.

I believe, sir, we really have to sit down and say, "Have we reached the ultimate last resort?" I believe we have.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time.

Mr. Chairman, there is no congressional district in this country that is more impacted by what is going on in Haiti than my home district along the southeast coast of the State of Florida. We know the pitiful situation that does exist in Haiti and we know the reason that we should go forward and do something to alleviate the problem.

Mr. Chairman, we have two suggestions here before us today. One I think they both have in common, they say, let us not repeat a mistake of history that was made many, many years ago when we found American troops going to Haiti and not being able to remove them for decades. I applaud that provision in both of the amendments that are before us. But the problem with the Dellums amendment is that the Dellums amendment would intensify a mistake that the present administration is presently making.

Mr. Chairman, in this particular amendment what the gentleman from California advocates is that we look for land base in order to question these people seeking asylum, and where it does speak of seeking a land base in other countries, it does in no way preclude that land base to be here in the United States. We know that once the refugees get into the United States, whether they have any claim to political asylum at all, all they have to say is a few words and they are here.

Mr. Chairman, we are already overrun in this country. One-sixth of the population of Haiti lives in the United States. There are more Haitians right now living in New York than there are in Port-au-Prince. This is how we have gotten the situation totally out of control.

Mr. Chairman, I think the Clinton administration is making a horrible mistake in intensifying the sanctions, making it rougher for the people who live in Haiti, giving them more incentives to leave and then telling them, "All you have to do is get off shore, we are going to put you on an ocean liner where you can live until such time as we determine whether you can come to the United States." In the meantime, many are going to slip through the net, come as refugees to the United States and stay here.

Mr. Chairman, it is time we look for a positive force on what are we going to do to change this. The gentleman from Florida [Mr. GOSS] has come up with a recommendation that sets up a safe haven right on Haitian soil. It is so practical and so simplistic that it is workable and there is no question about it.

It is a first step. I would hope that we would then train Haitians who live here in the United States as soldiers to go back and reclaim their island, not to impose on them the forces of the United States but train the Haitian forces to go back. That particular provision was not made in order under the rules and that, I think, is unfortunate.

However, the only constructive amendment out there that is going to change the status quo is the Goss amendment. To do otherwise is to simply leave the pressure on the Haitian people to escape to the United States and then set up a procedure where more of them will get into the United States. That is a mistake, that does not solve the problem of Haiti, that does not solve the problem of the people of South Florida.

Mr. Chairman, I would urge a rejection of the Dellums amendment and I would urge acceptance of the Goss amendment.

The CHAIRMAN pro tempore (Mr. LAROCCO). The gentleman from California [Mr. DELLUMS] has 2 minutes remaining to close the debate.

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I appreciate the gentleman's leadership from the great State of California who has been an outspoken advocate of the return of democracy to Haiti. I know that everyone in this Chamber believes that we ought to return democracy to Haiti.

Mr. Chairman, many people that talk about the Haitian issue want to try in some ways to distinguish whether or not Haiti deserves United States military attention, whether it deserves the attention of our country in general. I would suggest that unlike Bosnia, unlike Somalia, unlike Rwanda and other hot spots around the world, Haiti is in a unique position because it crosses a line in the United States own self-interest.

Mr. Chairman, the key question in my mind is not so much a particular friendship with President Aristide, although he is a close friend, not whether or not the United States is morally committed to returning democracy to Haiti, which I think we are as a Nation, but the real question is whether or not this is in the United States own enlightened self-interest.

Mr. Chairman, I think there is no question that Haiti meets that test. The reason it meets that test is because no other Nation has the potential of putting 5 or 6 million people on boats that are going to come and invade our shores. If we are serious about holding off that kind of flotilla, if we are willing to deal with the economic devastation that that could create, it seems to me that we have a moral obligation to, in fact, restore democracy into Haiti.

□ 1800

That is the only way we will build up the economy. It is the only way we will build up the confidence of the people of

Haiti to stay in Haiti and to build up their own nation. That is why I believe that it is important for us to avoid the circumstances of putting people on islands as the Goss amendment will call for. It is the reason why I believe we ought to allow President Clinton's new policy that has just gone into effect this last Saturday night of tough and swift sanctions, that we know are going to be devastating and difficult on the people of Haiti, but will, in fact, bring about, in my opinion, the return of President Aristide.

Let us give the sanctions a try. Let us give this policy a real chance. Let us ask the administration to be tougher in terms of how it stands up to the Dominican Republic, but let us give this policy a chance before we give up and before we disallow the return of President Aristide.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Members of the Committee, let me simply say to my colleagues that I understand that there are a number of my distinguished colleagues on this side of the aisle who, in a great sense of frustration, are not prepared to reject the issue of the use of force. I would simply say to all of them and remind them that it has always been their position that the use of force should be the last alternative and that we needed to escalate as far as we could until we have exhausted all other avenues.

I would submit to you that I am prepared to challenge anyone walking in the well of the House that could say to us at this point that that is where we are. We know we are not there. We know that those sanctions are not on. We know that visas have not been lifted. We know commercial aircraft have not been stopped. We know that assets have not been laid on.

Mr. Chairman, we know that full sanctions are not there. They just came on a couple of days ago. We know that the borders are not leakproof. We know that we have not come to the point where the issue of force is one of last resort.

I am simply saying that if you could come with us on the piece of legislation that we introduced into the House of Representatives, cosponsored by over a hundred Members, that that is where we are at this point, and we are not being inconsistent.

I thank you for your generosity.

The CHAIRMAN. All time for general debate has expired.

Pursuant to House Resolution 431, it is now in order to consider the amendments printed in part 4 of House Report 103-520 relating to Haiti which shall be considered in the following order: First, by the gentleman from Florida [Mr. GOSS] and, second, a substitute by the gentleman from California [Mr. DELLUMS] or the gentleman from Indiana [Mr. HAMILTON].

It is now in order to consider amendment No. 1 printed in part 4 of House Report 103-520.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. 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. Goss:

At the end of title X (page 277, after line 2), add the following:

SEC. 1038. UNITED STATES POLICY ON HAITI.

(A) FINDINGS.—The Congress finds that—

(1) the 1990 presidential election in Haiti was deemed to be both free and democratic;

(2) a military coup toppled the duly elected government in 1991;

(3) the process to restore democratic rule in Haiti agreed to at Governor's Island has stalled;

(4) the economic crisis in Haiti is worsening; and

(5) the people of Haiti are preparing in mass numbers to leave their country to seek economic and political refuge overseas.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the United States should not undertake any military action directed against the mainland of Haiti unless the President first certifies to Congress that clear and present danager to citizens of the United States or United States interests requires such action; and

(2) that the United States should work with the Organization of American States and the United Nations—

(A) to establish a temporary safe haven on the Haitian island of Ile de la Gonave for Haitian refugees escaping economic and political hardship on the mainland of Haiti;

(B) to assist in providing humanitarian assistance and visa processing for such refugees in such safe haven; and

(C) to assist the legitimate Haitian government in establishing the long-term stability of democracy in Haiti.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. GOSS] will be recognized for 10 minutes on his amendment, and a Member opposed will be recognized for 10 minutes.

Mr. DELLUMS. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Florida [Mr. GOSS].

PARLIAMENTARY INQUIRY

Mr. GOSS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GOSS. Mr. Chairman, I had heard before we began this that there was a possibility we would combine the times of the two amendments into two 20-minute blocks. Does that no longer have the favor of the Chair?

The CHAIRMAN. The only thing that precludes that from occurring is the offering of the substitute amendment by the gentleman from California or the gentleman from Indiana. Once it has been offered, the time can be commingled and divided.

Mr. DELLUMS. Mr. Chairman, I am prepared to do that for the convenience and the continuity of the debate.

AMENDMENT OFFERED BY MR. DELLUMS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GOSS

Mr. DELLUMS. Mr. Chairman, I offer an amendment as a Substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS as a substitute for the amendment offered by Mr. GOSS: At the end of title X add the following:

SEC. 1038. UNITED STATES POLICY ON HAITI.

(a) FINDINGS.—The Congress finds that—

(1) the 1990 presidential election in Haiti was deemed by numerous international observers to be both free and democratic;

(2) a military coup toppled the duly elected government of President Jean Bertrand Aristide in 1991;

(3) the process to restore democratic rule in Haiti agreed to at Governor's Island has stalled; and

(4) a deepening economic crisis in Haiti and political oppression and systematic human rights abuses by Haiti's military leaders have created a reprehensible humanitarian crisis and driven Haitians to risk the perils of the sea to seek refuge in increasing numbers.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the United States should not undertake any military action directed against the mainland of Haiti unless there is a clear and present danger to citizens of the United States or United States interests requires such action;

(2) that the President should swiftly intensify economic pressure on Haiti's military should United Nations Security Council Resolution 917 fail to result in Haiti's military leaders to step down by May 21, 1994. The first step in any such increased pressure should be the severing of commercial air links with Haiti. The President should seek international compliance with any such heightened pressure, if possible, but should act unilaterally, if necessary, and should seek improved sanctions enforcement by the international community to compel Haiti's military rulers to relinquish power;

(3) that the United States should make every effort to replace shipboard processing of Haitian migrants with land-based processing at the earliest opportunity; and in view of past difficulties in the processing of Haitian applicants for refugee status under the laws of the United States, Creole translators and counsel should be integral parts of any revamped refugee policy;

(4) that the United States should seek the cooperation of third countries for the establishment of refugee processing centers;

(5) that the United States should augment humanitarian assistance for Haiti's poor and seek the expeditious return to Haiti of human rights monitors acting under the auspices of the United Nations and the Organization of American States; and

(6) that the United States should continue to engage in intensive, immediate consultation within the international community to encourage support for the restoration of democracy and national reconciliation in Haiti, including encouraging all parties to

honor their obligations under the Governor's Island Accord of July 3, 1993 and the New York Pact of July 16, 1993 with the principal aim of restoration of democracy and the return to Haiti of President Aristide.

The CHAIRMAN. Pursuant to the rule, the gentlemen from Florida [Mr. GOSS] will be recognized for 20 minutes, and the gentleman from California [Mr. DELLUMS] in support of his amendment, will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the President is holding open his options in Haiti with a stepped up embargo and contingency plans for military intervention. Failing the first, the second option will do. In fact, Randall Robinson, the President's de facto special adviser on Haiti, gave voice to this idea yesterday saying that "Because sanctions will not work we have no choice but to pursue ultimately a solution of military intervention."

I agree about the sanctions, but I disagree about the military intervention. Today, Members who feel strongly about keeping United States soldiers out of a quagmire in Haiti and about the unwise extension of the embargo can go on record in opposition to the President's policy and I support of the constructive alternative embodied in the Goss safe-haven amendment. This resolution supports the establishment of a safe haven under U.N./OAS auspices on the 269-square-mile Haitian island of Gonave to accomplish a number of things.

That island, incidentally, is right here in the Bay of Haiti, 270 square miles. It is a rather large island with about 80,000 people on it right now.

By following the safe-haven plan, we provide the real opportunity for the duly elected President to return. We provide to reestablish his administration if he does return. We provide the opportunity to give nearby refuge to Haitians who truly are in danger and stop the flood of refugees going from this area, 900 miles through shark-infested waters, to the U.S. mainland. It helps to facilitate the provision of much needed humanitarian aid, and there is not a person in this room who does not know that, allowing for orderly visa processing in a safer environment than the Haitian mainland or the high seas.

With one standby Coast Guard cutter already in the area, as we all know, we would be able to enhance the natural defense of the island without military commitment. With only 15 miles to travel, Haitian refugees do not have to make that long trip to Florida, and they do not have to risk taking to the seas to rendezvous with American vessels which are who knows where. We do not know which vessels even.

Everything we need to do is encompassed in this deceptively simple plan. It offers an open door to solve the refugee problem, to solve the Aristide problem, to keep American soldiers out of harm's way. This is not a new idea. We did it in Sri Lanka, and it is called the open refugee center. It works. We did it on Mannar Island successfully.

The gentleman from California [Mr. DELLUMS] and the gentleman from Indiana [Mr. HAMILTON] will offer a substitute amendment which offers strong language against military intervention, thank heavens. The Dellums-Hamilton amendment has no safe-haven plan, though. It does have a strong endorsement of the punitive sanctions that have turned the economy to rubble in Haiti, that have turned the environment to a catastrophe and to a wasteland, and that have victimized almost everybody except the military it is aimed to hit.

It has no plan to move Haiti beyond the current impasse. Let us look at the key differences. The Goss amendment demagnetizes United States shores by creating a safe haven on Haitian soil, offering a long-term solution for stability in Haiti, and an end to the embargo.

Dellums-Hamilton endorses the ill-advised policy of tougher sanctions and expanded but nonexistent refugee processing which has already led almost 1,300 Haitians to take to the seas only to be returned immediately. A cruel hoax, to be sure.

President Aristide: Let us talk about him. The Goss amendment provides for the opportunity for return of the democratically elected President to begin rebuilding stability in Haiti. Dellums-Hamilton depends on the failed Governor's Island accord It tries to breathe life into the corpse.

Fostering democracy, the Goss amendment helps Haiti back on the democratic track. It paves the way to ending the punishing embargo and providing a much needed morale boost to the poor people of Haiti.

The Dellums-Hamilton amendment amounts to an externally imposed solution to the crisis that will do little to bolster confidence among Haitians but a lot to polarize the extremes as we have already seen in the Emile Jonassaint alleged government.

The Goss amendment obviates the need to charter cruise ships for high-seas refugee processing.

Dellums-Hamilton endorses the President's protracted refugee processing plan.

Mr. Chairman, if you want meaningful progress in Haiti, the administration's approach is not the answer. Do not be fooled into endorsing a voodoo policy by voting for the Dellums-Hamilton substitute.

Vote for the original Goss amendment and send the White House a sense of Congress to help the Haitians get on with the business of taking back their country today. It is the humane and practical thing to do and this is the island, and it is, indeed, in Haiti, and there are 80,000 Haitians on it now.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Indiana [Mr. HAMILTON], the chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank the distinguished chairman for yielding me this time.

I want to speak in support of the Dellums-Hamilton amendment. What we are trying to do with this amendment is to move the Haitian policy in a more constructive direction, and the amendment is designed to help create a better policy for Haiti.

□ 1810

It is very important I think that the leaders in Haiti, the regime leaders now understand that we are committed to their removal and we support the democratic will of the Haitian people. It is clearly time for them to go.

Now what we do here is set out in the amendment drafted by Mr. DELLUMS and myself a policy toward Haiti. The first statement is that other options have to be exhausted before you turn to military force. Force is a last resort. This amendment urges the administration to seek alternatives to the use of force and urges it to ratchet up the pressure through other means and seek national reconciliation in Haiti.

The second point of the amendment is with respect to the refugees. What we are trying to do here is simply establish a fair procedure for dealing with the refugees. We move to a land-based refugee processing system. We think that is essential in order for the system to be fair.

We want to provide translators and legal representation made available to those who need the service. We welcome the use of private organizations and their services and the involvement of the United Nations High Commission for Refugees, certainly a sound and good step forward.

It is also important that the administration encourage Haiti's neighbors to establish refugee processing centers. So the second point of the amendment is trying to make the process for the refugees a fair one.

The next point is with respect to sanctions: The amendment addresses that. Greater economic pressure should be imposed on the Haitian regime. The whole point here is to tighten the sanctions and to target the sanctions. Sanctions should be imposed on regime leaders and prominent supporters across-the-board without exception.

Bank accounts should be frozen, travel should be denied. The administration should sever commercial air links which are used by the Haitian elite and the military to circumvent sanctions.

We certainly need to seek to improve the enforcement along the border with the Dominican Republic and to increase humanitarian relief efforts.

The final point of the amendment is national reconciliation. It addresses a political solution. To increase the chances for the success of the policy, the United States urges President Aristide to reach out to other democratic elements in Haiti in the spirit of national reconciliation as outlined in the amendment. So you have here then a strategy of strong United States-led international pressure on the Haitian regime combined with a political strategy to pave the way for Aristide's return. We believe that that offers the best chance for success.

Now the gentleman from Florida has an amendment that is offered in a very constructive manner, and I know he has done a lot of thinking with respect to this problem, also constructively. But his proposal for a temporary safe haven on the Haitian island simply, I think, will not work. It establishes an international presence on the island that constitutes invasion of Haitian sovereignty. That island lacks basic infrastructure including a source of drinkable water. Supplying that island is complicated because it does not have a deep water port, nor an airstrip. Upgrading the facilities to set up this legitimate regime in a nonpermissive territory would cost a great deal of money.

The United States would have to pay for it.

Setting up a refugee camp on sovereign Haitian territory is problematic in the application of international refugee standards. It is very doubtful that President Aristide would agree to the plan outlined in the amendment. He may simply view this as a ruse to restore him to power in purely technical terms without removing the military junta or restoring democracy.

So I would urge my colleagues here to defeat the Goss amendment and to support the Dellums/Hamilton amendment because that amendment moves us toward a better policy in Haiti.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Goss amendment. The Goss amendment gives us a chance to address the most important and dangerous result of the President's failed Haitian policy: The increasing numbers of refugees entering the United States through Florida.

Since President Clinton invited Haitians to take to the seas 2 weeks ago, the Coast Guard has intercepted and returned 1,400 of them without asylum hearings. As the United Nations sanctions make life worse in Haiti, thousands and thousands of Haitians per week are expected to flee their suffering nation. President Clinton offers his Ukrainian "Loveboat" scenario in response. But this will not prevent thousands of refugees from Haiti or the Bahamas from coming to the United States in search of education, medical care and other social services, services which cost the State of Florida an annual average of $3,000 for each refugee.

With the Goss proposal in place using the island as a safe haven, fewer Haitians would drown at sea, fewer political refugees would be returned to Haiti and fewer economic refugees would end up in the United States. It would eliminate the use of military force which I oppose. It would feed the poorest of the poor. It is the right idea at the right time, and I urge my colleagues to support it.

Mr. DELLUMS. Mr. Chairman, it is my privilege to yield 2 minutes to the distinguished gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. I thank the chairman for yielding this time to me. I hear two points of view here today, and I would like to say that with all respect to my Florida colleagues, I hear more a referendum on not having Haitians come to Florida than I do on solving the foreign policy issue of Haitians and freeing them and making a democracy in Haiti.

I think that we should certainly vote against the Goss amendment because it is an amendment that sets up a safe haven, quote unquote. It is not a safe haven to set up the kind of arrangement which Mr. GOSS has mentioned here.

I think the main purpose behind it is to keep the Haitians from trying to return to Florida and to receive some kind of safe haven there or in the United States.

I think I rise in opposition to my good friend who is a friend of peace, the gentleman from California [Mr. DELLUMS], who feels very strongly within himself, within every sinew of his being, that there should be freedom and peace throughout this world. But this country, the Clinton administration has tried everything possible.

Sanctions are dangerous also; they kill people also. If you read the paper, you will see children lining up for food; that is in a killing field, almost as dangerous as a gun or as dangerous as a bullet.

I also feel that we should show that we are the freedom leaders of the world as we have with other countries and the military intervention, whatever the cost is—this morning I listened to Randall Robinson on television, a man who gave his life—put his life on the line for freedom to Haiti. He is now saying that he thinks the military intervention is the only course. I think the reason he is saying it is because everything else has been tried.

So I stand today to say to all of you, that I know that the sanctions are there, but they are not helping; people are still being killed, and that Haiti is in danger. Four people were killed recently. The children—the parents are in Miami, the children are in Haiti, and I cannot listen to this particular debate without saying to you to think of what is happening in Haiti today. Forget about having some more immigrants coming to our shores. This is really in the wrong venue today. This is not a foreign policy bill. This is an armed services bill. But we are talking about Haiti here. So I must come to my feet and say that we must vote against the Goss amendment. The Dellums amendment is better designed for better reasons, but I cannot even support that, because I feel we should leave some option open for us to let the thugs in Haiti understand that they cannot continue to kill and to maim people and hurt little children as they continue to do.

I want my chairman [Mr. DELLUMS] to know that I respect him and I also respect the Florida delegation.

They have two different motives. But I think the Goss amendment should definitely be defeated. I certainly want to give deference in saying that I cannot vote for either one of these.

□ 1820

Mr. GOSS Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, like all of us, I am very sympathetic to the plight of the Haitians. I do not think anybody in this Chamber can look at what is going on down there and not be concerned over the past several years with increasing military domination of that island and the failure to allow democracy to be restored, as it should have been when President Aristide was elected. However, Mr. Chairman, the solutions that are there on the table today that President Clinton is offering contain no vision, no real innovative way of getting around the problem or solving it, and therein lies the rub.

Mr. Chairman, sanctions are not working. They are not likely to work. A military invasion of Haiti, while relatively simple to accomplish, leaves us holding the bag for however many years, who knows, once we have established the ground base there, as we did many years ago. That does not seem to me to be any solution.

What the gentleman from Florida [Mr. GOSS] has offered is something that he and I talked about over a year ago. It seems like a very logical way to begin to see if we cannot break the logjam.

There is an island that is about 35 miles long, about 8 miles wide. It contains sufficient land space and habitability that we could have on that is-

land a government in exile in essence set up that President Aristide could occupy, from which he could launch efforts to try to recapture the island in ways that would be much more feasible and practical than we are today engaged in, and it would provide, as the gentleman from Florida [Mr. GOSS] says, a safe haven so those who want to leave Haiti could leave there with a trip of no more than 15 miles, and under our protection, and would not be subject to the kinds of hazards of going to sea.

Mr. Chairman, it makes a lot of sense it seems to me. We have been processing Haitians on Haitian soil for some time who claim refugee status, who claim they are in fear of persecution if they go back. Of course most people who come in and seek that asylum and status do not quality because they are really economic refugees, but this island would provide a haven, not just for those who are truly in fear of persecution or political or religious reasons, but also for economic refugees who want to leave, and it would provide the impetus of this government in exile to actually come back, and take over and dominate the island of the full Haitian countryside once again.

Mr. Chairman, I applaud the gentleman from Florida [Mr. GOSS] for his innovation, for his vision, and I wish that the other side and the President would exercise that same kind of vision. What we should do today is express the sense of the Congress, and that is all this is, as the gentleman from Florida suggests, that we explore this particular idea, that we see if we can make something new and different work instead of going and retreading the same old tired ideas of sanctions that are not working and the threat of military intervention which will not work unless it is carried out, and which, if it is carried out, will only involve the U.S. military in a long-term situation of being bogged down over there that none of us want.

So, Mr. Chairman, I urge defeat of the Dellums proposal and the passage of the Goss amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I would like to clarify a position.

The gentleman is the sponsor of a bill, H.R. 4114, on which I am a cosponsor and all the members of the Congressional Black Caucus are cosponsors, and there are in all more than a hundred cosponsors, and I would like to ask him if he would just clarify for us the similarities and the differences between H.R. 4114 and this amendment. Basically I see a lot of similarities. I just would like to hear him clarify if there are any differences.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, very briefly let me respond to my colleague by saying this amendment embraces the spirit of what we are attempting to do. It is not a duplication in detail because, as the gentleman is well aware, the piece of legislation that we offered is very detailed and very specific. A great deal of thought and effort went into it. This amendment in the nature of a substitute embraces the spirit of that amendment, but it does not get to all of the details that the gentleman and I laid out as we worked through that amendment.

Mr. OWENS. Is H.R. 4114 neutral on the question of military intervention? Does it discuss it at all?

Mr. DELLUMS. It did not discuss it, and the gentleman and I full well know that we though that the Congressional Black Caucus would take the moral high ground in an area where we were all in agreement.

The place where we were not all in agreement is on the issue of the use of force, and we consciously did not deal with that question, and the gentleman from New York and this gentleman had a handshake agreement that the bill that we would introduce would be silent on that question. So, I am saying that before God and country, the answer to the gentleman.

Mr. OWENS. This amendment is not silent on the question. This amendment rules out the use of force, and H.R. 4114 does not deal with the use of force at all.

Mr. DELLUMS. In the nature of a substitute we had fashioned an amendment that addressed the amendment that the gentleman was offering, so we have to address the issue. The gentleman addressed the issue.

Mr. OWENS. I thank the gentleman.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman from Florida [Mr. GOSS] for yielding this time to me.

Mr. Chairman, this is a very good debate, and I think it is on the level that we should be debating such issues as this.

The gentlewoman from Florida [Mrs. MEEK], my friend, she correctly pointed out that both of these bills exclude military intervention, and I say to my colleagues, "Quite clearly, if you want to invade Haiti, if you think that a military intervention by the United States is the right way to go, you simply vote against each amendment, and by the way, as far as I can tell, the language is exactly identical. I don't see any difference in the language between the two bills. But let's look at what is different in the bills."

Mr. Chairman, the gentleman from California, his bill would tighten the economic sanctions. Well, if my colleagues think sanctions are going to work, then that is in the bill. But let us also look further into what the gentleman from California is talking about. He is talking about when people are escaping from the island, that we supply them lawyers. Read the bill. It says, "Counsel will be appointed as well as Creole-speaking translators."

I say to my colleagues, "If you think we should extend legal aid to the high seas, and to foreign countries, and to Haiti, to advise people on ships that they have a right to come to the United States, you think that's a proper use of American tax dollars, then support the gentleman from California."

I simply do not. I do not think that it is our business here in the Congress to supply these people with lawyers.

Also in the gentleman from California's bill he talks about coming up with land base. Well now, there is only two bases that we know of where we can get it. One is Guantanamo. We tried that, and it was a disaster under the Bush administration, so I do not see that as an alternative. So the only other land base that is left and that every other country in the world has denied us is the United States, and I say, "If you bring them over to the United States, then you bet they will get counsel. They'll get counsel, and they'll get endless appeals, and they are here."

The bottom line is simply this:

"If you think that more Haitians should immigrate to the United States, vote for the Dellums amendment. If you think we should enforce our immigration policy and come up with something new and innovative, vote for the Goss amendment."

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. My colleagues in the House, the current policy or lack of policy ranks probably among the greatest foreign policy failures of any era. If President Kennedy's term in office, after only 2 years, was called Camelot, with Haiti President Clinton's era may be known as Nightmare on Elm Street.

This week we have imposed tighter economic sanctions on the poorest country in the Western Hemisphere. Get this: We are tightening sanctions, economic sanctions, on a country where the average Haitian annual income is $252 a year. That is 69 cents a day.

That is the proposal this week.

The other proposal this week is to put the Haitians and process them on cruise ships off of Florida. That is not the answer to this problem.

Then we have my colleague, and I know he is well intended, the gentleman from Florida [Mr. GOSS], and he has a just-pretend solution. It is a temporary solution. My colleagues, it is not a permanent solution. The only solution is to restore democracy, to enforce the U.N. accord to enforce the agreement of Governor's Island to restore democracy.

□ 1830

When you say something, you do something. That is going to be the permanent solution, not setting up a temporary government in exile. We must have a multilateral force. We must not sacrifice U.S. Forces until we restore democracy on that island. We are not going to resolve the problems. Until we restore economic development on that island, these people will continue to wash on our shores, dead and alive. And I am telling you, you cannot take temporary solutions.

We must defeat the Goss amendment, and we must not send U.S. troops. We must go back to the accords that have been agreed upon. We must enforce international law or we have made a mockery of the whole process.

Mr. DELLUMS. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I rise in opposition to the Goss amendment. On the surface this amendment seems to be an expression of compassion, human decency, and concern for those who would otherwise risk death on the high seas in an attempt to escape our region's most brutal military.

In reality, however, this amendment is far less kind.

Instead of proving a safe haven for those fleeing torture and death, the Goss amendment would have the U.S. Navy be a part of a multilateral effort to dump fleeing Haitians on Ile de Gonave, a mosquito-infested island just west of Port-au-Prince—an island with no infrastructure whatsoever, an island readily accessible to the Haitian military and death squads, an island to which we cannot and must not even consider returning human-beings already panic-stricken and traumatized by the brutality of the military leadership and their followers.

Simply on the basis of human decency and compassion, this amendment should be rejected. Because it falls far short of reflecting sound policy it does not deserve our vote. However, over and above this, all of us in this Chamber are bound to uphold the cardinal tenent of the U.N. Convention Relating to the Status of Refugees, now codified in our own Immigration and Nationality Act, which holds that no person, regardless of his country of origin, shall be returned to a country where his life or freedom would be threatened on the basis of his religion, race, or personal belief.

By returning Haitian refugees to Ile de Gonave, Mr. Chairman, we will be returning them to Haiti. And by returning them to Haiti we will be violating United States law and international law.

This we cannot and must not do.

This we cannot and must not do not only because it would be wrong and illegal, but also because there are already policy changes being implemented by the Clinton administration that make the Goss amendment unnecessary. Specifically, Mr. Chairman, the administration has already committed itself to providing both shipboard and land-based processing for Haitian refugees and, as we speak, arrangements are being made to implement this. Why, then, do we need this amendment? What does this add to current practice and policy? Why should we embark upon a path that is so patently inhuman, and so clearly in violation of current law?

Mr. Chairman, during recent weeks, when the national focus on United States-Haiti refugee policy was at its most intense, the State Department, the Immigration and Naturalization Service, and all other pertinent United States agencies looked very carefully at a number of variations on the basic theme of the Goss amendment. The possibility of returning Haitian refugees to some part of that country—to some type of internal safe haven, was looked at, was carefully studied, and was roundly rejected. It was rejected, Mr. Chairman, because it was indefensible, inhumane, illegal, and unworkable.

Do we wish to create a concentration camp for refugees on Haitian soil? And if we did, how would we prevent members of FRAPH—Haiti's death squad—or the Haitian military from entering these camps? Since these individuals would advertise neither their death-squad nor their military affiliation, how on earth would we, when death-squad types claim to be ordinary Haitians attempting to move freely on Haitian soil, prevent them getting to and harming the refugees supposedly in our care? What kind of unworkable logistical nightmare are we bringing upon ourselves and those who would have to implement this policy?

We already know that Haitians returned by our vessels are often taken away by Haitian authorities right at the docks in Port-au-Prince. Some have been tortured, some have disappeared, some have turned up dead. In addition to this, just a few days ago, on the very day that the U.N. trade embargo was put in place, the Haitian military upped the ante by announcing that they will prosecute anyone involved in illegal boat departures. In light of all of this and so much more, we must not even contemplate supporting the Goss amendment.

Most importantly, we must cease investing this much energy, expending this much time, committing such tremendous resources to locking up Haitian refugees when the refugees are but a system of a much broader, deadly problem—the brutality of the Haitian military. As long as the military and the coup supporters are brutalizing the Haitian people, there will be political refugees. Our own Coast Guard attests to the fact that while President Aristide was in power, Haiti's boat people dried to a trickle. With the derailment of democracy, their numbers shot skyward. Our challenge, therefore, whether our primary concern is the restoration of democracy or halting refugee flows, is the removal of the military. Our challenge, whether our primary concern is saving the hundreds of millions of dollars that we must now spend to enforce the embargo or halting the military's transshipment of illegal narcotics to our shores is the removal of the military.

The problem is the removal of the military.

If we want an end to refugee flows, Mr. Chairman, we must place maximum pressure on Haiti's military and death squads, and the most effective way to do this is via the speedy enactment of H.R. 4114, without the special exemptions being sought by the President and his Haiti team for Haiti's wealthy coup supporters. And if we want to send a serious message to the Haitian military via sanctions, we must ensure that the Dominican Republic stops its brazen violation of the embargo.

But the Dominican Republic will not comply as long as the United States refuses to use the leverage we have. The Dominican Republic will not comply as long as we refuse to use our foreign assistance, and their sugar and textile quotas to this country as leverage.

Mr. Chairman, the United Nations has documented in grisly detail how General Cedras and his colleagues have unleashed a reign of terror in Haiti. It is also now generally understood that the brutality of the Haitian military was the worst in the western hemisphere, if not the entire world.

This having been said, Mr. Chairman, we must resist any impulse, reject any encouragement, and break any tendency to rationalize returning innocent men, women, and children to Haitian soil and the clutches of the most brutal military in our hemisphere. We must defeat the Goss amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 2 minutes remaining and has the right to close. The gentleman from Florida [Mr. GOSS] has 9 minutes remaining.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in favor of the Goss amendment on Haiti.

As we debate this issue today, I would like to call my colleagues' attention to one overwhelming fact that each and every one of us must acknowledge. This fundamental truth must form the foundation of all United States policy toward Haiti in the days and weeks to come.

I am referring to the fact that the American people will not assume responsibility for events in Haiti.

I have the utmost respect for my colleagues in this body who feel passionately about the violence and political repression in Haiti. And I have great sympathy for the dilemmas confronted by the administration as it tries to do the right thing.

But if we believe for 1 minute that the American people will support military action in Haiti and the prolonged occupation that will follow, we are kidding ourselves. If we believe for 1 minute that economic sanctions alone will force the Haitian generals from power without such military action, we are deceiving ourselves.

And if we have learned one lesson from our tragic experience in Somalia, it is that turning a humanitarian problem into a military one is a prescription for disaster.

Tougher economic sanctions will only further impoverish Haiti's most vulnerable poor. Sanctions by themselves are not a policy; they represent the admission that we have no real Haiti policy.

That is why I believe PORTER GOSS offers an innovative solution. It offers Father Aristide and the Haitian people the chance to take responsibility for their own destiny. And I believe that, by training police and military officials in the safe haven, we can begin to lay the groundwork for a democratic government in Haiti—without sending in the Marines.

Support the Goss amendment.

□ 1840

Mr. GOSS. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, this is really an interesting and important debate. I am delighted that the gentleman from California, the distinguished chairman of the Committee on Armed Services, also advocates not invading Haiti. I think that would be a very serious mistake.

The Cubans have feared that we would invade since 1959. Daniel Ortega used to terrify the Sandinistas and their followers by saying that we were going to invade next month and the month after that. None of those invasions came about, and I would hate to see us invade Haiti.

There are many reasons why it would be ill-advised. Of course, our last experience of spending 19 years there without any real positive result ought to have taught us something.

Now, Mr. Aristide was elected in a democratic election, and he was the overwhelming democratic choice of the people. But the problem is, with democracy, it is more than just a process. It is more than just an election. You have to conduct yourself as a democrat, once you are elected.

You have to respect opposition parties. You have to respect civil rights of other people who disagree with you.

Unfortunately, the evidence indicates that Mr. Aristide failed miserably in that department. This is not the testimony of right-wing, off-the-wall people. I quote the Assistant Secretary of State for Inter-American Affairs of this administration, Alexander Watson, who testified in May of last year before the Senate Committee on Foreign Relations that, and I quote, "There was ample evidence that President Aristide invited intimidating or violent behavior among his followers."

So we have a poor choice. We have General Cedras and the brutal military or we have a man who was elected who did not conduct himself in a way to reconcile the opposing forces inside Haiti. And so what to do?

It seems to me that the gentleman from Florida [Mr. GOSS] has got an ideal solution. The Island of Gonava presents a place where the infrastructure could be improved. We can try to get rid of the mosquitos. I dare say the same mosquitos in Haiti populate the Ile of Gonava. But we would not have these people desperately floating in the sea in these rickety boats, clamoring aboard a ship and then, if only 5 percent of them are found to be truly refugees as we are told and the rest have to be returned at the risk of their lives, it seems to me that is a terrible situation.

They are suffering enough from the sanctions. We cannot sanction the military. It is the people, the poor, poverty-stricken people who feel the brunt of the sanctions.

So it seems to me, in this very difficult situation where human beings are suffering, that we ought to avail ourselves of the Ile of Gonava which is just off coast. It provides a land-based place for these hearings on asylum that the gentleman from California asked for in his resolution. It seems to me that it could work and provide a solution to what otherwise is a very, very difficult situation. And so let us understand that democracy is important, but it is more than simply getting elected. After all Hitler was elected when he first came in in 1933. But he certainly did not conduct himself as a democrat thereafter.

The people of Haiti deserve freedom, dignity, a standard of living that is decent and that can be provided by reestablishing democracy but to do it in a way that does not invite them to drown at sea trying to clamor aboard ships and have asylum hearings.

I support the gentleman from Florida [Mr. GOSS] enthusiastically.

Mr. DELLUMS. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I just have to respond to the gentleman from Illinois who just spoke. How in God's name he could start to compare Adolf Hitler with President Aristide, how could he possibly say that the choice of the people of Haiti is between a criminal-like Cedras and a man, a respected Catholic priest like Aristide who may have made some mistakes. But to compare them, to put them in the same category, I think, is horrendous.

Mr. GOSS. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I do not compare Hitler with Aristide.

Mr. FOGLIETTA. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Chairman, the gentleman said there was a choice.

Mr. HYDE. Mr. Chairman, I do not compare them as people. What I suggest is getting elected does not mean you are a democrat. That is my point. Hitler was elected in 1933. Aristide was elected but being a democrat is more than just being elected. If the analogy is imperfect, maybe the gentleman can suggest other people who got elected but once in office did not conduct themselves as democrats.

Mr. FOGLIETTA. Mr. Chairman, if the gentleman will continue to yield, I can respond by using the saying of the Jesuit teachers who taught the gentleman as well as me that most analogies limp. The gentleman's has no legs whatsoever.

Mr. HYDE. Mr. Chairman, I thank the gentleman. He is very perceptive about orthopedic problems.

Mr. GOSS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Florida [Mr. GOSS] is recognized for 2½ minutes.

Mr. GOSS. Mr. Chairman, I want to talk a little bit about facts. We seem to have gotten away from them.

First of all, the gentleman from Indiana [Mr. HAMILTON] said this is going to be some kind of a big international detente. It is not. We are talking about the U.N.-OAS participation, as we are in the Dellums-Hamilton amendment. The same type of thing we are dealing with, human rights and peacekeeping down there now. No big thing there. I am just trying to get away from the stigma of the U.S. Marines, which the Haitians remember those 19 years of occupation.

Talking about water, no water on the Ile of Gonava. There are 88,000 people out there. I do not know what they are doing for water. I know there is a water problem in Florida. There is a dry season and a wet season. No access. There is a port, Anse A Galets. It is there. Boat traffic goes in and out every day, right there.

There is no airfield. There is no military. There is only 100 or less soldiers there. That is why we like it as a safe haven.

The question about we are going to have to pay for it. Wrong. This is Hai-

tians doing it for Haitians in that area. We are not talking about U.S. costs here and, in fact, if there are costs, I would suggest they come out of the fund that is used to support President Aristide in Washington in the manner in which he is living right now. That will be more than sufficient to pay for this.

Third, going to the Aristide question, our proposal allows for Aristide to come back. I think that is important, because down on I-95, the other day, we had a demonstration in Florida that said, a bunch of Haitians saying, "Look, we want to go back to Haiti and we want Aristide to go with us." And that is what my plan does. That is why I think it is important.

Those are the facts.

My colleague, the gentlewoman from Florida [Mrs. MEEK] said that there may be some hidden policy here, we do not want any Haitians in Florida.

□ 1850

Mr. Chairman, we have lots of Haitians in Florida. The welcome mat is out. The problem is the Krome Detention Center is full. It is full. There is no room for anybody else, so what do we do? Build another Krome Detention Center? That is not going to solve the problem for the Haitians who are leaving by the thousands now every week. That does not work, either.

What we have to face up to is the fact that the President's policy has not worked. It has made it worse. It absolutely polarized the right wing opposition. It has ruined the economy of the country. It has destroyed the quality of life for all Haitians except the military, so let us recognize the fact that it is a failed policy. Let us try something that might work better.

There is no U.S. Navy, I would say to the gentleman from California [Mr. DELLUMS] involved in this, Mr. Chairman. This is a 280 square mile island. I believe it is a true safe haven. I do not know that it is any more mosquito-ridden than any place in Florida, any other place.

Having said those things, I honestly believe my amendment gives a better chance for the Haitians and democracy in Haiti. I ask for support for it.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 1½ minutes to close debate.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge my colleagues to vote against the amendment offered by the gentleman from Florida [Mr. GOSS], and I ask my colleagues to support the amendment we offer as a substitute.

With those remarks, Mr. Chairman, I yield the balance of my time to the distinguished gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I oppose the Goss amendment. I have all the respect in the world for the gentleman, and certainly believe that his ideas as it relates to this solution should always be made available to the President.

However, I rise because I think it is an insult to democracies all over the world when some of our friends in this House find it in their hearts to have a double standard for the Government of Haiti. When we find the overwhelming number of people who never had a chance to drink the sweet nectar of democracy willing to risk their lives to vote for this person, I think it is an arrogant double standard for us to now determine what kind of president did they elect.

We, as Republicans and Democrats, may differ, but once we have a President, we do not tolerate foreigners to insult the intelligence of American voters to tell us what type of President we have.

I go further to say if this was in any other country, in any other continent, I do not think we would have the arrogance to talk about the ability of that president to govern. It is not our job to like or dislike people who have been elected democratically and to raise that type of issue in a discussion as to what is best for the United States. I think it lowers the credibility of this great House of Representatives.

Mr. BUYER. Mr. Chairman, I rise in strong support of the Goss amendment as you are aware, the United States intervened in Haiti from 1915 to 1934. The initial landings made by American Marines were to restore order following a coup and to restore a government to Haiti that was friendly toward the United States. The result was that Haiti was a virtual protectorate of the United States for 19 years.

Our extended involvement in Haiti during the early part of this century failed to bring about any real reforms. Rather, it fostered great resentment towards our Nation for conducting "gun-boat diplomacy" that survives to this day. It serves as a prime example of the difficulties of "enforcing democracy" in a country that has no history of democratic ideals.

It is unlikely that military intervention will solve Haiti's problems. Severe poverty has divided that nation's affluent political and military elite from the average citizen since the country was founded. These cultural and economic problems were noted during our previous involvement in Haiti earlier this century. Unable to change the system after years of occupation then, it will be extremely difficult for the United States to bring about any real change now.

As a result, I am hesitant to use American military power to force the return of Haitian President Jean-Bertrand Aristide to power. Our State Department has indicated that during Aristide's short tenure in power, he used political violence and approved human rights abuses against his opposition. To enforce his return only condones such actions and turns a blind eye to a growing segment of the Haitian people who no longer support his return.

The United States only vital national security interest in Haiti is that of stemming the tide of immigration to our southern shores. Refugees fleeing that island nation are forced to negotiate treacherous waters in unseaworthy craft, only to be returned to Port-au-Prince. The President's recent decision to begin screening those fleeing Haiti again will only encourage more Haitians to undertake this dangerous journey.

Yet it is clear that something must be done. This amendment offers a bold and creative approach to the problems of Haiti. Placing Mr. Aristide and his supporters on the Isle de la Gonave "demagnetizes" United States shores by creating a safe haven to Haitian refugees on Haitian soil. It provides a unique opportunity to return the elected Government of Haiti to Haiti without direct military intervention.

This proposal also fosters democracy in Haiti by providing a boost to the morale of Aristide supporters. With Aristide back in Haiti, the people of that impoverished nation will have an alternative to the military dictatorship currently in place. This is a meaningful alternative to military intervention and to refugee screening on the high seas.

This is a humanitarian option as well. It has become clear that the U.N. imposed embargo on Haiti is not hurting the perpetrators in Haiti. Rather it hurts those already suffering from the abject poverty of that nation. This measure will allow for the safe introduction to humanitarian relief to the supporters of Aristide without the fear of reprisals by the military dictatorship.

Mr. Chairman, there are few good options in Haiti. However, the least desirable and least responsible is that of disengagement. The Goss amendment offers us a creative solution to a difficult problem. I urge my colleagues to vote "yes" on this measure.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS] as a substitute for the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will announce that pursuant to clause 2(c) and rule XXIII, the Chair will reduce to a minimum of 5 minutes the time for an electronic vote, if ordered, on the amendment offered by the gentleman from Florida [Mr. GOSS].

The vote was taken by electronic device, and there were—ayes 191, noes 236, not voting 11, as follows:

[Roll No. 196]

AYES—191

Abercrombie	Berman	Brown (OH)
Ackerman	Bishop	Camp
Andrews (ME)	Blackwell	Cantwell
Andrews (TX)	Bonior	Clay
Barca	Borski	Clayton
Barcia	Brooks	Clement
Becerra	Brown (CA)	Clyburn
Beilenson	Brown (FL)	Coleman

Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
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)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Hughes
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kolbe
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Montgomery
Moran
Murphy
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Pickle
Pomeroy
Poshard
Rahall
Rangel
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Yates

NOES—236

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Canady
Cardin
Carr
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kyl
Lambert
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lucas
Machtley
Manzullo
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Traficant
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Barlow
Barrett (WI)
Faleomavaega (AS)
Fish
Grandy
Horn
Ortiz
Santorum
Stark
Washington
Whitten

□ 1914

Messrs. McINNIS, McCLOSKEY, MAZZOLI, DICKS, and CRAMER, Ms. LAMBERT, Mr. TRAFICANT, and Mr. MINGE change their vote from "aye" to "no".

Messrs. INSLEE, RUSH, GILCHREST, and MFUME changed their vote from "no" to "aye".

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPENCE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the rule, this rollcall vote is reduced to 5 minutes.

The vote was taken by electronic device, and there were—ayes 223, noes 201, not voting 14, as follows:

[Roll No. 197]

AYES—223

Ackerman
Allard
Andrews (NJ)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lucas
Machtley
Manton
Manzullo
Martinez
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Sangmeister
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—201

Abercrombie
Andrews (ME)
Andrews (TX)
Applegate
Barca
Becerra
Berman
Bishop
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
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

Glickman	McKinney	Sawyer
Gonzalez	Meehan	Schenk
Gordon	Meek	Schroeder
Green	Menendez	Schumer
Gutierrez	Mfume	Scott
Hall (OH)	Mica	Serrano
Hall (TX)	Miller (CA)	Sharp
Hamburg	Mineta	Shepherd
Hamilton	Minge	Sisisky
Harman	Mink	Skaggs
Hastings	Moakley	Skelton
Hilliard	Mollohan	Slattery
Hinchey	Montgomery	Slaughter
Hoagland	Moran	Spratt
Hochbrueckner	Murtha	Stenholm
Hoyer	Nadler	Stokes
Hughes	Neal (MA)	Strickland
Inslee	Norton (DC)	Studds
Jacobs	Oberstar	Stupak
Jefferson	Obey	Swift
Johnson, E. B.	Olver	Synar
Johnston	Owens	Taylor (MS)
Kanjorski	Pallone	Tejeda
Kennedy	Pastor	Thompson
Kennelly	Payne (NJ)	Thornton
Kildee	Payne (VA)	Torres
Kleczka	Pelosi	Towns
Klink	Penny	Traficant
Kopetski	Pickle	Tucker
Kreidler	Pomeroy	Underwood (GU)
LaFalce	Poshard	Unsoeld
Lambert	Price (NC)	Velazquez
LaRocco	Rahall	Vento
Lehman	Rangel	Visclosky
Levin	Reed	Volkmer
Lewis (GA)	Reynolds	Waters
Long	Richardson	Watt
Lowey	Roemer	Waxman
Maloney	Romero-Barcelo (PR)	Wheat
Mann	Ros-Lehtinen	Williams
Margolies-Mezvinsky	Rose	Wilson
Markey	Rostenkowski	Wise
Matsui	Roybal-Allard	Woolsey
Mazzoli	Rush	Wyden
McCloskey	Sabo	Wynn
McDermott	Sanders	Yates

NOT VOTING—14

Barlow	Fish	Ortiz
Barrett (WI)	Gibbons	Santorum
DeLay	Grandy	Stark
Faleomavaega (AS)	Horn	Washington
	Neal (NC)	Whitten

□ 1925

Mr. DEUTSCH and Mr. ROEMER changed their vote from "aye" to "no".

Mr. DARDEN changed his vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule it is now in order to consider the amendment printed in part 5 of House Report 103-520.

AMENDMENT OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPENCE: At the end of title X (page 277, after line 2), insert the following new section:

SEC. . CREDIT AGAINST ASSESSMENTS FOR UNITED STATES EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the appropriate committees of Congress a report on the total amount of funds appropriated for national defense purposes for any fiscal year after fiscal year 1994 that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a breakdown by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

(b) LIMITATION.—Notwithstanding any other provision of law, in each fiscal year beginning with fiscal year 1996, funds may be obligated or expended for payment to the United Nations of the United States assessed share of peacekeeping operations for that fiscal year only to the extent that such assessed share exceeds the total amount identified in the report submitted pursuant to subsection (a) for the preceding fiscal year, reduced by the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that fiscal year.

(c) DEFINITIONS.—As used in this section:

(1) The term "United Nations peacekeeping activities" means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the United Nations Charter.

(2) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes, and a Member in opposition, the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding this time to me.

Mr. Chairman, the aim of this amendment is simple: Peacekeeping payments to the United Nations would be adjusted to take into account the Defense Department's substantial peacekeeping-related expenditures. The Department of Defense spends millions of taxpayer dollars every year for U.S. participation in and support of United Nations peacekeeping operations. It seems to me we ought to be getting credit at the United Nations for what our Armed Forces do for peacekeeping operations. If the United Nations did not have the United States to turn to every time whenever there is a crisis requiring a show of force, I doubt it would have the power to implement any of its resolutions. Quite frankly, we are just taken for granted, and it is high time our in-kind contributions of any and all kinds of military support be considered as a direct contribution to the United Nations peacekeeping operational expense.

Suffice it to say that we must regain the proper relationship between our country and the United Nations. The United Nations should be on our side and off our backs. This amendment will start the process of restoring the proper balance between our security needs and the United Nations' various needs. I suggest the United Nations buy a rubber stamp marked "Full credit, U.S.A.," and just stamp it on the next bill they send us with the Defense Department's contribution written in.

Mr. Chairman, I urge my colleagues to support this very commonsense amendment.

□ 1930

Mr. SPENCE. Mr. Chairman, this amendment was coauthored by the Minority Leader, the gentleman from Illinois [Mr. MICHEL], and there was also another coauthor of the amendment, the gentleman from Georgia [Mr. GINGRICH].

Mr. Chairman, I offer this amendment on behalf of Mr. MICHEL, Mr. GINGRICH, Mr. HYDE, Mr. GILMAN, and myself in an attempt to fix a serious and growing problem concerning how the United Nations taps into the pockets of the American taxpayer.

At first glance, this amendment might appear to be complicated when, in fact, it is really simple and straightforward.

Let me first clarify what this amendment is not. It is not about whether the Defense Department or the State Department ought to pay for the U.S. share of U.N. peacekeeping costs. The House will address this issue later in the debate. Nor is this amendment about whether or not the United States ought to get involved in a particular U.N. peacekeeping operation somewhere around the world. What the amendment is about is requiring that all Department of Defense unreimbursed costs in support of U.N. peacekeeping operations be credited against the peacekeeping bill submitted by the U.N. to the U.S. Government every year.

Mr. Chairman, the costs of U.N. peacekeeping operations have exploded since the late 1980's—from $37 million in 1988 to an estimated $4.5 billion this year. Because the United States is billed for approximately one-third of these costs under the U.N.'s assessment formula, the American taxpayer's bill for these United Nations operations has also risen dramatically in the past several years. This trend has created a situation where the magnitude of the U.N. peacekeeping charges passed on to us is rapidly outstripping our ability to pay them. In fact, the estimate of our unpaid U.N. peacekeeping bill, or arrearages, is likely to exceed $1 billion by the end of this year.

To add insult to injury, the American taxpayer is getting double billed when it comes to U.N. peacekeeping costs. While our unpaid U.N. peacekeeping debt grows, the Department of Defense regularly spends hundreds of millions of dollars in support of U.N. peacekeeping operations—the vast majority of which is never reimbursed by the United Nations. Unfortunately, the administration does not even seek reimbursement for many of these substantial costs incurred by DOD.

For example, within the last year, Congress approved reprogrammings and supplemental

appropriations exceeding $1 billion to partly offset the costs of the United States operations in Somalia—and even this falls short of adequately paying for DOD's true costs. Similarly, the bulk of DOD's costs to support the United Nations in, over, and around Bosnia today are being paid for out the hide of the military service's operating budgets and will not be reimbursed by the United Nations. Last year alone, the cost of these unreimbursable DOD operations in support of the United Nations exceeded $1.3 billion, and they are expected to remain at similar levels in the future.

This amendment would simply require that the United States deduct DOD's unreimbursed expenses in support of peacekeeping operations from its annual peacekeeping bill from the United Nations. It is only right to get credit where credit is due.

This amendment is a modest, common sense first step to insert a measure of honest accounting into the process by which the United States pays its peacekeeping bills.

Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, let me start by saying I want to thank my colleague, the gentleman from South Carolina [Mr. SPENCE], for yielding this time to me, and I want to thank the chairman of the committee, the gentleman from California [Mr. DELLUMS], who has been, I think, most generous in his efforts to work out a procedure and a process for a number of very, very difficult issues, and I have often gotten on the floor and complained about some of the rules we get and some of the situations, but I would say that working on this bill has been frankly a very important step toward bipartisanship, and I want to thank Mr. DELLUMS for, I think, an exemplary effort to reach out and to try to actually have time for everybody to explore important issues.

So, in that spirit I want to briefly describe an amendment which we thought was so important that the gentleman from Illinois [Mr. MICHEL] and I wanted to lead off the conversation on our side, and other members of our leadership, I think, are going to want to join in.

Let me be very clear what this is about. We are going through a period of terrible downsizing in our defense budget. We are cutting beyond bone. We are shrinking below what President Bush thought, we are shrinking below what President Clinton, said was necessary. We are going to weaken America's military over the next 5 years in very significant ways.

Now, when we were building up the military under Presidents Reagan and Bush, Mr. Chairman, we got into the habit of carrying out for the United Nations a whole series of invisible services often involving logistics, air mobility, supplies, command and control, a whole range of things which we just threw in. So, we were about the largest payer to the United Nations of money for peacekeeping. We had been assessed at 31 percent, and I must thank the appropriate committee member who brought that back down. Hope to bring it down to 25 by something they just adopted. But clearly we are the largest payer in the world of peacekeeping in direct cash.

In addition, Mr. Chairman, there was a hidden subsidy in that a very substantial part of the cost of many of these operations was American C-141's, American C-5's, American C-130's, all of them, by the way, made in de Kalb County, GA, which I represent. But that is not the point. The point is that, when we were a much larger defense system, we could afford these invisible costs.

Now they are not trivial. Look at Somalia, Operation Provide Relief; Yugoslavia, Operation Deny Flight, embargo enforcement and air drops; Southern Iraq, Operation Southern Watch; Northern Iraq, Operation Provide Comfort; Haiti, embargo enforcement. These are not small sums of money. For fiscal 1994 alone, just for fiscal 1994, Congress has already appropriated $1,200,000,000 in supplemental defense funds to cover such costs and will probably have to come back and approve even more.

Now some examples:

Somalia, $424 million in United States costs of supporting the United Nations without compensation; Yugoslavia and Bosnia, $277 million in United States invisible costs without being compensated; Iraq, $450 million in United States costs without compensation; Haiti, $48 million in additional and invisible costs to the United States without being able to be reimbursed. So, Mr. Chairman, what is happening is we are both the largest direct payer to United Nations peacekeeping, and we do not get to score any of our own costs as part of the cost of the peacekeeping.

Now all this amendment does, Mr. Chairman, is begin to raise a very serious issue, to wit: "When you're cutting the American defense budget, when you're laying off 15,000 uniformed personnel a month and 10,000 civilian personnel a month in your defense system, when you're shrinking the number of ships, when you're reducing the number of planes, when you're shrinking the number of tanks, when you're weakening America's defense, can you really afford to have an invisible subsidy to the United Nations on top of the money that is already the largest single source for U.N. peacekeeping?"

I do not think so.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California [Mr. BERMAN] briefly.

Mr. BERMAN. Mr. Chairman, does the gentleman consider the U.N. supported, participated action in Desert Storm to be an action in which the U.S. Government spend billions of dollars in direct or indirect costs in support of a peacekeeping/peacemaking operation?

Mr. GINGRICH. I think that Desert Storm was a unique moment, as was the Korean war, in both of those cases involving a large theater level conflict. The United Nations provided virtual total leadership and virtual total military capacity while assembling around it a coalition of forces under United Nations command. But the fact is, in both the Korean war and in Desert Shield/Desert Storm, it was American leadership to accomplish American objectives with the support of the United Nations.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. Mr. Chairman, I think I am out of time, I am afraid, but I appreciate very much my colleague participating.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the distinguished gentleman from California [Mr. DELLUMS] for yielding this time to me.

As I understand the amendment offered by the gentleman from Georgia, Mr. Chairman, it prohibits the State Department from paying U.N. peacekeeping assessment unless the Defense Department is fully reimbursed for its support to U.N. peacekeeping operations.

Now I think everybody in this Chamber agrees that the Department of Defense should be reimbursed when appropriate for additional costs it incurs in U.N. peacekeeping operations. There should be no doubt about that. We all accept that. It is my understanding that the Department of Defense today has already been reimbursed by the United Nations for incremental costs in support of peacekeeping operations, and for most of its direct support to peacekeeping, such as provision of equipment in airlift where there are additional costs, and the Department of Defense should receive reimbursement for those additional costs as well. And when those additional costs occur, Mr. Chairman, we have a means to take care of that through supplemental appropriations, and we should. Mr. Chairman, the President has committed himself to seeking supplemental appropriations whenever the Defense Department incurs these costs, and indeed he should, and he has honored that commitment in Somalia and, I think, will do so in the future.

I think the important thing here is not to mix up two issues. The one issue is Defense Department reimbursement. There should be no debate about it. We all agree to it. The other issue is funds the United States is legally required,

committed, to pay the United Nations. Holding U.N. peacekeeping assessments hostage will not reimburse the Defense Department for costs. Holding U.N. peacekeeping funds hostage does mean that the U.N. peacekeeping operations will shut down, and that is what is dangerous about this amendment. Those countries that are contributing troops, the troops will not be paid. They will pull their troops out.

Members who vote for this amendment must understand the consequences, and the consequences are that we will have to shut down peacekeeping operations; for example, in Cyprus. We will pull out peacekeeping forces in the Middle East, right in the middle of the peace process. We will let the violence and the slaughter continue in Rwanda. We will halt the peace process in Angola. We will pull out forces from Kuwait on Saddam Hussein's border.

□ 1940

So this amendment sets a bad precedent. It suggests that every nation is entitled, regardless of U.N. rules, regardless of our commitments, to decide for itself what expenses are incurred in support of peacekeeping, and then to credit all of these expenses against the peacekeeping assessment.

If we claim that any Department of Defense cost remotely connected to peacekeeping must be reimbursed by the United Nations, what will stop the Russians from claiming it is peacekeeping in the Novgorod, and then reducing its payments to the United Nations for peacekeeping?

What would stop countries who are incurring costs as a result of economic embargoes against Serbia, Haiti, Libya, and Iraq from charging those costs against their U.N. assessments?

The bottom line I think is that the United Nations peacekeeping is in the American national interest. It is in our interest that the United Nations does peacekeeping, and not the United States. We do not want to be the cop on the beat around the world. We should pay our peacekeeping assessments and not mix up those assessments with the reimbursement for the Department of Defense.

When the United States decides that it is in the national interest to provide Department of Defense support for peacekeeping, we do and we can contract with the United Nations for reimbursement. Costs beyond normal reimbursement, as in the case of Somalia, should be covered by supplemental appropriations.

As Secretary Christopher has pointed out, what this amendment does is compel the President to make an unacceptable choice. On the one hand, withdraw U.S. military support for these peacekeeping operations; or refuse to comply with our U.N. charter obligations to pay for our peacekeeping activities. That is an unacceptable choice, and the amendment should be defeated.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia.

Mr. Chairman, this amendment is a slick way to avoid paying our bills to the United Nations. This amendment is a little too cute. It pulls the rug out from under the United Nations—the problem is: We are standing on that same rug.

This amendment is a clever attempt to make the United Nations pay for U.S. military operations—for operations we want to conduct and for which we sought U.N. endorsement. This amendment tells the United Nations: "Anytime you endorse an American operation, we're gonna make you pay for it." Well, what do you suppose will be the U.N. response: "In that case, you Americans don't get a U.N. endorsement." The result is this:

First, we still have to pay for the costs of the operation.

Second, we are forced to act as a lone wolf without U.N. endorsement, making it harder to defend the operation.

Mr. Chairman, let's look at what kind of military operations the United States is engaged in today in our national interest with U.N. endorsement. All of these operations are authorized by the U.N. Security Council. But none of them are U.N.-assessed operations because we choose to run them as U.S.-commanded operations. Here's the list.

Off Haiti, Operation Support Democracy.

Around former Yugoslavia, four different efforts—Operation Deny Flight, Operation Sharp Guard, Operation Provide Promise, and Sanctions Against Missions—all designed to reduce the conflict there.

Over Iraq, Operation Southern Watch is the effort to stop Iraqi flights over southern Iraq and includes the blockade enforcement operation in the Red Sea. Operation Provide Comfort is the effort to stop flights in the north and to protect the Kurds there.

In Somalia, a United States amphibious readiness group consisting of 3 ships and over 4,000 personnel is deployed in the Indian Ocean, by our choice.

In the Middle East, the Western Sahara, and in Mozambique, the U.S. military provides a modicum of support for U.N. operations at a cost of about $100,000 each.

Mr. Chairman, the projected costs for this year for these operations—U.S. run but U.N. endorsed—less U.N. reimbursements to the United States, total more than $900 million. That amount would almost wipe out the anticipated arrearages for U.N. peacekeeping operations, which are almost $1 billion. Last September, the President promised the world that the United States would pay its assessed contributions in full. Other U.N. member nations are watching whether the United States meets its responsibilities. This amendment says we won't.

Mr. Chairman, this amendment is harmful. I strongly urge Members to oppose and defeat this amendment.

Mr. Chairman, I include for the RECORD a letter from Secretary of State Warren Christopher.

THE SECRETARY OF STATE,
Washington, May 24, 1994.

DEAR MR. SPEAKER: I am writing to express my strong opposition to a proposed amendment on peacekeeping to the Department of Defense Authorization bill. This amendment, were it to become law, would have disastrous consequences for the ability of the United States to advance our interests through the United Nations.

Except in rare circumstances where the United States waives reimbursement from the UN, the Department of Defense is reimbursed for goods and services it provides to UN assessed peacekeeping activities. The U.S. also receives the same per soldier reimbursement as other countries when we participate in peacekeeping operations. This amendment, however, would go far beyond these arrangements.

It is important for the Congress to understand that U.S. participation in UN-sponsored activities, such as the non-fly zone over Bosnia and the maritime interdiction forces around Haiti, Iraq and the former Yugoslavia, are all undertaken voluntarily to advance our national interests. This has been the case under both Democratic and Republican Administrations.

This amendment, however, would compel the President to make an unacceptable choice: withdraw U.S. military support for these and other operations or refuse to comply with our UN Charter obligations to pay for UN peacekeeping activities. The UN peacekeeping system already is under enormous financial strain, and this amendment could lead to its collapse.

The Administration believes that peacekeeping operations can be a useful tool for our foreign policy. We have recently completed a comprehensive review of U.S. participation in UN peacekeeping operations, and we are working to address many of the concerns raised by this amendment, particularly reducing the cost of these operations.

Therefore, I urge the Congress to defeat this amendment.

Sincerely,

WARREN CHRISTOPHER.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to another coauthor of the amendment, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, for some time now, the United States has been providing what amounts to pro bono support for U.N. peacekeeping activities. But what is pro bono for the United Nations is double billing to the American people. Under an antiquated assessment system that does not take into account economic realities of the last 30 years, including the growth of Germany, Japan, and China, the United States is assessed over 31 percent of the United Nations' peacekeeping budget.

In the State Department Authorization Act recently signed into law, Congress took steps to force the administration to address this inequity and reduce the proportion of our assessment.

Today we have an opportunity to address another inequity in the U.N. assessment formula. When President Bush sent armed forces on a mission to Somalia in December 1992, it was to enforce a U.N. Security Council resolution. Although our forces were fulfilling a U.N. mandate, the costs were all absorbed by the American taxpayer.

Hear me, the American taxpayer. Only after the mission was formally turned back over to the United Nations were the costs shared by other countries in addition to ourselves. The administration ultimately requested a supplemental appropriation of $750 million to cover part of the cost of the mission, choosing to absorb the other costs in the regular Department of Defense budget.

We passed that supplemental spending bill earlier this year. We did not ask for nor did we receive from the United Nations financial credit for this substantial contribution, and our U.N. assessment remained unchanged.

This is not the first time we have undertaken this double burden, and I fear it will not be the last. As I speak, we are expending substantial resources from our distressed Department of Defense budget to pay for several missions that directly support U.N. operations.

Our participation in the no-fly zone over Bosnia is financed wholly by the United States. So is our enforcement of the embargo on arms for Bosnia, which the President says he does not support, as is the broader embargo against Serbia and Montenegro. We are also paying for our part of Operation Provide Comfort and Southern Watch in Iraq.

In fact, over the years we have funded a substantial amount of activity in support of U.N. peacekeeping operations, above and beyond our bloated 31-plus percent for those operations. The amendment before us today will give us proper credit for those costs and would end the practice that unfairly burdens the Pentagon with costs contracted for by the State Department.

Most importantly, its adoption will be one more step in winning fair treatment for the American taxpayer.

□ 1950

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding time to me.

I think it bears pointing out that the United States is reimbursed by the United Nations for most direct DOD support to peacekeeping activities, such as when we provide equipment, when we provide airlift. We are paid for that. And when we are participants in a peacekeeping effort, we are reimbursed on the same basis as other countries which contribute troops to the peacekeeping.

This amendment would take us much further along. It is really a unilateral decree that will allow us to charge the U.N. for missions that we have undertaken, allow the United States to offset against its share of peacekeeping operations the assessment delivered to us, what we have spent on U.N. endorsed but nevertheless not directly sponsored undertakings.

There are dozens of different problems with this, but let me just highlight several.

First of all, it would violate our legal obligations under the United Nations charter to pay our assessment in accordance with the rules that all countries who are parties to that charter follow. Great nations ought to keep their word. It is as simple as that. We should abide by the charter as long as we are a party to it.

Second, this amendment, if we got away with it, would invite other countries to do the same, so the British and the French and the Italians and others who are now involved in enforcing the no-fly zone, say in Bosnia, they could do the same. They could credit their assessments.

Third, the unilateral nature of this amendment, coupled with its invitation to fiscal anarchy in the United Nations, would weaken our ability to work out other reforms in the United Nations, including a reduction in our peacekeeping assessments.

The Secretary of Defense has written the Speaker of the House a letter today in which he said, "All of these things, taken together, mean that this amendment would ensure disaster for a U.N. peacekeeping system already teetering on the financial brink."

Mr. Chairman, we should defeat this amendment.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise in strong support of this amendment. Today, the defense budget faces a double threat. First, the Clinton administration has embarked on a plan to cut from Defense, over the next 5 years, $127 billion more than the amount the Bush administration proposed over the same period. The second threat is the idea, firmly embraced by the administration, that the defense budget is a ready pool of funds that can be raided for any project deemed necessary by the President.

Funding for peacekeeping has become one of those projects. Mr. Clinton has made the United Nations a centerpiece of his foreign policy. Deferring to this international body on a variety of foreign policy crises, we have seen the folly of this approach from Bosnia, to Somalia, to Haiti.

Yet today, we see the rapid expansion of United Nations peacekeeping operations around the world. With this expansion, we have seen the extensive involvement of the U.S. military in support of the U.N. This support is not without costs. By the end of this year, the United States will be in arrears to the United Nations in excess of $1 billion. In fact, the President has asked for a supplemental peacekeeping appropriation of $640 million for 1994.

Historically, the bills for peacekeeping operations have been paid from the State Department budget. But in addition, the United Nations has benefited from the support of U.S. military forces deployed overseas. These forces are often sent on U.N. missions without reimbursement. Their costs are paid from the individual services' operations and maintenance accounts.

Somalia is a prime example. Last year, this Congress passed a supplemental appropriation bill to pay for the ill-fated United States participation in the U.N. mission in Somalia. This cost the American taxpayer over $1 billion. Today, in Bosnia, most of the costs accrued in support of that operation come from the operations and maintenance fund of the individual services. It is unlikely that these costs will be reimbursed by the United Nations.

This amendment is simple. It stops this drain on the defense budget by requiring the United States to deduct from its annual U.N. peacekeeping bill the money the Department of Defense spends in support of U.N. peacekeeping operations. I think this is only fair.

Mr. Chairman, the free ride is over. The United Nations should no longer be allowed to raid our defense budget without reimbursement. I strongly support this amendment and urge my colleagues to vote "yes."

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, the question here is fairness, purely and simply. Why not treat us fairly?

Do not be fooled. We are paying twice to the United Nations for these peacekeeping operations. Number one, we are paying three times, almost, what Japan pays in outright assessments, 31.7 percent. Almost four times what Germany pays. Not only that, but then we send our aircraft carriers to the scene or we send our planes to the scene and incur these exorbitant extra costs on top of that.

We are told that this year alone that is $1.5 billion, so we are paying 31.7 percent of the total cost. Then on top of that, we are paying another $1.5 billion in logistical support. What is fair?

The true cost to the American taxpayer this year, 1994, for peacekeeping is really $2.7 billion.

Now, we are not just talking about chicken feed anymore, Mr. Chairman. We used to be, in 1988. But look at the growth in the assessed cost for U.N. peacekeeping over the years.

Here is 1988. Here is 1994, estimated, and still going on up.

We are involved now in 19 peacekeeping missions in the world, and we are paying much more than a third of the cost. I do not think that is fair.

What does the United Nations do when we try to correct that? They refuse.

We asked permission for years to lower our assessment to just 25 percent, merely twice what Japan pays, the next highest. They refused.

They refused to allow us to credit against what we pay these extra costs militarily that comes out of our defense budget. And they refused our request for an independent inspector general to tell us how the books are kept.

Mr. Chairman, I think it is time that we stood on our hind feet and said, this is enough.

Now, where does the money come from, Mr. Chairman? It comes from my appropriations subcommittee that also appropriates the funds for the war on crime, the war on drugs. Every penny that we send in this fund here comes out of the same fund out of which we are trying to fight the war on crime. That explains itself, because the President this year, in requesting funds for the war on crime, decreases the FBI by 300 people, decreases the DEA by 800 people because of this element right here.

I ask for fairness. I urge support of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I thank my distinguished colleague for yielding time to me.

I am not going to give my own words. I am going to quote from a letter from Secretary of Defense Perry.

He says:

> I am writing to express my strong opposition to Representative GINGRICH's peacekeeping amendment.

He goes on to say:

> The impact on U.S. foreign policy and U.S. leadership in the post-cold war era would be devastating. This amendment would jeopardize missions such as our peacekeeping operations in Cyprus, our sanction enforcement in Iraq, our U.N. peacekeeping in southern Lebanon.

And again I quote, he says:

> In addition to bringing about the virtual collapse of U.N. peacekeeping, withholding payments to our U.N. assessment would create a serious violation of our treaty obligations under the U.N. charter. Peacekeeping operations are an important tool for protecting and advancing U.S. interests in the post-cold war.

Mr. Chairman, I want to join with the Secretary of Defense, William Perry, and say vote "no" on the Gingrich amendment.

Mr. DELLUMS. Mr. Chairman, may I inquire as to the remaining amount of time on both sides of the debate.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 18½ minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 19 minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], another coauthor of this amendment.

Mr. GILMAN. Mr. Chairman, I am pleased to rise in support of the Michel-Gingrich-Hyde-Gilman-Spence amendment. This amendment will, for the first time, require that our Nation's peacekeeping payments to the United Nations be adjusted to take account of in-kind contributions to U.N. peacekeeping operations by the Department of Defense.

The logic of this amendment is simple and powerful. Every year, DOD spends millions of dollars for U.S. participation in and support for U.N. peacekeeping operations, with little or no reimbursement from the United Nations. And every year, the United Nations has been assessing us for 31.7 percent of the total cost of its peacekeeping operations.

That's a bill that traditionally has been paid in cash by the State Department. This amendment requires that DOD's peacekeeping expenditures be offset against our U.N. peacekeeping assessment before the State Department makes cash payments to the United Nations. In effect, the United States will begin to pay part of its U.N. bill in kind rather than in cash.

This is an important, long overdue innovation that addresses a growing problem.

Because the number and cost of U.N. peacekeeping operations has been growing, the amount of our annual assessment has been growing as well, and increasingly the United States has fallen behind in its payments. For this fiscal year, $401 million has been appropriated for assessed peacekeeping costs. Even after State pays this $401 million to the United Nations, however, it is estimated that by the end of this fiscal year our total arrearage to the U.N. for assessed peacekeeping costs will exceed $1 billion.

That's why the President has asked for a supplemental peacekeeping appropriation this year of $670 million—that is, $670 million in addition to the $401 million already appropriated. And even if that supplemental appropriation is approved, we will end the year with at least a $350 million arrearage.

This is a situation that only promises to become worse. Our U.N. peacekeeping assessment for fiscal 1995 is likely to be in the neighborhood of $1.2 to $1.3 billion. But Congress has authorized only $510 million for assessed peacekeeping contributions in 1995. So, without some supplemental appropriations, our total arrearage at the end of 1995 could be as high as $1.8 billion.

While these bills are piling up, the Defense Department has been incurring huge unreimbursed costs for participating in and supporting U.N. peacekeeping operations.

For the failed peacekeeping operation in Somalia, for example, Congress had to approve a reprogramming and a supplemental appropriation totaling over $1 billion to cover DOD's unreimbursed costs.

Similarly, DOD is now racking up large unreimbursed costs for its operations in, over, and around Bosnia in support of United Nations peacekeeping activities there. It is estimated that those costs will total approximately $275 million this year.

The time has come to restore some balance to the equation. If the United Nations is going to continue piling peacekeeping debts on us, it is only fair that we develop a way to charge back to the United Nations the costs that DOD incurs in supporting peacekeeping operations.

This amendment does not prohibit our Nation's involvement in U.N. peacekeeping.

The Michel-Gingrich-Hyde-Gilman-Spence amendment simply provides a mechanism for the United Nations to credit our Nation's costs against the U.N. assessment. It is a long-overdue step that deserves support.

Accordingly, I urge my colleagues to adopt the amendment.

□ 2000

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the chairman of the Committee on Armed Services for yielding me this time.

Mr. Chairman, I cannot believe what I am hearing. I ask my colleagues to read the text of this amendment and understand what would have happened if this had been in effect 3 years ago.

First, understand this. We can try and dissociate ourselves all we want from U.N. peacekeeping operations, but the fact is there is not one peacekeeping operation going on now that the United States could not have killed at its inception by exercising its power of veto. The Security Council is the only body empowered to have the United Nations authorize any peacekeeping operations. We can veto anything at the Security Council.

Secondly, if this had been in effect 3 years ago, when we chose to undertake Desert Shield and then Desert Storm, and we sought the U.N. endorsement of that proposition and received the U.N. endorsement, with a lot of great and excellent diplomatic work by the previous administration, and we spent, what, $50, $60, $70 billion, much of which was reimbursed, and there is no reference, by the way, to the fact that reimbursements come off of the credit, but whatever we spent there, billions of dollars in direct and indirect U.S. costs in this operation, if this resolution had been in effect at that time, for 25 years in the future we would never pay one dollar into any approved U.N. peacekeeping operation.

What is the consequence of that? It is either we shrink from our superpower status totally, and totally disengage ourselves from the world, and yes, then we would have more money for cops on the streets and the crime bill and the FBI and a lot of domestic programs. We could also repeal our defense budget while we are at it as well, and have even more money for doing that. But a superpower does not operate under that kind of situation.

Second, we would either remove ourselves from every consideration internationally or we would find ourselves unilaterally involved in maintaining the peace in Cyprus, in monitoring human rights in the election process in Salvador, in doing all these unilaterally, because the Security Council would never undertake a single international peacekeeping operation because the United States would not be paying. We would be taking credits off of our obligations and our assessments in violation of the charter, notwithstanding the fact we could block any specific peacekeeping operation, because we had provided indirect or direct costs to some operation we thought was worthy of our support.

Let me tell the Members, I think enforcing the no fly zone in northern Iraq and protecting the Kurds in the consequence of Desert Storm in a worthwhile expenditure, and yes, we are doing it, and yes, the U.S. sanctioned it. I do not think that should mean that because of that we ask the United Nations to pull out of Cambodia and we ask the United Nations to pull out of Cyprus and we ask the United Nations to pull out of El Salvador. That is crazy.

Mr. Chairman, the only salvation, I think, in this amendment is I truly believe that the sponsors of it do not really want it to happen. They want to register some criticism of U.S. foreign policy in the area of peacekeeping, but the way to do that and the way to deal with equity in the sanctions is to only appropriate the arrearages on the condition that those ratios come down to a more realistic level, that we meet the 25 percent.

That is exactly what we did in the State Department authorization bill that was signed into law a month ago. That is exactly what the appropriators are talking about doing. That is the right way to get some sense of efficient management and fair participation in international peacekeeping.

Mr. Chairman, I urge a no vote on the amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, the minority leader characterized this amendment as one of common sense. That is exactly what it is. When it comes to U.N. peacekeeping efforts, the United States contributes an incredible amount of money through logistics, air power, lethal weaponry, and manpower, in addition to cash. The soldiers, the sailors, marines and airmen who risk their lives to provide the wherewithal to keep indigenous people from killing themselves benefit from all of these contributions.

Over the years, I have visited United States soldiers sweating in the Sinai, airmen feeding the peoples of Bosnia and northern Iraq, marines and sailors in Somalia, troops in Desert Storm, the DMZ in Korea, the war zone in Beirut, et cetera, et cetera, et cetera. Through the United Nations, America feeds and nurtures and protects people around the world.

Because of earlier commitments, we provide $75 million for peacekeeping process in the Sinai, in Cyprus, and in Lebanon. That is under the appropriation bills, the Foreign Aid Subcommittee, apart from the provisions of this bill. Again, apart from the provisions of this bill, under the State-Justice appropriation bill, we have been contributing over 33 percent of all current U.N. peacekeeping operations.

Recently, we trimmed down that figure, all the way down to 32 percent, still the most significant proportion of any country in the world. We have 80,000 troops stationed in some 18 U.S. peacekeeping operations around the world, with some eight more countries on the planning boards.

The costs of these operations are borne solely by United States taxpayers, in addition to the 33 percent of the U.N. operations, which costs alone, for Somalia, $1 billion last year, all in addition to the $75 billion in the foreign aid bill.

Mr. Chairman, we also contribute hundreds of millions of dollars to multilateral banks. We spend a total of $14 billion in our foreign aid bill, which is not even discussed here today, for foreign aid of all kinds around the world. It is not too much to ask the United Nations to give us financial credit for the costs of our military effort on behalf of world peace.

Enough is enough. Our taxpayers are overburdened. This would be a very good place to lower the cost of their generosity. The burden of being the beacon of liberty throughout the world should warrant at least some sensible credit and recognition. Accordingly, I urge the adoption of this common sense amendment.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Chairman, I thank my good friend, colleague, and neighbor, the gentleman from California [Mr. DELLUMS] for yielding time to me.

Mr. Chairman, I am glad the gentleman from Louisiana [Mr. LIVINGSTON] is here, because he misspoke, and I would like to correct a statement that he made, and I am sure he will agree with me.

Mr. Chairman, we do not have 80,000 troops in U.N. peacekeeping operations around the world, which is what the gentleman said, I am sure inadvertently. There are 80,000 U.N. peacekeeping troops around the world from many countries. We have 800 U.S. troops in U.N. peacekeeping operations.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I am delighted to yield to my friend, the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I think the gentleman should explain that to the 30,000 United States troops in Korea or the 500 in Macedonia alone, a very small portion of the people.

Mr. LANTOS. Mr. Chairman, if I may reclaim my time, the gentleman knows as well as I do that the United States forces in Korea are not part of U.N. peacekeeping operations. The gentleman knows that as wells I do.

The fact is that the small country of Norway has more peacekeepers in U.N. peacekeeping operations than we do. We have 800, 800 out of the 80,000 peacekeepers who happen to be members of the U.S. Armed Forces.

As I listened to this debate on both sides, I tried to decide what are the issues on which we agree, so let me begin with those.

Mr. Chairman, No. 1, I take it we all agree that the United States pays too large a share of U.N. peacekeeping operations. The Japanese, the Germans, the Kuwaitis, the Saudis, many others should pay a large share of U.N. peacekeeping costs, and we should reduce our payment. We should do so in an orderly fashion.

No. 2, very important, as my friend, the gentleman from California [Mr. BERMAN] pointed out, there is not a single U.N. peacekeeping operation any place on this planet that we could not have stopped with our veto. Every single U.N. peacekeeping operation is in existence with our concurrence, approval, and vote. There is not a single one of the 18 that we objected to.

□ 2010

No. 3. We do not wish to be the policeman of this world. We want to the maximum possible extent other countries participating in peacekeeping activities.

Mr. Chairman, if I may use a local analogy. What the amendment from the other side proposes is something like this: Let us assume that you are in a city and the city taxes are $1,000. This $1,000 is budgeted for the police department and the fire department and the street cleaning department. That is what the city runs on. But you also decide without concurrence or approval by anybody that you will buy $1,000 worth of equipment for a playground and you do it. Nobody approved

of it, nobody budgeted for it. Nobody said that is what we are going to spend our monies on, and then you say having spent $1,000 for equipment on the playground, I will not now pay my city taxes.

Mr. Chairman, this is absurd, and every one of my colleagues on the other side knows that it is absurd.

If this absurd proposal is accepted, I tell Members what will happen next. Russia is currently having troops in Georgia to supplement a U.N. peacekeeping observer team. If we do what the gentleman is proposing, nothing prevents Russia from charging as much of the Russian Army to U.N. peacekeepng obligations as they choose. Nothing prevents the French and the British from charging their cost of preventing overflights in Yugoslavia to their peacekeeping costs.

If my colleagues want to destroy the peacekeeping activity of the United Nations, vote for this ill-advised amendment. If my colleagues want others to carry their fair share of the load, vote against it.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman form Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise in strong support of this amendment. This debate is amazing to me. As I recall last week, we were on the floor in a similar debate. The big issue then was called burdensharing. Many of my colleagues from the other side who spoke in support of the burdensharing amendment were the same ones who got up now and said that the U.N. has to be paid for from Japan and Europe and other countries, but we cannot pull the plug out from under the United Nations at this point in time.

Mr. Chairman, where were these people when we argued in support of President Clinton's partnership for peace which he has unveiled in support of our NATO allies, when we pulled the rug out from under the President last week in this body? I stood up on the floor of the House and I said I want to defend the President, and I want to support Secretary Christopher and Secretary Perry. I want to give them the flexibility.

I cannot believe some of my colleagues who got up and quoted the Secretary of Defense today who laughed at the Secretary last week. That is absolutely beyond my comprehension.

Mr. Chairman, this amendment does not curtail the leadership of President Clinton. What it simply says is that when we respond to a U.N. operation, we should be given credit for our cost. I think the American taxpayers would agree with that. We are not saying we should not comply and help out in these U.N. operations. We are saying we should be given credit for it.

I ask my colleagues that supported the burdensharing amendment last week, here is your chance. This is burdensharing at its best. This is our opportunity to say to Japan, to France, to Germany, cough up the money, support the United Nations financially. Do not make the United States pay for the cost of all these missions that we get dragged into by the U.N. leadership.

Mr. Chairman, this is the real burdensharing amendment. People of America, watch this vote closely. Because what we are saying is we want the President to have flexibility. If the President wants to send our troops on a U.N. mission anyplace in the world, we will support him, but we think our allies through the United Nations should help pay the cost.

Mr. DELLUMS. Mr. Chairman, at this time I would counter by yielding 2 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA.]

Mr. MURTHA. Mr. Chairman, I think we have to be very practical about this money. The chances are, we are not going to have any peacekeeping money in our bill this year. But for us to try to make this an issue when it is actually not an issue is not appropriate.

I remember vividly going down to the White House when President Bush wanted to go to Somalia. I was the only one who spoke up and said, "I don't think this is as good operation." We forced the United Nations into that operation. If we would have had them take an assessment from other countries and pay for the peacekeeping mission based on that assessment, it would have bankrupted the United Nations.

Mr. Chairman, we use the United Nations to our advantage. We sometimes use the United Nations to legitimize our military effort. President Bush did it. President Clinton has inherited it. We have not paid our full U.N. assessment, and it is embarrassing to the United States for us not to pay the legitimate assessment we agreed to.

Mr. Chairman, for us to try by subterfuge to say now that, even though there is an agreement, "Well, wait a minute, we want you to give us credit for our flights into Bosnia because we don't have any troops on the ground," and they should reimburse us for some of this action is not appropriate. It certainly should be discussed when it is legitimate. But to say the flights into Bosnia which are humanitarian aid and in our interest, which we want to do and all of us support, are going to be part of the cost of operating the official U.N. peacekeeping mission, it is just wrong.

From a practical standpoint, we are behind in our regular assessment. I believe our assessment is too high, but we have to negotiate it. We cannot unilaterally say to the people in the United Nations when we use them whenever we want that the assessment is too high and we want to pay in kind.

Mr. Chairman, I would urge the Members of this Congress to be very careful and to vote against this amendment, which sounds good on the surface. Many of us do not want to take peacekeeping money out of the defense budget, and we are trying to avoid that. It now comes out of the State Department budget. But I urge the Members of Congress not to try to pay for peacekeeping in this high-handed method.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, I do not know if the gentleman who is walking away from the microphone would like to listen, but in response to the gentleman from California, I think it is ironic that he would count only 800 United States troops in U.N. peacekeeping operations when the gentleman who just spoke has visited the 30,000 in Korea who are there for peacekeeping, the 12,000 to 14,000 troops in Bosnia are there for peacekeeping. They are feeding people. The 17,000 people who are involved in the feeding of the Kurds in northern Iraq where we had the tragic accident are involved in peacekeeping.

Mr. Chairman, it is ludicrous for the gentleman from California to say that we only have 800 troops involved in peacekeeping efforts. We have thousands and thousands and thousands of troops engaged in helping people around the world to survive. All we are saying is that those people that are involved in those operations should be given some credit against the incredible fees that the United Nations assesses us for other peacekeeping operations.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Chairman, my friend, the gentleman from Louisiana, knows every bit as well as I do that there is a very precise definition of U.N. peacekeeping troops. Those are troops around the globe who are in various locations as a result of United Nations Security Council action. There are 80,000 such troops around the globe, of which 79,200 are not members of the U.S. Armed Forces.

Mr. Chairman, there are lots of American troops in many parts of the globe. We used to have hundreds of thousands as members of NATO all over Europe. They kept the peace. But they were not there as U.S. peacekeeping troops.

I think it is important to get our terminology straight. Our troops in Korea are there to keep the peace.

□ 2020

They are there not as a result of the United Nations resolutions designating them as peacekeeping troops. They have been there since the end of the Korean war.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield further, I think he is quibbling about how many angels can dance on the head of a pin.

Mr. LANTOS. I am not quibbling at all.

Mr. LIVINGSTON. I would like him to explain that to the 40 people killed in Somalia that they were not part of the peacekeeping effort in Somalia.

Mr. LANTOS. Those are the facts.

Mr. LIVINGSTON. I would like to tell him to tell that to the families of the people that were killed. Beyond that, they are losing their lives with some unfortunate degree of regularity. They are peacekeepers. And we are asking to be reimbursed for their efforts.

Mr. LANTOS. Reclaiming my time, the gentleman clearly understands the difference between NATO forces which have been in Europe for two generations and United Nations designated peacekeeping forces wherever they are, in Macedonia, which are there as a result of United Nations resolutions designated as peacekeeping forces. By definition, all American forces are designed to keep the peace. We know what the distinction is.

The 80,000 U.N. peacekeepers have 1 percent U.S. participation.

Mr. LIVINGSTON. The gentleman is incorrect.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to point out in response to the comment by the gentleman from California [Mr. BERMAN] that this amendment does not apply to operations like Desert Storm. The amendment extends only to DOD costs related to peacekeeping operations.

Desert Storm was a war, not a peacekeeping, peacemaking, peace-enforcing, or similar operation. Desert Storm-type operations in the future are exempted from this amendment by the very definition in the section.

I further submit that I recognize that not everyone in this Chamber agrees with the approach that we are suggesting of an in-kind credit proposed by the amendment, but to those who object to that approach, I think it is only fair to ask: What is the alternative solution? How do you propose to pay off the $1 billion peacekeeping arrearages we will have at the end of this fiscal year? And how shall we pay off the $1.8 billion arrearages we may have at the end of next year?

So before you reject this amendment's approach, make certain that you have an alternative for finding the money for paying the growing U.N. peacekeeping assessment.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am happy to yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding.

Calling a tail a leg does not make it one. Definition: United Nations peacekeeping activities means any international peacekeeping, peacemaking, peace-enforcing, or similar activity authorized by the U.N. Security Council under chapter 6 or chapter 7 of the U.N. Charter. Desert Storm and Desert Shield were both authorized activities under the U.N. Charter, under chapter 7.

This absolutely does not exclude Desert Storm. If Desert Storm applied when this was in effect, no money would be paid for the next 25 years.

Mr. GILMAN. Reclaiming my time, even though Desert Storm was authorized by the Security Council under chapter 7, that does not necessarily make it peacemaking or peacekeeping.

Mr. BERMAN. What was it? It was not knitting.

Mr. DELLUMS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BERMAN] to conclude his comments.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Desert Storm was a chapter 7 U.N. operation for peacemaking. It was covered by this. You can say it all you want that it is not covered, Desert Storm was not covered. I understand why you have to say it was not covered, because if Desert Storm is covered, it shows what this resolution does. It prohibits any U.N. dollars for any international peacekeeping operation for the next 25 years. You have to support that, so you have to say it is excluded. Well, it is not.

Mr. GILMAN. If the gentleman will yield, the Desert Storm operation we all know was a hostile war.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, as the chairman of the subcommittee for 13 years that handles the funding for the U.S. assessed contributions to the United Nations, I want to lay out some unvarnished facts here.

We have both voluntary and assessed contributions. We are talking about the assessed contributions.

They are established as a result of a treaty, and these assessments are the law of the land. They are owed until the treaty is changed.

About 10 years or so ago, there were only a few peacekeeping operations for which we were making assessed contributions. One of those was $18 million for the U.N. Interim Force in Lebanon [UNIFIL]. But then the United Nations with our vote and support, voted to establish peacekeeping forces for many world problems. Then, they would say, "Well, we have solved that."

The last 4 or 5 years our subcommittee has been demanding that the U.N. establish criteria and that they not vote for all of these peacekeeping operations every time a problem came up. We were the ones that, in our subcommittee, tried to do something about this. These criteria were not established until the last month. These criteria mean that the United States will not support new peacekeeping operations unless certain requirements are met.

After Ambassador Albright took office a year ago last January, I went up to the United Nations. I spent a day or two up there, and I know that she wants to do something about reducing U.S. assessments. She came to my office. She came to our subcommittee hearing, and she has indicated she wants to do something about negotiating a better deal that we have now.

Secretary General Boutros-Ghali came to my office. He started telling me about how wonderful these peacekeeping operations are. I explained to him that he did not need to go through that process. The facts were we did not have the money and were not going to have the money and were not going to contribute the amount of money that he wanted for peacekeeping operations. When he left, I think he understood better what the situation is.

We then did not appropriate all of the requests for the U.S. assessed contributions, so we would get some leverage. The arrearages will amount to $1.2 billion by the end of fiscal year 1994 and we have the leverage so that we can negotiate the kind of a deal we need.

I was one of those who suggested we get credit for the expenses that our troops incur in participating in peacekeeping operations, and I think it was the right thing to do. But I never did think that you could completely offset the U.S. assessment. After all, if we completely offset our assessment, it would be extremely difficult to maintain these peacekeeping operations. But it is the right approach to take in our negotiations.

We generally do not provide U.S. troops for a good reason. Troops from the Third World countries are generally more politically acceptable than troop provided from the major world countries. But the troops that are provided for peacekeeping operations have got to be paid. It is in our interest to curtail any new peacekeeping operations to make sure they meet the new criteria, but it is not in our interest to make it impossible to have any more peacekeeping operations.

That is what this amendment would do.

For example, the gentleman from California mentioned U.N. peacekeeping operations in Georgia. In Georgia, if we do not have U.N. peacekeeping forces, the Russians will furnish all the troops, and we do not want the Rus-

sians to have all the troops in Georgia. It is better to have a U.N. presence there than to have the Russians have all the troops in Georgia. So this amendment, I say to you, has some appeal probably with some people. But it is too severe. You cannot say you will not have any more peacekeeping operations until or unless you are going to get all the credit for all the expenses that we may have. It is too severe, and I think we ought to defeat this amendment.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am completely amazed at how my friends on the other side of the aisle can take a logical proposition and turn it on its head. I hear this amendment described as shutting down U.N. peacekeeping operations. For those who make such claims, I urge you to read the amendment.

I would like to read part of the amendment at this time:

> Funds may be obligated or expended for payment to the United Nations of the United States assessed share of peacekeeping operations for that fiscal year only to the extent that such assessed share exceeds the total amount identified, reduced by the amount of any reimbursement or credit to the United States by the United Nations for the costs of the United States' support for, or participation in, U.N. peacekeeping activities.

□ 2030

That is all it says. Right now this country pays approximately 33 percent of the cost of U.N. peacekeeping operations.

I do not know what my colleagues hear from people back home, but where I come from people think we are already paying too much. Yet in addition to this 33 percent assessment, we are also paying the additional unreimbursable cost accrued by the Department of Defense in support of these operations.

In Bosnia, we are paying one-third, approximately, of all the costs of all the troops from Great Britain, from France, from all of the other nations who have personnel on the ground. In addition, however, we are paying all the costs of our ships and sailors and airman in the Adriatic flying support of the rescue operation.

We ought to deduct all those expenses from the one-third assessment that the United Nations asks us to pay—that is all the amendment says. All the rest of the rhetoric we are hearing is simply a smokescreen.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Minnesota, [Mr. PENNY].

Mr. PENNY. I thank the gentleman for yielding this time to me.

Mr. Chairman, this amendment would require the United States to make a dangerous choice:

Either cease all military actions in support of United Nations Security Council resolutions, including: defending South Korea; enforcing the no-fly zone and NATO ultimata in Bosnia; enforcing sanctions against Serbia, Haiti and Iraq; and supporting Operation Provide Comfort in North Iraq and Southern Watch in southern Iraq.

Or force the shut-down of all existing U.N. peacekeeping operations.

Either way, important U.S. interests in the Middle East, Europe, Latin America and Asia would be left undefended.

This amendment would require us to deduct from our U.N. peacekeeping assessment any nonreimbursed expenses incurred by the Department of Defense directly or indirectly in support of U.N. peacekeeping operations.

The premise of the amendment is obviously attractive and seems fair. But in fact, it could have unintended consequences seriously harmful to our national interests.

The United States in fact is reimbursed for most of our direct DOD expenses on behalf of peacekeeping activities. The United States does perform other activities related to U.N. peacekeeping because they are in our national interest, not simply as a favor to the United Nations.

Our current approach to these issues has been supported by administrations both Democratic and Republican, for many, many years. This amendment has tremendous political appeal, but it flies in the face of years of tradition. It undercuts the authority of the United Nations at a time in our history when we need a stronger, not a weaker, voice for international stability and cooperation. The United States is free to decide always on a case-by-case basis when to participate and when to refrain from participation in U.N. peacekeeping operations. Our commitment to both the United Nations and to various peacekeeping efforts is essential in this post-cold war era.

I strongly urge rejection of the Gingrich amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania, [Mr. WELDON].

Mr. WELDON. I thank the gentleman for yielding this time to me.

Let us set the record straight: This issue is not about pulling out of the United Nations, this issue is not about undermining President Clinton; this issue relates back to what was debated on this House floor last week. It is called burden sharing. Remember what we heard in this body? The allies need to pay their fair share. No more free lunches, no more free rides. Let me read some of the quotes from the CONGRESSIONAL RECORD of May 19 which I have in front of me, Mr. Chairman.

Let me read a few quotes. The majority whip said, and I quote:

> Mr. Chairman, there was once a time when America needed to foot the bill to defend our allies.

He went on to say:

> With this amendment, we are saying it is time for our European allies to pay their fair share too. It is not like they cannot afford it, Mr. Chairman.

Another speaker said, in terms of the amendment we were debating last week, "It is called responsibility-sharing. That is fine with me. I do not care. The politically correct thing now is responsibility-sharing. We need to have our allies pay their fair share."

Another of our colleagues spoke on the floor. As a matter of fact, she spoke on the floor tonight. And what did she say last week? "I want to tell you how my constituents respond when asked the question, 'Should our allies bear more of the costs of their defense?' They respond with an overwhelming 'yes'." She goes on to talk about asking Europeans to pay their fair share when they say they cannot afford it. Mr. Chairman, that is what we are doing. We are saying, when we commit to a United Nations operation, why cannot all of the allies—the Europeans, the Japanese, the French, the Germans—why can they not pay part of the bill?

Mr. Chairman, this is burden-sharing; this is burden-sharing at its best.

One of our other colleagues got up on the House floor and he said, "We are subsidizing to the tune of billions of dollars the economies of our European allies by letting them off the hook when it comes to paying their fair share. And that is all we are talking about, paying their fair share for their own defense."

Another of our colleagues got up and made the same point.

Mr. Chairman, I could go through the entire CONGRESSIONAL RECORD on that debate. The facts are very simple: We need to have our allies, through the United Nations, reimburse us for the costs that we bear in sending our troops for missions overseas. That is all that this amendment does. It does not undermine the United Nations, it does not undermine our role, and it does not say that we are not going to support this President when he commits our troops to a U.N. operation. It says one simple thing: Give us credit for our costs and help in the form of our allies paying for the costs associated with this and not have us bear the costs alone.

I think we should support this amendment. It is common sense. It is burden-sharing at its best.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WELDON] has expired. The gentleman from California [Mr. DELLUMS] has 1 minute remaining to close the debate.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Under the rule the gentleman is entitled to strike the requisite number of words and is now rec-

ognized for 5 minutes in addition to the 1 minute remaining, for a total of 6 minutes.

Mr. DELLUMS. I thank the Chairman.

Mr. Chairman and members of the committee, we come to the close of the debate. My first observation would be, as you listen very carefully to this debate, it is a classic example of why significant policy with such extraordinary implications should not be offered on the floor and debated on the floor when you have not had adequate time in the context of committee proceedings to deliberate carefully. None of us knows the awesome implications of this amendment. This is not the place to simply offer an amendment without having laid the prefatory base for this amendment.

Having made that observation, Mr. Chairman, I rise in opposition to the Gingrich amendment because I believe this is bad foreign policy, from whatever vantage point one views it.

□ 2040

The amendment would unilaterally change the mechanism by which U.S. assessments for U.N. peacekeeping operations are determined and paid. It would limit our U.N. peacekeeping contributions in a fashion that would do damage, in this gentleman's opinion, to our overall foreign policy and, Mr. Chairman, to national security interests.

This amendment may appeal to some because it appears to hit hard at the United Nations. I would suggest that this amendment is rather anti-United States rather than anti-United Nations. It strikes at the heart of American interests in preventing wars from erupting and expanding.

First, let us be clear on what this amendment does. It says:

> Total up everything we spend on military operations that are endorsed by the United Nations, including those that we undertake on our own outside any United Nations administrative framework; then unilaterally recalculate the U.S. assessment for U.N.-conducted peacekeeping by subtracting from this assessment the total of our own expenditures.

Mr. Chairman, several points:

First, again this is bad foreign policy. It unilaterally revises our international obligations; in this case to the United Nations, without any attempt at negotiating first if we have any valid concerns.

Second, Mr. Chairman, the administration is working to reduce our share of U.N. peacekeeping assessments to 25 percent from around 30 to 31 percent. Let us allow the diplomats to do their job.

Third, Mr. Chairman, the Gingrich amendment would hinder attempts of future administrations to turn to the United Nations for involvement and sanction when our Government determines that we should undertake operations in support of international peacekeeping or humanitarian needs, as George Bush did in Operations Desert Shield and Desert Storm. Why would the United Nations give us cover for such operations if doing so would automatically reduce our required contribution to the U.N. budget?

Next point: In this post-cold-war world, we need the United Nations to have more peacekeeping capacity, Mr. Chairman, not less. By reducing the predictability of the American commitment, this would place a large boulder in the path to a stronger U.N. peacekeeping capacity. Do we want our only option in the next Rwanda to be to commit U.S. forces? Or, as the administration suggests, do we want to build a stronger mechanism where international forces, generally without U.S. ground force participation, can be sent to resolve humanity's worst nightmares?

Finally, Mr. Chairman, more generally, if we start unilaterally picking and choosing which of our international obligations to accept, why should other countries not do the same? Why should other countries not decide not to be bound by their U.N. obligations, and proceed to sell nuclear technologies to Saddam Hussein if they so desire? We must build a world of law and of predictable international relations. This amendment would be a giant step backward.

Mr. Chairman, the Secretary of Defense, the Secretary of State, are in opposition to this amendment, and I would think that any reasonable person in these Chambers would want to oppose this amendment.

The implications of this amendment are far-reaching. As a matter of fact, I tried to talk the authors of this amendment out of offering this amendment, allowing the gentleman from South Carolina and this gentleman to raise this issue in the context of the Committee on Armed Services, allow the Committee on Foreign Affairs to address this issue, let us deliberate substantively on a clear matter that has such extraordinary foreign policy implications that it should be not at the eleventh hour in an amendment drawn on the floor of Congress, ill-conceived, ill-advised, misdirected and inappropriate.

With those observations, Mr. Chairman, I would conclude by asking my colleagues to solidly reject this amendment, and let us go forward with reason and sanity.

The CHAIRMAN. Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPENCE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPENCE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 221, not voting 26, as follows:

[Roll No. 198]

AYES—191

Allard	Gillmor	Moorhead
Andrews (NJ)	Gilman	Myers
Applegate	Gingrich	Nussle
Archer	Goodlatte	Orton
Armey	Goodling	Oxley
Bachus (AL)	Goss	Packard
Baker (CA)	Grams	Paxon
Baker (LA)	Green	Petri
Ballenger	Greenwood	Pombo
Barcia	Gunderson	Portman
Barrett (NE)	Hall (TX)	Poshard
Bartlett	Hancock	Pryce (OH)
Barton	Hansen	Quillen
Bateman	Hastert	Quinn
Bentley	Hayes	Ramstad
Bereuter	Hefley	Ravenel
Bilbray	Herger	Regula
Bilirakis	Hobson	Ridge
Bliley	Hoekstra	Roberts
Blute	Hoke	Rogers
Boehlert	Houghton	Rohrabacher
Boehner	Huffington	Ros-Lehtinen
Bonilla	Hunter	Roth
Bunning	Hutchinson	Royce
Burton	Hyde	Sangmeister
Buyer	Inglis	Saxton
Callahan	Inhofe	Schaefer
Calvert	Istook	Schiff
Camp	Jacobs	Sensenbrenner
Canady	Johnson, Sam	Shaw
Castle	Kasich	Shays
Chapman	Kim	Shuster
Clinger	King	Skeen
Coble	Kingston	Smith (MI)
Collins (GA)	Klug	Smith (NJ)
Combest	Knollenberg	Smith (OR)
Condit	Kolbe	Smith (TX)
Cooper	Kyl	Snowe
Cox	Lambert	Solomon
Crane	Lazio	Spence
Crapo	Levy	Stearns
Cunningham	Lewis (CA)	Stenholm
Deal	Lightfoot	Stump
DeFazio	Linder	Sundquist
DeLay	Lipinski	Talent
Diaz-Balart	Livingston	Tauzin
Dickey	Lucas	Taylor (MS)
Doolittle	Machtley	Taylor (NC)
Dornan	Maloney	Thomas (CA)
Dreier	Manzullo	Thomas (WY)
Duncan	Mazzoli	Torkildsen
Dunn	McCandless	Torricelli
Ehlers	McCollum	Traficant
Emerson	McCrery	Upton
Everett	McDade	Volkmer
Ewing	McHale	Vucanovich
Fawell	McHugh	Walker
Fields (TX)	McInnis	Walsh
Fowler	McKeon	Weldon
Franks (CT)	McMillan	Young (AK)
Franks (NJ)	Meyers	Young (FL)
Gallegly	Mica	Zeliff
Gallo	Miller (FL)	Zimmer
Gekas	Molinari	

NOES—221

Abercrombie	Browder	Coyne
Ackerman	Brown (FL)	Cramer
Andrews (ME)	Brown (OH)	Danner
Andrews (TX)	Bryant	Darden
Bacchus (FL)	Byrne	de la Garza
Baesler	Cantwell	DeLauro
Barca	Cardin	Dellums
Becerra	Carr	Derrick
Beilenson	Clay	Deutsch
Berman	Clayton	Dicks
Bevill	Clement	Dingell
Bishop	Clyburn	Dixon
Blackwell	Coleman	Dooley
Bonior	Collins (IL)	Durbin
Borski	Collins (MI)	Edwards (CA)
Brewster	Coppersmith	Edwards (TX)
Brooks	Costello	Engel

English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gilchrest
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—26

Barlow
Barrett (WI)
Boucher
Brown (CA)
Conyers
de Lugo (VI)
Faleomavaega (AS)
Fish
Ford (MI)
Ford (TN)
Gibbons
Grandy
Horn
Lewis (FL)
Lloyd
Michel
Ortiz
Pickle
Santorum
Sharp
Stark
Underwood (GU)
Valentine
Washington
Whitten
Wolf

□ 2103

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. CUNNINGHAM. Mr. Chairman, today I rise to discuss two important provisions of H.R. 4301. The first provision is the military pay raise. The second provision concerns the cost of living adjustments [COLA] for military retirees.

On the subject of the military pay raise, I am pleased with the committee's action. This year, the Armed Services Committee, of which I am a member, rejected the President's requested 1.6 percent pay raise and approved the full 2.6 percent pay raise which is due to our service men and women. This initiative by the committee corrected the shortcomings in the President's pay proposal. I note that this provision mirrors the proposal in the fiscal year 1995 Republican budget, written by the distinguished gentleman from Ohio [Mr. KASICH].

Mr. Chairman, the U.S. Military is the best-trained, best-equipped fighting force in the world. The young men and women who serve in the military must be rewarded for their hard work. These people put their lives on the line every day to protect the security of the United States. It is the duty of Congress to provide them with adequate compensation. More importantly, it is the law. I urge my colleagues to support this provision of the Defense Reauthorization Act.

Mr. Chairman, I would also like to register my strong support for the cost of living adjustments for military retirees. The House Armed Services Committee approved payment of the fiscal year 1995 cost of living adjustments for military retirees on the same schedule as Federal civilian retirees. As a military retiree, I strongly believe in fair pay for current and retired military personnel, and I understand that workers come to rely on their COLA's.

The administration had proposed delaying the COLA for military retirees for several months, in effect, decoupling them from the civilian retirees. This treatment is unfair. Fortunately, H.R. 4301, as reported corrects this. The bill before us ensures that military retirees will get their COLA on time. This provision has my strong support.

Mr. Chairman, it is time to stop targeting military personnel and retirees in an attempt to balance the Federal budget. I strongly support both the pay raise provision and the provision that will provide for cost of living increases. Fair pay is the right thing to do, and the time to do it is now.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having assumed the chair, Mr. DURBIN, Chairman of the Committee of the Whole House on the State of the union, reported that the Committee, having had under consideration the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unavoidably absent from proceedings of the House on Tuesday, May 24 owing to the death of my mother.

Had I been here, I would have voted as follows: Rollcall vote No. 193, "aye"; rollcall vote No. 194, "nay"; rollcall vote No. 195, "aye"; rollcall vote No. 196, "aye"; rollcall vote No. 197, "nay"; and rollcall vote No. 198, "nay".

PERSONAL EXPLANATION

Mr. BARLOW. Mr. Speaker, I was absent Tuesday May 24, 1994. Altogether, I was not present for rollcall votes 193, 194, 195, 196, 197, and 198.

On May 24, I would have voted "yes" on the final passage of H.R. 4453, the Military Construction Appropriations Act, rollcall 193; "no" to the Hansen amendment to H.R. 4301, the Defense Authorization Act, rollcall 194; "yes" to the Harman amendment to H.R. 4301, rollcall 195; "yes" to the Dellums amendment to H.R. 4301, rollcall 196; "no" to the Goss amendment to H.R. 4301, rollcall 197; and "no" to the Spence amendment to H.R. 4301, rollcall 198.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the actions taken today on the bill, H.R. 4301.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, May 17, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith the resolutions (originals plus one copy) approved today by the Committee on Public Works and Transportation.

Sincerely,

NORMAN Y. MINETA,
Chair, Committee on Public Works and Transportation.

NOTICE OF INTRODUCTION OF PRIVILEGED RESOLUTION REGARDING INVESTIGATION OF HOUSE POST OFFICE

Mr. KLUG. Mr. Speaker, pursuant to the provisions of rule IX of the rules of the House, I wish to give formal notice of calling up House Resolution 436 as a privileged resolution.

This rule specifies that the Speaker within 2 legislative days, shall schedule the matter, and I ask that the Speaker coordinate with my office in that scheduling to occur within 2 legislative days.

Mr. BOEHNER and Mr. ROBERTS have joined with me in sponsoring this resolution.

Essentially, this resolution instructs the Committee on Standards of Official Conduct to immediately investigate

any alleged violation, by any Member, officer, or employee of the House, of the Code of Official Conduct or of any law, rule, regulation pursuant to the House Post Office, and shall report to the House and to the public, its findings not later than September 30, 1994.

According to the rule, the Speaker has 2 legislative days to fix a time that he considers proper for the House to consider this matter. I will cooperate with the Speaker to choose a mutually convenient time within that period for the House to consider this resolution.

I ask unanimous consent that the form of this resolution be printed in the CONGRESSIONAL RECORD at this point as though read.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the resolution is as follows:

H. RES. 436

Whereas allegations reported in public and made in official Department of Justice court documents that personnel of the House Post Office provided illegal cash to certain Members in three ways: (1) cash instead of stamps for official vouchers, (2) cash for postage stamps which had earlier been purchased with official vouchers, and (3) cash for campaign checks;

Whereas the Department of Justice has secured admissions of criminal guilt regarding past activities in the House Post Office;

Whereas multiple concerns and allegations of possible wrongdoing by House employees, a House officer, and Members had been raised within the report of the House Administration Committee Task Force to Investigate the Operation and Management of the House Post Office;

Whereas all these allegations directly affect the rights of the House collectively, its safety, dignity, and the integrity of its proceedings, and the rights, reputation, and conduct of its Members;

Whereas Article I, Section 5, of the Constitution gives each House of Congress responsibility over disorderly behavior of its Members; and

Whereas the Committee on Standards of Official Conduct has jurisdiction over the conduct and behavior of current House Members, officers, and employees, including investigatory authority, and is the appropriate body of this House to conduct any inquiry: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is instructed to immediately investigate any alleged violation, by any Member, officer, or employee of the House, of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct that is related to activities, described by or referred to in, documents that it received on July 22, 1992, from the Committee on House Administration pertaining to the House Administration Committee Task Force to Investigate the Operation and Management of the House Post Office investigation. Not later than 60 days after this resolution is agreed to and periodically thereafter, the Committee on Standards and Official Conduct shall report to the House the status of this investigation. Not later than September 30, 1994, the Committee on Standards of Official Conduct shall report to the House its findings of fact and recommendations on possible disciplinary actions.

□ 2110

SPECIAL ORDERS

The SPEAKER. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DRIFT AND DISORDER IN THE CLINTON FOREIGN POLICY

The SPEAKER pro tempore (Mr. WISE). Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, during this Member's service on the Committee on Foreign Affairs, I have sought to operate in a bipartisan manner. This Member has always adhered to the old adage that politics should stop at the water's edge. On many issues, from South Africa to Chile to China, this Member worked with his colleagues on the other side of the aisle, in order to forge a consensus policy. Therefore, this Member rises to voice his concerns about the Clinton administration's foreign policy with great reluctance and only after considerable thought.

But this Member cannot, and this House should not, remain silent in the face of the increasingly troublesome drift in American foreign policy; a drift that, if allowed to continue, will have a devastating effect on international stability, the world economy, and the influence and well-being of the United States. It is this Member's fear, for example, that the administration's indecision and uncertainty on the proper role of military force in U.S. foreign policy is undermining the U.S. status as leader of the free world. Moreover, this lack of understanding of how and when to use military force is actually increasing the likelihood that we will become engaged in a conflict.

Mr. Speaker, the American public elected a President who clearly identified domestic policy and especially the economy as the primary focus of his administration. Repeating the slogan "It's the economy, stupid!", candidate Bill Clinton never hid his apparently disdain for the importance of foreign policy and defense and security matters.

But, while a presidential candidate may cavalierly ignore foreign policy matters or take positions of political convenience on such matter, the leader of the free world does not have that luxury. The President of the United States is the Commander-in-Chief of the armed forces of the world's greatest democracy and most powerful nation. As such, he cannot be disengaged from the world scene. The President cannot get involved only when it suits him. The President must learn that a coherent policy cannot be achieved by postponing decisions until an international crisis has spun out of control. The President must learn that achieving a coherent U.S. foreign policy is sometimes difficult and always important.

As Karen Elliot House noted in the May 4, 1994, edition Wall Street Journal, "the paradox of Mr. Clinton is that he is smart enough to understand that America is inextricably linked to trends and event beyond its borders; so far, however, he hasn't been wise enough to recognize his rhetoric must have some connection to reality." The President or his key policy spokespersons cannot, for example, repeatedly threaten air strikes, or invasions, or other military operations without undermining the credibility of the United States and reducing the effectiveness of those options and reducing available options.

The inevitable result is that we have come to the position where rogue regimes and international outlaws are concluding that America neither says what it means nor means what it says—and that there seems to be little, if any, penalty for challenging the international order. Let me offer just a few examples.

In the case of North Korea's blatant efforts to achieve a highly destabilizing nuclear capability, President Clinton announced, absolutely and unequivocally, that America would not tolerate even one North Korean nuclear device. However, North Korea has continued to defy both the United States and the International Atomic Energy Agency [IAEA], and it has subsequently been revealed that Pyongyang already possessed sufficient fissile material to build several bombs. The U.S. response—which has vacillated between shrill denunciations and threats of reprisals, and muted offers of concessions if North Korea would return to the negotiating table—has severely undermined our leadership on this volatile issue. Not surprisingly, our friends and allies in the region look at the U.S. response with considerable skepticism.

This Member would also point to the matter of the arms embargo for Bosnia. Over the past year, the administration has repeatedly suggested to our allies that the embargo to be lifted and the Bosnian Moslems be allowed to arm themselves. Our allies have unanimously rejected this proposal. I raise this concern because this body will, after we return after the Memorial Day district work period, vote on an amendment to the Defense authorization that would lift the arms embargo. And, Mr. Speaker, the administration—which for over a year has publicly supported the lifting of the embargo—has now pulled out all stops to defeat the amendment.

It seems that the administration has second thoughts now that the legislative branch wants to encourage action instead of empty rhetoric.

The ongoing crisis in Haiti is equally alarming. President Clinton has repeatedly threatened to use force to return Mr. Aristide to power. Yet the junta that rules in Port-au-Prince no longer takes these threats seriously. As a result, the administration has been reduced to tightening an embargo that primarily punishes the poor and suffering masses. The administration's treatment of the asylum issues has been equally erratic, and has been driven in large part by wholly inappropriate domestic political considerations. The perception is that the administration had allowed our asylum policy to be dictated by Randall Robinson's fasting, and this must not be allowed to happen. The net result is that the military junta remains firmly in control of Haiti, and a tide of refugees has once again taken to the water and to building boats in an attempt to escape the deprivation that our embargo is accentuating. Equally disturbing, the Clinton administration's policy failure with regard to Haiti seems to have provided a ready-made excuse for intervening to restore President Aristide, an effort that clearly would be inappropriate.

Mr. Speaker, these and other fiascos have resulted in a startling decline in international credibility for the United States. Our adversaries, the rogue regimes and potential aggressor nations of the world, are encouraged by every new misstep.

ELECTORAL REFORM IN MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, during the debate over NAFTA, important questions were raised about the relationship between free trade and issues of democracy and human rights. Congress was told time and time again that with the promotion of free trade there would be a corresponding impetus toward true democracy in Mexico. I wish that I could report that there is a light at the end of a very long and dark tunnel for the Mexican people.

Mexico's ruling revolutionary institutional party has maintained power since 1929. It continues to maintain exclusive control over Mexico's electoral apparatus, including voter registration lists and processes, vote tabulation systems, and all bodies responsible for election oversight, review, and certification.

The PRI, as its known in Mexico, has shown little inclination towards giving up power. They have selected their candidate for the upcoming presidential elections as they always have. The process was more a coronation than any pretense towards democracy. Now, the PRI is going about the business of making sure their anointed candidate wins the election. Again, as in the past, there is little that the PRI will not do to make sure that happens.

The Inter-American Commission on Human Rights of the Organization of American States has found Mexico in violation of Article 23 of the American Convention on Human Rights, which requires the holding of genuine elections that guarantee the free expression of the will of the voters.

The Salinas government talks of the need for political reform. Yet, the PRI, the party which Mr. Salinas is the head of, systematically has used fraud and intimidation in many of the local elections leading up to the presidential election this August. Electoral irregularities and fraud were widely reported during elections held in the State of Yucatan in December 1993, including voter turnout rates that approached or exceeded 100 percent in at least 20 voting districts and a statewide electrical power failure as ballots were being counted. Specific instances of electoral fraud were also widely reported during elections held in the State of Morelos in March 1994, including massive manipulation of the electoral registry.

In the course of the current political campaign, the vicious cycle of political violence and corruption in Mexico has already claimed the lives in the PRI's first presidential candidate, Luis Donaldo Colosio, and subsequently, the police chief of Tijuana who was investigating the case. Mr. Colosio, who was a reformist while president of the PRI in the late 1980's, was considered to be the candidate with the strongest inclination toward political change.

Police Chief Jose Frederico Benitez Lopez had simply raised doubts about the Mexican government's account of the political assassination.

While the Mexican government has been making promises for electoral reform to the United States Government for the past couple of years, mainly in order to get NAFTA passed, the Mexican people have heard these same promises for decades. Years and years of broken promises have piled up. Is it any wonder that the Mexican people doubt their own leaders when they talk of reform? Is it any wonder that the Mexican people have begun to take matters in their own hands?

Is it any wonder that there was an uprising in Chiapas? In alarm, the Mexican government has tried to placate the people in Chiapas with food and offers of land. Mr. Salinas tried to calm the situation by offering a pardon to their leader, Subcommandante Marcos. But like Marcos, the Mexican people have rejected these offers. Like Marcos, the Mexican people have rejected these offers. Like Marcos, the Mexican people are no longer interested in more pardons and paternalism.

The Mexican people are a proud nation. Yet, the Mexican Government acts as if they were bestowing a gift to the people when speaking of electoral reform. In return for the mere talk of reform, gratitude—and silence—is expected.

People from all over Mexico, like Marcos, are beginning to ask: what do the Mexican people have to be grateful for? Of not dying of hunger? Of living in one of the slums along the border? Of having to fight for what they believe in? For the basic rights of liberty, justice and democracy that any free people are entitled to?

And to whom exactly should they be grateful to? To those Mexican elites who for years and years have kept them down? To the U.S. corporations who give the Mexican people a couple of dollars for a hard day's work? To the Mexican Government for promising everything under the Sun but delivering nothing? To the U.S. Government for signing NAFTA?

There is a price to pay for ignoring a people's longstanding calls for true democracy and justice as illustrated by the rebellion in Mexico's poorest State. Chiapas. The rebellion should serve as a reminder to those who set policies and priorities in Mexico—and here in the United States as well—that a people wanting change will be ignored for only so long.

This year Mexico is facing one of the most pivotal national elections in its history. Mexico now has before it both the opportunity and the challenge to achieve desperately needed political and social reforms.

We, in the United States, have a solemn duty to support this process of reform in Mexico. It is not enough to simply enrich big business and the Mexican elites through trade agreements like NAFTA. It is our duty to see that all people, both Mexican and American, are truly free and prosperous. The way the upcoming elections in Mexico are conducted will say much about whether that country is on the road to true democracy or not.

□ 2120

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 24, INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. No. 103-527) on the resolution (H. Res. 439) waiving points of order against the conference report to accompany the bill (S. 24) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4385, NATIONAL HIGHWAY SYSTEM DESIGNATION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept No. 103–528) on the resolution (H. Res. 440) providing for consideration of the bill (H.R. 4385) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING A CERTAIN REQUIREMENT WITH RESPECT TO CONSIDERATION OF A RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4426, FOREIGN OPERATIONS APPROPRIATIONS BILL, 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–529) on the resolution (H. Res. 441) waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules, which was reported to the House Calendar and ordered to be printed.

HEALTH CARE REFORM VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the votes on health care reform which took place in the Labor-Management Relations Subcommittee of the Committee on Education and Labor on May 24, 1994:

COMMITTEE ON EDUCATION AND LABOR—SUBCOMMITTEE ON LABOR MANAGEMENT RELATIONS

HEALTH CARE MARK-UP, MAY 24, 1994

The following recorded votes were taken on May 24, 1994 in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman Williams' substitute proposal for H.R. 3600, the Health Security Act of 1994:

1. An amendment by Mr. Fawell to provide uniform remedies under the Chairman's mark by striking the punitive and actual damages (including compensatory and consequential damages) available in cases involving claims disputes. The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay."
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay" by proxy.
Mr. Klink, "nay."
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Green, "nay" by proxy.
Ms. Woolsey, "nay."
Mr. Romero-Barceló, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Barrett, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea" by proxy.
Mr. Hoesktra, "yea" by proxy.
Mr. McKeon, "yea."

2. An amendment by Mr. Fawell to restore in several respects the type of federal uniformity that is currently served by ERISA preemption which is eliminated by certain provisions under H.R. 3600 as contained in the Chairman's mark. In particular, this amendment would (1) eliminate the provision which would allow states to require benefits in excess of the comprehensive benefit package for corporate and regional alliances, (2) eliminate the requirement that fee-for-service plans under corporate alliances use the negotiated fee schedules applicable to regional alliances, (3) preserve current ERISA preemption rules during the transitional insurance reform period, and (4) eliminate the application to corporate alliances of the single-payer state-wide and regional alliance options. Under the Chairman's mark, corporate alliances are redefined as "experience rated plans" and regional alliances are redifined as "consumer purchasing cooperatives" and "community rating areas." The amendment was rejected 10–17.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay."
Mrs. Unsoeld, "nay."
Mrs. Mink, "nay" by proxy.
Mr. Klink, "nay."
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Green, "nay."
Ms. Woolsey, "nay."
Mr. Romero-Barceló, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, "yea."
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea" by proxy.
Mr. Armey, "yea" by proxy.
Mr. Barrett, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea" by proxy.
Mr. Hoekstra, "yea" by proxy.
Mr. McKeon, "yea" by proxy.

3. An amendment to the Williams amendment by Mr. Gunderson to provide employers with more than 50 employees the flexibility to choose between community-rated health plans (i.e. "Regional Alliances") and experienced-rated health plans (i.e. "Corporate Alliances"), including self-insured health plans. In addition, the amendment would require the Secretary of Labor to develop an appropriate risk adjustment program for all self-insured employers in the event there is significant adverse risk selection against community-rated health plans. The amendment was rejected 11–17–1.

DEMOCRATS

Mr. Williams, "nay."
Mr. Ford (ex officio), "nay" by proxy.
Mr. Clay, "nay" by proxy.
Mr. Kildee, "nay" by proxy.
Mr. Miller (CA), "nay" by proxy.
Mr. Owens, "nay" by proxy.
Mr. Martinez, "nay" by proxy.
Mr. Payne, "nay."
Mrs. Unsoeld, "nay" by proxy.
Mrs. Mink, "nay."
Mr. Klink, "nay."
Mr. Murphy, "nay" by proxy.
Mr. Engel, "nay" by proxy.
Mr. Becerra, "nay."
Mr. Green, "yea."
Ms. Woolsey, "yea."
Mr. Romero-Barceló, "nay" by proxy.

REPUBLICANS

Mrs. Roukema, present/pass.
Mr. Goodling (ex officio), "yea" by proxy.
Mr. Gunderson, "yea."
Mr. Armey, "yea" by proxy.
Mr. Barrett, "yea."
Mr. Boehner, "yea" by proxy.
Mr. Fawell, "yea."
Mr. Ballenger, "yea" by proxy.
Mr. Hoekstra, "yea" by proxy.
Mr. McKeon, "yea" by proxy.

THE TRUTH COMES OUT WITH GATT

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, the old international dispute between Mexico and the United States over the U.S. 1972 Marine Mammal Protection Act which bans the use of tuna nets to catch dolphins has resulted in the European Community jumping into the dispute with charges of their own.

The European Community is the winner and the United States and the dolphins are the losers with a GATT [General Agreement on Tariffs and Trade] dispute panel ruling the American ban illegal because GATT does not allow trade bans based on production methods. Production method is a fancy name for a net but, it still means that dolphins will be killed.

Mexico originally complained to GATT and won a dispute panel ruling against the United States in 1991. The GATT panel determined that GATT barred any administrative law that attempts to regulate wildlife outside a nation's borders.

Mexico, however, did not push the original GATT ruling according to the Wall Street Journal, because it feared the dispute would spoil Mexico's chances for Congressional approval for a North American Free-Trade Agreement [NAFTA].

Fortunately for the United States, the GATT ruling is just in time for Americans to discover how GATT really works before we vote on the GATT and the World Trade Organization. The claims about the authority of the panels to bring sanctions, or allow the raising of tariffs, plus the secretiveness of the whole process are borne out by our trade negotiators.

Apparently Ambassador Kantor, the U.S. Trade Representative, is unhappy with the ruling. According to the Wall Street Journal, the Ambassador stated, "GATT procedures not only denied us a fair hearing, but they need to be totally revamped". This is in response to the hearing which was held in secret with closed proceedings. Ambassador Kantor's calling for revamping the rules is a little late since his team agreed to these new rules in December.

Coming from the horse country in Maryland, this reminds me of someone closing the barn door after the horse has bolted out of the yard.

The article also pointed out that the current GATT allows a panel ruling to be blocked, but—the new World Trade Organization rulings cannot be vetoed. The paper also pointed out that Ambassador Kantor stated "the U.S. would refuse to alter the Marine Mammal Protection Act."

Advocates of GATT will claim this ruling does not affect our laws, but that is not exactly so under the new World Trade Organization. According to government documents the Dispute mechanism places time limits on when a Member of the WTO must bring its laws into conformity with panel rulings and recommendations.

The mechanism also includes an authorization for retaliation if a Member has not brought its laws into conformity with its obligations to the WTO within a set period of time. Now, that is an interesting statement since the New York Times editorialized that the World Trade Organization bares no fangs in trade dispute cases but can authorize the plaintiff to retaliate.

That means the petitioner has the ability to place tariffs on U.S. products, and it may not be in the offending sector. An example is if orange growers were violating trade law, the GATT panel may allow apple growers to be penalized. Sounds like Russian roulette—all an American business could do is hope the tariff threats would not be pointed at them.

The actual GATT document that explains the dispute settlement agreement of the GATT provides that a losing country should implement the panel's report immediately. If not, the agreement provides for prompt, effective procedures to resolve disputes about the degree of compliance with the report.

It sounds nice that the WTO would lower tariffs, but it may or may not be so. It depends on from what you are lowering them. Canadian authorities planned in January to impose tariffs up to 351 percent on certain basic farm products from the United States. Canada claimed the new GATT gave them the authority for these astronomical tariffs which would be reduced only 15 to 36 percent over a period of years. We need to beware. It seems the Government is claiming one thing while what the GATT does with the WTO is the one which has the ultimate authority. We must all wise up before it is too late.

RENEWING THE AMERICAN DREAM—WHAT WILL IT TAKE TO MAKE AMERICA GREAT AGAIN?

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes as the minority leader's designee.

Mr. HOEKSTRA. Mr. Speaker, I get the sense from reading the papers, from listening to my constituents, and from participating in the legislative process in Congress, that people are quickly approaching a boiling point over the direction and future of the United States.

While unemployment in my State of Michigan reached historic lows according to recent statistics, the information is almost irrelevant to the emotional and psychological disposition of the State.

Somehow, in some way, people understand that the problems facing America today are more than skin deep. They are not going away.

□ 2130

They are part of a national crisis that involves something deep and more significant than the latest economic statistics? People know there is something wrong with our country, and they want us to confront the issues.

So that is what I intend to do here today. I am here to talk about the United States. Personally, I have no president and no political party to defend.

In many ways, we are all to blame. You, me, and every voting age man and woman in this country. Our problems were not completely caused by government, nor will they be completely solved by government. They are deeper than that. And I, for one, am not going to trivialize our Nation's problems by suggesting that some magical welfare reform bill, or crime bill, or health care reform bill, is going to solve our problems.

You see, no civilization can survive with 12 year olds having babies, 15 year olds killing one another, 17 year olds dying of AIDS, and 18 year olds graduating with diplomas they cannot read.

This is not a liberal or conservative, Democrat or Republican question; as Americans, we are all faced with the decay of our civilization. And, in our own way, we have contributed to it.

So what must we do? What can we do to reverse this decline and set in motion a vision that will restore hope and renew the American dream?

Let us begin by defining our economic an cultural environment. Our generation has the opportunity and responsibility to deal with three big facts:

First, the information age—Alvin Toffler's Third Wave of Change—is real and will change our economy, it must change our government, our society, and each of us.

The latest Business Week Magazine describes the Information Revolution and how digital technology is changing the way we live.

This should be required reading for all Federal employees. Just the headlines of the articles are instructive: Faster, Smaller, Cheaper; The Keys of the Future; A Gigabyte on Every Desk; The New Face of Business; The Great Equalizer; Breaking the Chains of Command; and last, but not least, Washington Bogs Down on Booting Up.

The question we must ask ourselves is this: Is a large, bureaucratic government capable of keeping up with what's happening with the Information Revolution? I certainly applaud Vice President GORE's efforts to press forward with the national infrastructure. But while we might be able to facilitate progress in one area, we are increasing the size and scope of government in other areas. We must understand and respond adequately to the Information Revolution. This means keeping government as small as possible, while working with private industry at creating opportunities for all Americans.

The second big fact we must acknowledge is that the world market is real and unescapable, no matter how much we might like to. We can build walls around the United States and create protectionist measures, but all that will do is increase opportunities for our competitors.

Failure to aggressively pursue global market opportunities is harmful to the American people, both as workers and consumers. And since we must be competitive to survive, we will need to be more productive, more innovative and more entrepreneurial than other nations. To do this, America will have to re-think taxation, litigation and regulation in the context of the global marketplace. From education to welfare to the size of the government, every policy has to be reassessed to improve our ability to compete globally.

Finally, we must, as a society, acknowledge that the welfare state has failed. Every night we see the proof of failure on the local TV news.

The welfare state has failed because it is profoundly wrong about human beings.

The welfare state reduces a citizen to a client, subordinates them to a bureaucrat, and subjects them to rules that are anti-work, anti-family, anti-property, and anti-opportunity.

Any group of humans subjected to treatment like this would develop the social pathologies we see in the news.

These three facts establish the framework by which we should assess

the country and world in which we live. This is the current environment. And these three big facts are the way things are, as I see it. I think all the evidence available at this time confirms this.

What must we do?

First, we must replace the welfare state, and the mentality that goes with it. Not improve, not repair, not finance—replace the welfare state.

In a nutshell, we must change the way we think about government and its proper role in American society. Currently, our government is way too big, it spends way too much, and it is choking businesses with paternalistic regulations and excessive taxation. We are mandating workplace cooperation at the expense of entrepreneurship and creativity in labor-management relations. And we are about to debate a health care reform bill that will place a large segment of our health care industry under the control of the Federal Government.

Beyond paternalism, the welfare state fails to motivate human beings by taking away the incentives to work hard and get ahead. This is probably the greatest crime of the modern welfare state. People who are dependent on government welfare are not motivated to seek opportunities. Those who are choking from government regulation and taxation are not motivated to seek new opportunities. Why? Because under the current system, success is taxed and failure is subsidized.

This is the welfare state. Some might call it socialist. I just call it inefficient, outdated, and the road to failure. It fails to recognize the rapid changes of the information age. It fails to accept the challenge of world economic competition, and fails to give American businesses the tools they need to compete.

What will replace the welfare state? If the term "welfare state" implies government policies and programs that stifle economic growth, and limit opportunity and freedom, then we must replace the welfare state with policies and programs that encourage economic growth, opportunity and freedom.

For this reason, we must replace the welfare state with an opportunity society.

While the welfare state emphasizes government, redistribution of the wealth and bureaucratic rules and regulations—leading to a government that is too big and spends too much—the opportunity society is based on a much broader vision of freedom that emphasizes citizens, and the creation of wealth.

The welfare state emphasizes problems.

The opportunity society emphasizes opportunities.

The welfare state emphasizes victimization.

The opportunity society emphasizes personal responsibility.

□ 2140

The welfare state emphasizes Government paternalism. The opportunity society emphasizes empowerment. The welfare state emphasizes the safety net. The opportunity society emphasizes family and community.

The welfare state overemphasizes the role of Government and concentrates too much power and responsibility in Government. The opportunity society emphasizes small but powerful Government that protects private property, promotes free markets, preserves human dignity, and defends American ideals around the world.

I believe that the American people want an opportunity society. This is not Republican or Democrat, conservative or liberal. Instead it is a principle-centered, vision-driven government implementing policies that conform to accepted virtues. Overwhelmingly, Americans favor work replacing welfare, strengthening the family, national initiative and referendum, term limits for Members of Congress, reducing the size of Government, fewer lawsuits. They are against quotas, for a balanced budget, they are for a line item veto and help recognize that small businesses and entrepreneurs are the engine that fuels and runs our economy.

Has Congress passed one bill in the past 17 months that truly highlights any of these policy objectives? I believe the answer is clearly "no," but what have we done if we have been here for 17 months, what have we done during the last 17 months is Congress has increased the size of Government, we passed the biggest tax increase in American history, we have implemented racial quotas in sentencing for important capital crimes, we have expanded the welfare state through billions of dollars in new social programs to improve teenagers' self-esteem. We have rejected the Presidential line item veto. We have heaped more regulations on businesses through mandated family leave laws and other laws, defeated a balanced budget amendment. This is just what damage Congress has already done in the last 17 months. Consider what we are working on: A huge Federal bureaucracy to take control of the health care industry and more increased taxes to pay for it, a welfare reform bill that will actually cost the Federal Government more money, continued dependency and increased taxes to pay for it, new OSHA regulations that could wipe out many small and medium-sized businesses. Government is getting bigger and we are going to continue spending more and when we cannot go back to the American people for more taxes, we will just mandate the regulations on business so our consumers will pay hidden taxes through higher prices on the goods they buy.

So what would legislation look like that would emphasize the principles and ideals of an opportunity society? I will have a longer list in a few minutes but let me talk about one item that will break the paradigm of how we do business here in Washington. I believe perhaps a first step should be to give all Americans a greater voice in setting the agenda in what we do here in Washington. After 1992, after the elections, the American people thought they had sent a clear message to Washington. But Washington has not gotten it. We just do not get it.

I recognize, after my first 2 or 3 months in Washington that very little was going to change in this Congress, without the active participation of the American people. We can make changes here in Washington, but the American people have to become more involved in the process to let us know what they want us to do. They had used the greatest tools in the November election to help set the agenda for the Congress and the President. Yet Congress has done nothing. What was that tool? It was the election process, but with 110 new Members this Congress looks much like the old Congress that served before the new reform-minded agenda the American people thought they were going to be getting. That is why in April of last year I introduced my first two pieces of legislation calling for a constitutional amendment providing for a national voter initiative process. Those of you from States that like Michigan, allow voter initiative at the State level, understand what an initiative could do. Voters across the Nation would have the opportunity to circulate petitions, to get a law or a constitutional amendment or a proposal to repeal a law on the ballot in all 50 States. A vote would then be held at the next regularly scheduled general election.

This process would give the American people the opportunity to help set the agenda for the Nation.

I have few doubts that if we had the national voter initiative in the United States we would have term limits, we would have a Presidential line-item veto, I believe we would have lower taxes, we would have less regulation, we would have a balanced budget amendment to the Constitution. These basic reform proposals which seem so simple will not pass this Congress. In fact, Congress will not even debate term limits, it will not even come to the floor for a vote. We must seriously consider a national voter initiative and referendum process so that the American people can have a greater say in the way decisions are made for them in Washington. It is an element of an opportunity society providing the American people with an opportunity to reclaim a hold on this institution in what we do here, for them to take back Government. What are other major items that are part of an agenda of change that adhere to the principles

that we would find in an opportunity society: Principles of personal strength, individual liberty, and limited government.

Major parts of the agenda are term limits for Members of Congress, we would have people flowing in and out of this institution. A balanced budget amendment to the Constitution. We would recognize that deficit spending is robbing from future generations and is unfair to them. We would have a welfare reform bill that especially emphasized work, it would emphasis strengthening the family and increasing the role of private enterprise. We would have a reform bill, malpractice and product liability reform, we would have a bill to strengthen families by ending the marriage penalties in the income tax, we would have an earned income tax credit and social security by increasing the deduction for children to the Harry Truman level of approximately, in today's dollars, of $7,500 per child. We would have an economic growth bill to encourage job creation by small businesses. We would accelerate the rate of development of new technologies and increase American jobs by competing in the world market.

Yes, we would also have a bill to shrink Government, cut spending, downsize the bureaucracy, to cut unfunded mandates and return power to local government, local communities, businesses, charities, and individuals.

We would have a market oriented medical savings account, focused health reform bill to provide universal access for all Americans if none has been passed this year.

Ultimately each of us must decide what our role will be in replacing the welfare state with an opportunity society and renewing the American dream. This is no easy task. It requires that we change our assumptions about what Government can or cannot do. It requires that we establish the basic principles that create the standards by which we judge public policy. When we consider policy changes we must ask whether they meet some basic criteria. Does the policy encourage personal responsibility? Does the policy maintain personal liberty and freedom? Does this policy grow Government or does it shrink it? Does this policy strengthen families? Does this policy support entrepreneurship and free enterprise? Or does this policy make us more secure both physically and financially?

□ 2150

If a policy proposal meets these criteria, chances are it is a good policy. If it does not meet these criteria, it should not be pursued.

We should go through every program, every law, every tax, every regulation in the Federal Government and ask these questions. We should do it for every new law, but perhaps more importantly we should do an audit of all of the bills and the laws that we are currently working under and see whether they meet these criteria. Perhaps this Congress should spend 3 to 4 months doing nothing but auditing previous laws before we pass any new ones to see exactly what kind of environment we have created. What are the results of the laws that we have passed?

Mr. Speaker, maybe, if we do this, we can renew the American dream and return America to its historic greatness.

Recently I had the opportunity to talk more in depth about my initiative and referendum proposal, and I would like to go back to that by restating some of the things that I talked about in another special order a few nights ago. I want to talk about it because it was very interesting. I received calls from around the country telling me that this was a good idea, people asking me how they could be involved in the process to let them reclaim at least a portion of the agenda that we are working on here in Washington.

We talked about the frustration that night that the American people feel with their government and their elected leaders. We talked about the fact that the root of this frustration is the perception that, no matter how many incumbent politicians lose to eager newcomers, the most important issues on the voters' minds are not addressed. We talked about it here on the floor. I talked about it with those people who called my office.

Mr. Speaker, this is a serious problem and one which will not go away until this institution recognizes it and takes bold steps to demonstrate to the American people that we not only care about what they think, but that we are willing to take concrete steps, concrete action, to reconnect the voters with the agenda here in Washington.

My legislation, H.R. 3835, would provide for a national referendum on term limits for the November 8 election of this year. However, through the number of phone calls and the input that I have received from people around the country, we are going to expand the agenda for H.R. 3825. Not only now will it be a national referendum on term limits, but we are going to expand it by trying to move for three questions on the November 8 ballot. We are going to talk about congressional reform. We are going to set the agenda here in Washington. Let us really do it, and let us get those issues on the forefront on this national initiative on November 8. Let us ask the question about term limits. Let us ask the question about a balanced budget amendment. And let us talk about the need for a line-item veto.

Mr. Speaker. if I were a constituent of a Member of the House who has not cosponsored H.R. 3835, the National Voice on Term Limits Act, I would probably give him or her a call and ask that he cosponsor this important piece of legislation. The American people deserve a voice on term limits; and in the expanded version they deserve a voice on a balanced budget amendment, and they deserve a voice on this line-item veto. This body will not even debate the term limit issue. We have debated the balance budget amendment and the line-item veto, but we have not had the resolve to pass them. Perhaps we need to hear more clearly from the American people what they want us to do.

Mr. Speaker, in over 200 years Congress has held only 2 to 3 hours of hearings on term limits. It is high time Congress takes action on term limits and that it provides the American people with a way to send a clear signal to us on the balanced budget amendment and on a line-item veto. My bill, H.R. 3835, the national referendum on term limits, and now the balanced budget and the line-item veto, would place these issues on the ballot on November 8, not of 1996, but of this year. We can pass it this year if the American people will call their Congress people to tell them to take a look and to tell them and to tell all of us that they want a voice on setting the agenda here in Washington.

In other words, Mr. Speaker, the American people in 5½ months would have the opportunity to vote on these issues and send a clear signal to every Member of Congress what they wanted. But perhaps more importantly, between now and November 8, we would move that debate to the national forefront.

Why is that important? I believe the American people have the opportunity and need the opportunity to hear a full debate on the balanced budget and the line-item veto. We have debated it here in this House, but let us take it to the people and provide them with the opportunity.

But let us take a look at term limits. What has happened with term limits? Three hours of debate in a committee hearing in 1994.

Where else have term limits been debated? Mr. Speaker, you have debated them in the courts because they have been challenged in those States where the people have spoken and want term limits. So, the debate is being held in the courts, not in Congress, not in front of the American people, but in some small courtroom in Washington and in Arkansas. Let us take the debate where it should be, and that is in front of the American people.

Yes, that is what H.R. 3835, the national referendum on these issues, would do. Every American would have the opportunity to listen to the debate, to participate in the debate and then have this opportunity to vote on November 8 as they elect the next Congress.

I say, "When you go to vote for the candidate of your choice on November

8, you'll also then be given the opportunity to vote yes or no on these issues."

Mr. Speaker, what a great opportunity for the American people to express their views on these issues to their government. But, more importantly, what a powerful and new way to reconnect Congress and the American people just when we need it most, just when we now recognize that our popularity, and I do not care about popularity, but when 80 percent of the people believe that Congress is doing a poor job, it is time for us to reconnect with the American people and provide them with the opportunity to influence us so that, when we come back in January 1995, we can respond to the national referendum that they have given us, that they will have provided us input on November 8, and we can start 1995 off with a great opportunity to meet and respond to their feedback.

But there is a slight problem, as there always is in Washington. It is funny how that always happens. I introduced my bill in February, and it is still bottled up in the Subcommittee on Elections. I did receive a letter from the chairman of the committee stating that he will not have time for hearings until later this fall. I feel pretty good about that because maybe we will have hearings this fall, but again the small problem is, Mr. Speaker, if he had read the bill, which his staff probably did, they are well aware that I am seeking a national referendum on these issues in November 1994, not 1996 or 1998.

□ 2200

If the Subcommittee on Elections does not have time until this fall, then what they are saying is that they do not have time to consider my bill at all. After all, why would the subcommittee consider a bill in November that calls for a national referendum in November? There is no way we would be able to get it done.

Mr. Speaker, I believe that this is deliberate stonewalling of this proposal in the House Administration Subcommittee on Elections. It suggests to me that the chairman opposes this national referendum idea and has, therefore, decided that the Subcommittee on Elections does not have the time to talk about it or to act on it. This is a shame. Every poll I have seen in the last few years has public support for term limits at over 75 percent. Yes, 75 to 80 percent of the American people support term limits. The numbers for the balanced budget and line-item veto are similar. But most importantly, this would provide us the opportunity to reconnect.

Mr. Speaker, the American people deserve better, they deserve a voice on their government and what we do. The American people deserve the chance to vote on these issues. Actually, they deserve much more than that. They really deserve a better, a more effective and a more responsive government.

Mr. Speaker, like I said earlier, if I were a constituent, I would wonder whether my Congressman or my Congresswoman is a cosponsor of H.R. 3835, the National Referendum on Term Limits. The only way the American people will have a chance to vote on term limits or a balanced budget or a line-item veto on November 8 is to call their Congressman or Congresswoman and ask him or her to cosponsor this legislation. Only then will the leadership in this Chamber, including the Speaker of the House, Mr. FOLEY, and the chairman of the Subcommittee on Elections, Mr. SWIFT, both from the State of Washington, allow this proposal to be voted on.

Mr. Speaker, the American people should be outraged. How many Americans must support term limits, a balanced budget and a line item veto before Congress will vote on it? Already 80 percent support term limits. Do 90 percent of the American people need to support term limits before the House will vote on it? Ninety-five percent? Ninety-eight percent? At what point in time will Congress take up the issue of term limits and when will we provide the opportunity to the American people to give us feedback on a balanced budget amendment and a line-item veto? When will this Congress be serious about reconnecting with the American people in restoring out trust with them?

Mr. Speaker, if I were at home right now in my living room watching this on C-SPAN, I would be asking whether my Representative was willing to give me a voice on the issue of term limits. I would be asking, what is my Congressperson doing to restore the credibility of Congress? I would pick up my phone, probably tomorrow morning, or I would get out a piece of paper, write a note to my Representative in Congress asking him or her to give me a voice on these issues, to cosponsor 3835, the national referendum on term limits.

If I were a constituent, I would ask my Representative to give me a chance to vote on these issues in a national election on November 8 of this year, just 5½ months from now. I would ask my Representative to try to experiment in democracy, to see whether we can elevate the debate on these issues to such a level that when I went and they went to the polls on November 8, they felt that they really now understood these issues, they felt that they were now prepared to make a decision to instruct their Members of Congress on these issues and, therefore, would go to the polls on November 8 in ever-increasing numbers.

Mr. Speaker, one of the problems we have today in this country is voter turnout is too low. I think people are checking out. I would hope that through a 5½-month process of aggressive debate on these issues, people would come back to the polls and they would say, I am going to give it one more shot, I am going to give it two more shots, I am going to give it three shots because I am going to have an opportunity to vote on three issues. We have had a great debate, I have learned a lot about these issues, I have elevated my level of understanding from down here to about this thick to really now understanding what the pluses and the minuses of these three issues are. I am not sure that all three of them would pass. I think that as we went through the debate, there would be positive arguments on both sides of the issue and that many people who now perhaps have a knee-jerk reaction to these three items would be more informed and might change their minds. But the important thing is that we would have the debate, we would have an intellectual debate that involved this Congress, that would involve all of the leaders on both sides of the issue in a constructive way to elevate the democracy in this country and get it working again.

If I were a constituent, like I said, I would be calling this Congress, I would be calling our Speaker and asking him, "What are you doing to restore democracy? Are you willing to let me participate just a little bit on three issues on November 1994 to help instruct Congress and give the Congress that starts in January 1995 just a little bit of an idea of how we feel?"

Mr. Speaker, it is part of an opportunity society. It is talking about innovation, it is talking about entrepreneurship, and it is talking about empowerment, empowering and moving some responsibility of instructing Congress back to where it should be. I believe that is what the people would do in an election, anyway, is instruct their Congresspeople on the issues. This provides a clearer forum for them to do that, and we need to take a chance. It is not a big risk. It is an opportunity to fix a system that today 80 percent of the American people feel is broken. We need to do it now. The level of frustration by the American people of this Congress is too high.

Mr. Speaker, if we in this Chamber would give the American people the opportunity to vote on term limits, on a balanced budget amendment, on a line-item veto this fall, it would go a long way toward reestablishing trust between the American people and their elected leaders in Washington.

Mr. Speaker, I hope my colleagues will cosponsor H.R. 3835, the opportunity for the American people to have a voice in their government again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WOLF (at the request of Mr. MICHEL), for today after 8 p.m., on account of attending a wake.

Mr. BARRETT of Wisconsin (at the request of Mr. GEPHARDT.), today, on account of personal business.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT), after 4 p.m. today and tomorrow, May 25, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLUTE) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 5 minutes each day, on May 24 and 25.

Mr. MICHEL, for 5 minutes each day, on May 24, 25, and 26.

Mr. DORNAN, for 5 minutes, on May 25.

Mrs. BENTLEY, for 5 minutes, today.

(The following Member (at the request of Mr. HINCHEY) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BLUTE) and to include extraneous matter:)

Mrs. MORELLA.
Mr. KNOLLENBERG.
Mr. DORNAN.
Mr. EVERETT.
Mr. DREIER.
Mr. COX.
Mr. PORTMAN.
Mr. FIELDS of Texas.
Mr. PACKARD.
Mr. HEFLEY.
Mr. GINGRICH.
Ms. MOLINARI.
Mr. CUNNINGHAM.
Mr. BAKER of California.
Mr. BALLENGER.
Mr. SOLOMON in two instances.
Mr. HYDE.

(The following Members (at the request of Mr. HINCHEY) and to include extraneous matter:)

Mr. LIPINSKI.
Mr. BECERRA.
Mr. REYNOLDS in 13 instances.
Mr. SKELTON.
Mr. MINGE.
Mr. RANGEL in three instances.
Mr. RICHARDSON.
Mr. HAMBURG.
Mr. FAZIO.
Mr. BARCA of Wisconsin.
Mr. HAMILTON.
Mr. HOCHBRUECKNER.
Mr. CLAY.
Mr. OLVER.
Mr. FORD of Michigan.
Mr. SERRANO.
Mr. CARDIN.
Mr. SABO.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous matter:)

Mr. COYNE.
Mr. ORTON.
Ms. WOOLSEY.
Mr. FINGERHUT.
Mrs. LLOYD.
Mr. STUDDS in two instances.
Mr. BATEMAN.
Mr. HOCHBRUECKNER.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 8 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 25, 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:

3253. A letter from the Board of Governors, Federal Reserve System, transmitting the annual report on activities under the Freedom of Information Act for the Federal Open Market Committee of the Federal Reserve System during the calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3254. A letter from the Under Secretary, Department of Defense, transmitting a report on defense contracts awarded to companies in countries that provide shipbuilding subsidies or engage in ship dumping practices; and the affect of a prohibition against awarding contracts to such companies, pursuant to Public Law 102-484, section 1031(c) (106 Stat. 2489); jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation. S. 1458. An act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes (Rept. 103-525, Pt. 1). Ordered to be printed.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 4246. A bill to authorize expenditures for fiscal year 1995 for the operation and maintenance of the Panama Canal, and for other purposes; with an amendment (Rept. 103-526). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 439. Resolution waiving points of order against the conference report to accompany the bill (S. 24) to reauthorize the independent counsel law for an additional 5 years, and for other purposes (Rept. 103-527). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 440. Resolution providing for consideration of the bill (H.R. 4385) to amend title 23, United States Code, to designate the National Highway System, and for other purposes (Rept. 103-528). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 441. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of a certain resolution reported from the Committee on Rules (Rept. 103-529). 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. HEFLEY (for himself, Mr. VENTO, and Mr. HANSEN):

H.R. 4476. A bill to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. STUDDS (for himself, Mr. TAUZIN, Mr. FIELDS of Texas, Mr. COBLE, Mr. BATEMAN, and Mrs. FOWLER):

H.R. 4477. A bill to amend the act commonly referred to as the "Dingell-Johnson Sport Fish Restoration Act" to provide funding for recreational boating safety programs, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. COPPERSMITH (for himself (by request), Mr. COLEMAN, Mr. ORTIZ, Mr. PASTOR, and Mr. BRYANT):

H.R. 4478. A bill to amend the Federal Water Pollution Control Act (the Clean Water Act) to authorize appropriations in each of fiscal years 1994 through 1998 for the construction of wastewater treatment facilities to serve U.S. colonies, to provide water pollution control in the vicinity of the international boundary between the United States and Mexico; to the Committee on Public Works and Transportation.

H.R. 4479. A bill to amend the Federal Water Pollution Control Act (Clean Water Act) to authorize appropriations in each of fiscal years 1994-2001 for the construction of wastewater treatment works to provide water pollution control in or near the United States-Mexico border area; to the Committee on Public Works and Transportation.

By Mr. FRANKS of Connecticut (for himself, Mrs. KENNELLY, Mr. SHAYS, Mr. GEJDENSON, Mrs. JOHNSON of Connecticut, and Ms. DELAURO):

H.R. 4480. A bill to expand the boundary of the Weir Farm National Historic Site in the State of Connecticut; to the Committee on Natural Resources.

By Mr. HAMBURG (for himself, Mr. STUDDS, Mr. EDWARDS of California, Mr. MANTON, Mr. SANDERS, Ms. FURSE, Mr. HUGHES, Mr. HOCHBRUECKNER, Mr. RICHARDSON, Ms. WOOLSEY, Ms. PELOSI, Mrs. UNSOELD, Ms. ESHOO, and Mr. VENTO):

H.R. 4481. A bill to restore the Nation's aquatic ecosystems through the voluntary cooperation of Federal, State, tribal, and

corporate and other private interests; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. HEFLEY (for himself, Mr. WALKER, and Mr. ROHRABACHER):

H.R. 4482. A bill to establish a non-Federal, for-profit Launch Services Corporation for providing space launch services to the Federal Government and other domestic and foreign customers, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. JACOBS:

H.R. 4483. A bill to amend the Internal Revenue Code of 1986 to permit registered vendors to administer claims for refund of diesel fuel taxes paid on fuel used in certain buses; to the Committee on Ways and Means.

By Mr. ORTON:

H.R. 4484. A bill to improve the single family housing mortgage insurance program of the Department of Housing and Urban Development; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TAYLOR of North Carolina:

H.R. 4485. A bill to change election day for Federal offices to the first Monday in November and to make election day a legal public holiday; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. GILMAN:

H.J. Res. 369. Joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag; jointly, to the Committees on Post Office and Civil Service and Veterans' Affairs.

By Mr. KLUG (for himself, Mr. BOEHNER, and Mr. ROBERTS):

H. Res. 435. Resolution directing the Committee on House Administration to make public all transcripts of proceedings and documents related to the investigation of the House Administration Committee task force to investigate the operation and management of the House post office; to the Committee on Rules.

H. Res. 436. Resolution directing the Committee on Standards of Official Conduct to investigate allegations pertaining to the House post office; to the Committee on Rules.

By Mr. DOOLITTLE (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. MCCOLLUM, Mr. DELAY, Mr. HUNTER, Mr. HYDE, Mr. WALKER, Mr. LEACH, Mr. ROBERTS, Mr. CLINGER, Mr. FISH, Mrs. MEYERS of Kansas, Mr. ALLARD, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mrs. BENTLEY, Mr. BEREUTER, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BOEHNER, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CANADY, Mr. CASTLE, Mr. COMBEST, Mr. COLLINS of Georgia, Mr. CUNNINGHAM, Mr. CRANE, Mr. DORNAN, Mr. DREIER, Ms. DUNN, Mr. EVERETT, Mr. EWING, Mr. GEKAS, Mr. GALLO, Mr. GILLMOR, Mr. GOODLATTE, Mr. HANCOCK, Mr. HASTERT, Mr. HEFLEY, Mr. HERGER, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOKE, Mr. HUFFINGTON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. KLUG, Mr. KNOLLENBERG, Mr. KYL, Mr. LEWIS of Florida, Mr. LINDER, Mr. LIVINGSTON, Mr. LUCAS, Mr. MCKEON, Mr. MANZULLO, Mr. MILLER of Florida, Mr. NUSSLE, Mr. PACKARD, Mr. PAXON, Mr. POMBO, Ms. PRYCE of Ohio, Mr. RAVENEL, Mr. ROHRABACHER, Mr. ROGERS, Mr. ROYCE, Mr. SANTORUM, Mr. SAXTON, Mr. SCHIFF, Mr. SHAYS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mr. TORKILDSEN, Mr. UPTON, Mrs. VUCANOVICH, Mr. WELDON, Mr. WOLF and Mr. ZELIFF):

H. Res. 437. Resolution directing the Committee on Agriculture, the Committee on Banking, Finance and Urban Affairs, the Committee on Government Operations, the Committee on the Judiciary, and the Committee on Small Business to commence hearings on issues within their jurisdiction relating to the Whitewater Development Corp. and related issues; to the Committee on Rules.

By Mr. PORTMAN:

H. Res. 438. Resolution amending the Rules of the House of Representatives to require a two-thirds vote to adopt a rule disallowing germane amendments to a bill or resolution; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 244: Mr. KILDEE.

H.R. 291: Mr. TORRICELLI, Mr. MCCOLLUM, Mr. PAYNE of New Jersey, Mr. MENENDEZ, and Mr. LAZIO.

H.R. 972: Mr. GEJDENSON.

H.R. 1103: Mr. PAYNE of New Jersey.

H.R. 1203: Mr. NUSSLE.

H.R. 1289: Mr. DORNAN and Mr. ROYCE.

H.R. 1671: Mr. BERMAN.

H.R. 1767: Mr. THOMAS of Wyoming.

H.R. 2132: Mr. MARTINEZ.

H.R. 2460: Mr. POSHARD and Mr. BOUCHER.

H.R. 2663: Mr. FISH.

H.R. 2959: Ms. MOLINARI.

H.R. 3013: Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 3031: Mr. DOOLITTLE.

H.R. 3064; Mr. RIDGE, Mr. GOODLING, and Mr. MURPHY.

H.R. 3119: Mr. TRAFICANT.

H.R. 3173: Mr. TAUZIN.

H.R. 3320: Mrs. BYRNE and Mr. DORNAN.

H.R. 3347: Mr. ROMERO-BARCELO and Mr. BECERRA.

H.R. 3433: Mr. LANCASTER, Mr. SAWYER, Mr. BARLOW, Ms. BROWN of Florida, Mr. GUTIERREZ, Mr. GONZALEZ, and Mr. DICKS.

H.R. 3486: Mr. DARDEN and Mr. SHAW.

H.R. 3766: Mr. CONDIT, Mrs. MEYERS of Kansas, Mr. GLICKMAN, Mr. SLATTERY, Mr. MICA, Mr. MILLER of Florida, Mr. SAM JOHNSON, Mr. PAXON, Mr. DREIER, Mr. DUNCAN, Mr. HYDE, Mr. BUYER, Mr. GILMAN, Mr. BACHUS of Alabama, Ms. SLAUGHTER, Mr. SCHAEFER, Mr. DELAY, Mr. LIGHTFOOT, Ms. ROS-LEHTINEN, Mr. DORNAN, Mr. LINDER, Mr. INGLIS of South Carolina, Mr. PETRI, Mr. GALLEGLY, Mr. BOEHNER, Mr. NUSSLE, Mr. COX, Mr. BAKER of California, Mr. TALENT, Mr. WALKER, Mr. GINGRICH, Mr. MCINNIS, Mr. GOODLING, Mrs. FOWLER, Mr. SENSENBRENNER, Mr. KLUG, Mr. HOBSON, Mr. CLINGER, Mr. HASTERT, Mr. BURTON of Indiana, Mr. POMBO, Mr. WELDON, Mr. BEREUTER, Mr. HERGER, Mr. EMERSON, Mr. SOLOMON, Mr. HAYES, Mr. BREWSTER, Mr. BROWDER, Mr. SPRATT, Mr. SARPALIUS, Mr. HOAGLAND, Mr. DOOLEY, Ms. DANNER, Mr. CALVERT, Mr. CANADY, Mr. KYL, Mr. SMITH of Oregon, Mr. STUMP, Mr. SMITH of Michigan, Mr. GOODLATTE, Mr. GOSS, Mr. SMITH of Texas, Mr. ALLARD, Mr. ROTH, Mrs. ROUKEMA, Mr. GRAMS, Mr. RIDGE, Mr. EWING, Mr. HOKE, Mr. HANCOCK, Mr. MICHEL, Mr. PORTER, Mr. QUILLEN, Mr. ROHRABACHER, Mr. DOOLITTLE, Mr. MCHUGH, Mr. ROSE, Mr. KASICH, Mr. HORN, Mr. COLLINS of Georgia, Mr. EVERETT, Mr. ROWLAND, Mr. BATEMAN, Mr. CALLAHAN, Mr. YOUNG of Florida, Mr. BARRETT of Nebraska, Mr. INHOFE, Mr. PARKER, Mr. MONTGOMERY, Mr. PETE GEREN of Texas, Mr. MCMILLAN, Mr. UPTON, Mr. BLILEY, Mr. STENHOLM, Mr. CRAPO, Mr. PORTMAN, Mr. ZIMMER, Mr. SCHIFF, Mr. LIVINGSTON, Mr. THOMAS of Wyoming, Mr. WOLF, Mr. COOPER, Mr. ARCHER, Mr. BUNNING, Mr. CRANE, Mr. CUNNINGHAM, Ms. DUNN, Mr. GALLO, Mr. HEFLEY, Mr. LEACH, Mr. LEWIS of California, Mr. MCCANDLESS, Mr. PACKARD, Mr. QUINN, Mr. REGULA, Mr. ROGERS, Mr. SAXTON, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. FIELDS of Texas, Mr. TANNER, Mr. BAKER of Louisiana, Mr. TAYLOR of Mississippi, Mr. KINGSTON, Mr. HUNTER, Mr. HUTTO, Mrs. THURMAN, Mr. MOLLOHAN, Mr. CLEMENT, Ms. LONG, Mr. PENNY, Mr. ABERCROMBIE, Mr. PAYNE of Virginia, Mr. COSTELLO, Mr. GILCHREST, Mr. COBLE, Mr. SANTORUM, Mr. KNOLLENBERG, Mr. MCKEON, Mr. COMBEST, Mr. ARMEY, Mr. CASTLE, Mr. HOEKSTRA, Mr. BALLENGER, Mr. CAMP, Mr. GRANDY, Mr. SHUSTER, Mr. DICKEY, Mr. HUTCHINSON, Mr. TRAFICANT, Mr. RAVENEL, Mr. FRANKS of New Jersey, Mr. HOUGHTON, Mr. LEWIS of Florida, Ms. MOLINARI, Mr. HALL of Texas, Mr. SISISKY, Mr. GILLMOR, Mr. SKELTON, Mr. STEARNS, Mrs. VUCANOVICH, Mr. YOUNG of Alaska, Mr. CLAY, Mr. BARLOW, Mr. DARDEN, Mr. DE LA GARZA, Mr. DURBIN, Ms. KAPTUR, and Ms. SNOWE.

H.R. 3900: Mr. MEEHAN, Ms. NORTON, and Mr. OLVER.

H.R. 3943: Mr. GRAMS.

H.R. 3973: Mr. BATEMAN and Mr. ABERCROMBIE.

H.R. 4040: Mr. CARDIN, Ms. HARMAN, Mr. GENE GREEN of Texas, Mr. SYNAR, Mr. ROMERO-BARCELO, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Texas, and Mr. COYNE.

H.R. 4109: Mr. FALEOMAVAEGA.

H.R. 4256: Ms. ESHOO, Mr. BERMAN, Ms. WOOLSEY, Mr. BECERRA, Mr. FAZIO, Mr. BEILENSON, Mr. MILLER of California, Mr. WAXMAN, and Ms. PELOSI.

H.R. 4271: Mr. CLYBURN, Mr. MANTON, and Mrs. THURMAN.

H.R. 4281: Mr. SOLOMON, Mrs. LLOYD, and Mr. SHAYS.

H.R. 4288: Mr. FALEOMAVAEGA, and Ms. VELAZQUEZ.

H.R. 4306: Mr. INSLEE.

H.R. 4386: Mr. HALL of Ohio.

H.R. 4402: Mr. SWETT, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. EVANS, Mr. LAFALCE, and Mr. PORTER.

H.R. 4412: Mr. GRANDY.

H.R. 4417: Mr. DELLUMS

H.R. 4441: Mr. LIPINSKI and Mr. JOHNSON of South Dakota.

H.R. 4451: Ms. DANNER and Mr. FRANK of Massachusetts.

H.J. Res. 131: Mr. LEWIS of Florida, and Mr. BURTON of Indiana.

H.J. Res. 199: Mr. NEAL of Massachusetts, Mr. KILDEE, Mr. MCKEON, Mr. KLECZKA, Mr. CUNNINGHAM, Mr. PAXON, Mr. DIXON, Mr. CLINGER, Mr. GOODLING, Mr. SMITH of Texas, Mr. LEVY, Mr. PAYNE of New Jersey, Mr. YOUNG of Florida, Mr. STEARNS, Mr. KLINK, Mr. HOYER, and Mr. PARKER.

H.J. Res. 297: Mr. YATES, Mr. SKEEN, Mr. NEAL of North Carolina, and Mr. HAMILTON.

H.J. Res. 334: Mr. DOOLITTLE, Mr. GEKAS, Mr. GONZALEZ, Mr. HYDE, Mr. JEFFERSON, Mr. KENNEDY, Mr. MAZZOLI, Mrs. MYERS of Kansas, Mr. MILLER of California, Ms. MOLINARI, Mr. MURTHA, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RAVENEL, Mr. RICHARDSON, Mrs. ROUKEMA, Mr. STOKES, Mr. SWETT, Mr. TORRICELLI, Ms. WATERS, Mr. WAXMAN, Mr. WHEAT, and Mr. YATES.

H.J. Res. 351: Mr. EMERSON, Mr. FALEOMAVAEGA, Mr. GENE GREEN of Texas, Mr. GREENWOOD, Mr. HILLIARD, Mr. LIPINSKI, and Mr. SMITH of Texas.

H.J. Res. 355: Mr. EMERSON, Mr. DELLUMS, Mr. WATT, Mr. SCOTT, Mr. LANCASTER, Mr. FROST, Mr. PALLONE, Mr. MCNULTY, Mr. LIPINSKI, Mr. HILLIARD, Mr. LAFALCE, Ms. DELAURO, Mr. ACKERMAN, Mr. LANTOS, Mr. FARR, Mr. FISH, Mr. HANSEN, Mr. RICHARDSON, Mrs. CLAYTON, Mr. EVANS, Mr. BERMAN, Mrs. LLOYD, Mr. DE LA GARZA, Mr. DEUTSCH, Mr. UNDERWOOD, Mr. PAYNE of New Jersey, Mr. MURTHA, Mr. BONIOR, Mr. SKEEN, Mr. YATES, Mr. LIVINGSTON, Mr. REED, Mr. RAVENEL, Mr. MONTGOMERY, Mr. WYNN, Mr. FIELDS of Louisiana, Mr. MURPHY, Mr. FINGERHUT, and Mr. REGULA.

H. Con. Res. 35: Mr. BARCA of Wisconsin, Mr. TORRICELLI, Mr. HOCHBRUECKNER, Mr. SCHUMER, and Mr. PASTOR.

H. Con. Res. 52: Mr. DURBIN.

H. Con. Res. 84: Mr. DIAZ-BALART.

H. Con. Res. 239: Mr. LEVIN, Mr. BONILLA, Mr. MOORHEAD, and Mr. FINGERHUT.

H. Con. Res. 245: Mr. MOORHEAD and Mrs. THURMAN.

H. Res. 234: Mr. WILLIAMS.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4454

By Mr. HEFLEY:

—Page 30, after line 2, insert the following new section:

SEC. 307. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 3.2 percent.

EXTENSIONS OF REMARKS

COMMEMORATING THE DEDICATION OF THE OAKLAND COUNTY VETERANS MEMORIAL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. KNOLLENBERG. Mr. Speaker, this Saturday Oakland County, MI, salutes their fallen sons and daughters by officially dedicating a memorial in their honor.

All over America this weekend, in our largest cities and smallest towns, flags will be placed on cemetery graves, and public officials will speak of the sacrifice and valor of those whose memory we honor.

I have no illusions about what little I can add now to the silent testimony of those who gave their lives willingly for their country. Words are even more feeble on this Memorial Day, for the sight before us is that of a strong and good Nation that stands in silence and remembers those who were loved and who, in return, loved their countrymen enough to die for them.

Yet, we must try to honor them—not for their sakes alone, but for our own. And if words cannot repay the debt we owe these individuals, surely with our actions we must strive to keep faith with them and with the vision that led them to battle and to their final sacrifice.

Our first obligation to them and ourselves is plain enough: The United States and the freedom for which it stands, the freedom for which they died, must endure and prosper.

Their lives remind us that freedom is not bought cheaply. It has a cost; it imposes a burden. And just as they whom we commemorate here today were willing to sacrifice, so too must we—in a less final, less heroic way—be willing to give of ourselves.

It is not just strength or courage that we need, but understanding and a measure of wisdom as well. We must understand enough about our world to see it clearly.

This understanding must extend to our potential adversaries. We must strive to speak of them not belligerently, but firmly and frankly.

It is this honesty of mind that can open paths to peace, that can lead to sound foundations that our Nation can stand on and prosper.

As we honor their memory today, let us pledge that their lives, their sacrifices, their valor shall be justified and remembered for as long as God gives life to this Nation. And let us pledge to do our utmost to carry out what must have been their wish: that no other generation of young men will ever have to share their experiences and repeat their sacrifices.

All this is embodied in this memorial which we honor here today. Some will cry; still others will quietly applaud, and even more will stand solemnly, acknowledging their gift and our obligation. But, I am sure no one will ever forget.

TRIBUTE TO BISHOP JERRY L. JONES, SR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, Bishop Jerry L. Jones, Sr., of the Apostolic Assembly of the Lord Jesus Christ. Attached is a proclamation I issued Bishop Jones commending him for his work.

PROCLAMATION

Whereas Bishop Jerry L. Jones, Sr., was born in Natchez, Mississippi, a man of God and, a true role model to our youth and community. He is a family man, married to Miss LaVerne Price and God has blessed their marriage with five children: Marcus, Cynthenia, Savoy, Jerry, III, and Angela; and

Whereas Bishop Jones has matriculated at Trinity Bible College, Chicago, Illinois, American University, and the Apostolic-Midwest Bible College, and was awarded two Honorary Doctorates; and

Whereas Bishop Jones succeeded Bishop Clarence Otis Lee, Jr., as Pastor of The Apostolic Assembly of The Lord Jesus Christ, The Lord has bless Bishop Jones and the congregation to prosper, to win souls to Jesus Christ, and to touch the lives of many people in a positive way; and

Whereas Bishop Jones is always in the Vanguard, a former high school track star, a one time Karate Champion, a United States Army Veteran, he was the youngest Assistant Deputy Fire Commissioner in the History of the City of Chicago, appointed to this administrative post after fourteen years of service which also was in record time, he was the youngest Bishop in the Pentecostal Churches of the Apostolic Faith at the time of his consecration, his progress has been lauded in Ebony and Jet Magazines, a Man being used of the Lord Jesus Christ in many ways. Now, therefore, be it

Resolved, That the Congress of The United States wishes to acknowledge the accomplishments of Bishop Jerry L. Jones, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

TRIBUTE TO RANDALL ROBINSON AND FAMILY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. RANGEL. Mr. Speaker, I am honored to rise before you to pay special tribute to a brave and selfless American, Randall Robinson, executive director of TransAfrica. With the support of his wife Hazel, and 4-year-old daughter Khalea, Mr. Robinson endured a fast for 27 days, in his effort to end the summary repatriation of Haitian refugees. Mr. Robinson embodies the commitment to democracy that our country has long embraced.

To dramatize his demand for just treatment of Haitian refugees, Mr. Robinson began his fast on April 12, surviving on a diet of juices and water in a basement room of his office. He pleaded, like countless others, for an end to the Clinton administration's inhumane and racist policy of automatically returning fleeing Haitians to a land terrorized by a rampaging military.

Randall Robinson is not a faceless man. He had already proven his great courage in 1984, when he began a campaign to oppose the apartheid system in South Africa. His actions sparked a movement which ultimately led to the enactment of American sanctions against South Africa. His contributions resulted in the creation of democratic opportunity in South Africa, and this year's historic elections.

Mr. Robinson ended his fast on Sunday, May 8 when President Clinton announced a change in the policy of summary repatriation.

Washington Post columnist Donna Britt, described Mr. Robinson in an April 29 article as a man, "who would rather die than not risk everything to save Haitians—real people, too, with wives and husbands and cute little girls—attempting to flee a killing field."

Mr. Speaker, I submit this article for the edification of my colleagues.

[From the Washington Post, Apr. 29, 1994]

A VERY GOOD MAN HUNGRY FOR A VERY GOOD CAUSE

(By Donna Britt)

On Saturday night, President Clinton dined with hundreds at the annual White House Correspondents' Association dinner on asparagus and Roma tomato salad, petit filets of beef and salmon and a dessert of fresh berries in Grand Mariner sauce served in a chocolate scoop.

That same night, my family gathered at a favorite eatery to consume angel hair pasta, Caesar salad, a wheelbarrow-sized burrito and barbecue chicken pizza.

In the basement that is now his home, Randall Robinson feasted on two glasses of tomato juice and some spring water. His wife, Hazel—who on weekend nights leaves their 4-year-old daughter, Khalea, at home with a friend to join him—sipped iced tea.

By now, many Americans know about the 19-day fast of Robinson, 52, executive director of TransAfrica, a group that lobbies on behalf of Africa and the Caribbean. He says he will subsist on juice and water until the United States ends its policy of automatically repatriating all Haitian refugees back to an island where many are immediately murdered.

As somebody who has real trouble bypassing a Snicker Doodle at the mall, I felt many things when I learned of Robinson's fast: ad-

miration, awe—and fear. A story from a colleague explains the fear:

Last week, after ousted Haitian President Jean-Bertrand Aristide spoke of Robinson's stance to a crowd in Los Angeles, a female Haitian emigre approached. "Is Randall Robinson black or white?" she asked.

He's black, Aristide replied. The woman looked crestfallen.

"You should find someone white to fast with him," she said. "Because Americans won't care if a black man dies."

In truth, many Americans are too numbed by images of death from Bosnia to Rwanda to a Japanese airfield to be exercised about the death of anyone who wasn't an ex-president or a suicidal rock star.

It's also true that if white Americans were dying in the streets the way black citizens are, our government would come to a standstill until the carnage stopped. Like that woman, I wonder: Can the threatened demise of anybody as devalued as a black man change a U.S. policy that results in other blacks' deaths?

But this column isn't about desperate city youths killing each other out of ignorance and despair. It isn't about somebody faceless, who can be dismissed as a druggie or gang member who "deserves" it.

It is about Randall Robinson. It is about the man whose 1984 arrest with two others started a ball rolling that grew into a boulder massive enough to flatten a virulently racist regime—and to help spawn this week's historic South African elections.

It is about an eloquent, flesh-and-blood guy who delights in a pigtailed daughter, a child who nightly sketches family pictures and whose eyes fill when she's asked about his absence. "I miss kissing Daddy when he comes home from work." Khalea says. "But he has to help the people in Haiti."

It's about a man whose son, Jabari, 19, will attend Lincoln University, and whose aspiring-writer daughter, Anike, 22, says, "The word 'proud' is so small [to describe] having a person in your life who inspires you to want to do the most passionate thing for your beliefs."

It's about a man whose face makes you believe it when he says he "can't imagine life" without his wife, Hazel Ross Robinson, a foreign policy adviser to House Armed Services Committee Chairman Ronald V. Dellums (D-Calif.). "I believe in what Randall's doing," she says. "But as a wife, it is heartbreaking." Her husband's doctor says that the always-slim activist has lost eight pounds and that the protein level in his blood has dropped below normal.

It's about someone who literally would rather die than not risk everything to save Haitians—real people, too, with wives and husbands and cute little girls—attempting to flee a killing field. People whose attempts to escape an island where thugs hack to death democracy-seekers with machetes, lop off their faces and feet the remains to pigs, are thwarted by U.S. vessels that scoop them up and return them "home."

Some of us don't know what to make of a guy who'd abandon a graceful colonial-style house, beloved Chopin recordings and even his gorgeous office upstairs to exile himself to a Spartan room in TransAfrica's basement.

I don't. I woke up at 4 a.m. yesterday, haunted and taunted by the magnitude, the madness, of Robinson's mission. The darkness couldn't obscure my sense that his stance makes my own efforts to make the world a farer, more loving place seem cowardly, ineffectual.

But each of us, I told myself, has power. More than we even begin to exert.

President Clinton, who like me, ate well on Saturday, has the power to keep this man—and by extension, thousands of Haitians—alive. If he can move beyond his ennui and fear, he can by executive order rescind the automatic repatriation order he once railed against during his presidential campaign.

We have power too: In fingers that can dial the White House and tie up phone lines at Congress; in feet that join tomorrow's 11 a.m. rally at the U.S. Capitol; in hearts that can pray for Robinson's continued strength.

We have the power to be just a bit braver. To acknowledge, at our next meal and the next, one man's willingness to sacrifice that and so much more—for a good cause.

TRIBUTE TO REV. SAMUEL HINKLE

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my Congressional District, the Reverend Samuel Hinkle of the Cathedral of Joy Baptist Church. Attached is a proclamation I issued Reverend Hinkle commending him for his work.

PROCLAMATION

Whereas The Reverend Samuel E. Hinkle matriculated at Philander Smith College, Little Rock, Arkansas earning the Bachelor of Arts degree and engaged in graduate studies at Governor State University, University Park, IL.; and

Whereas Reverend Hinkle is a former collegiate athlete, participating in two international World Cup Basketball Tournaments,—Madrid Spain and Argentina respectively, representing the United States; and

Whereas Reverend Hinkle is an educator serving as a teacher in the Chicago Public Schools, Dean of Students at Bloom Township High School—District 206, teacher, coach, and Assistant Principal in School District 143 Posen, IL., Dean of Students in south suburban high schools for over five years, and

Whereas Reverend Hinkle has served as Chairman of the Civil Service Commission of the City of Markham, as Public Relations Director of the City of Markham; and

Whereas, Reverend Hinkle in 1979 acknowledged the call of God upon his life to the Gospel Ministry, he was ordained and served as assistant pastor under his father the late Reverend J. H. Hinkle, Sr., in September of 1982 Reverend Samuel E. Hinkle was elected Pastor of the Cathedral of Joy Baptist Church where under his leadership the present church location—Kedzie Avenue at Flossmoor Road was acquired and the congregation has prospered greatly: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Samuel E. Hinkle by entering these accomplishments into the Congressional Record and archives of the one hundred and third Congress.

THE APOLLO THEATER SALUTES THE 25TH ANNIVERSARY OF THE BOYS CHOIR OF HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to the Boys Choir of Harlem, which is celebrating its 25th anniversary season.

The Boys Choir is one of Harlem's—indeed the Nation's—most cherished institutions. Under the inspired tutelage of Dr. Walter Turnbull, the choir's young voices—drawn from an area aptly called the Capital of Black America—have performed as ambassadors of America's cultural diversity and richness before monarchs and heads of state around the world.

I am especially proud that in marking this 25-year milestone the Boys Choir will perform its first full-length concert at the Apollo Theater. The Apollo, whose parent foundation I am honored to chair, as Harlem's landmark entertainment center is the appropriate setting to celebrate the success of some of the community's finest young men.

And to make way for others, Dr. Turnbull's Choir Academy, a unique satellite of the New York City public school system, prepares talented students from grades 4 through 10 in standard academics as well as music. Only a few of the 300 enrolled will make the choir, but 98 percent of them will go on to college.

I salute the Boys Choir of Harlem who do far more than entertain us. Their magnificent voices sing praises to the potential of young black men, in Harlem and across America.

Mr. Speaker, I present for the benefit of my colleagues, and in honor of the Boys Choir of Harlem, the following article, written by David Hinckley for the New York Daily News, on May 11, 1994.

Two of the brightest lights in uptown Manhattan come together this weekend when the Boys Choir of Harlem does its first-ever full-length concerts at the Apollo Theater Friday and Saturday nights.

"We performed there before with the Philharmonic," says Dr. Walter Turnbull, director of the Boys Choir and the ChoirAcademy, where the singers attend school. "But this will be the first time we will be doing the full range of our program there, from classical and jazz to popular."

The Boys Choir is also marking its 25th-anniversary season with these concerts, and during that quarter-century, it has established a reputation around the world, performing anywhere from 75 to 100 shows each year.

The choir has its first record coming out in the fall, on Atlantic's East-West label, and Turnbull says he hopes that will lead to other recordings, including a classical disc. A Christmas single is also scheduled for release this year.

The biggest news about the Boys Choir, however, is really about the ChoirAcademy, which used to have grades 4–8 and now has added ninth and 10th grades, with 11th and 12th coming in the next two years.

This will mean the ChoirAcademy, on W. 127th St., can keep students from fourth grade through high school, with total enrollment more than doubling to 600.

The only problem, says Turnbull, is this still only begins to fill the need.

"We audition more than 2,000 prospective students each year," he says. "There is a tremendous interest in the community for a program like ours, from both students and parents."

The numbers explain why. Some 98 percent of ChoirAcademy students go on to college, and not only to become professional musicians.

"Our graduates become doctors, lawyers, educators," says Turnbull. "What we give them is the foundation. We're not a factory. We provide individual attention. Our program requires discipline, and we find that the overwhelming majority of our students accept this. Many are looking for it."

As a satellite school of city District 5, the ChoirAcademy places an emphasis on music, even looking for talented musicians in other schools. All students are required to take piano, and places in both the boys and girls choirs are coveted.

Far from the curriculum frill it is considered in many schools, music is viewed at the ChoirAcademy as a rock on which to build academic and personal success.

"If you can show students they are good at something, this gives them confidence in all areas of their lives," says Turnbull. "It shows them they can do it."

It also helps keep them focused on achievement, in a world where distractions are everywhere.

"You see the stereotypes of young people," says Turnbull, and yes, he agrees, it can be frustrating when the media focus on the bad guys. "But the majority of the community is not that way. We need to support and recognize the ones who are doing something positive, who are accomplishing a goal."

TRIBUTE TO DR. CHARLES GEORGE HAYES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Charles George Hayes of the Cosmopolitan Church of Prayer. Attached is a proclamation I issued Dr. Hayes commending him for his work.

PROCLAMATION

Whereas Dr. Charles George Hayes was born to Mamie Lee and Will Hayes in Verbena, Alabama, migrating to Chicago in 1955 and serving as a Church Musician; and

Whereas Dr. Hayes was Ordained a minister August 31, 1957 by Bishop J. Pedro, Prophetic Church of the Living God, Atlanta, Georgia, in April 28, 1959 he organized the Cosmopolitan Church of Prayer of Chicago, over the years the church has prospered through its outreach ministry, music and radio ministry, the original Pre-Memorial Day Midnight Musical, and the Gospel "Feast" in Song, founder of the world renown choir the Mighty Warriors, who represented the City of Chicago in the Umbria Jazz Festival, throughout Italy in July of 1992; and

Whereas Dr. Hayes holds a Doctorate Degree from the Religious Science Institute and a Honorary Doctorate of Humane Letters from St. Martin's College and Seminary; he is a leader in several national Church Bodies, International Board of Director, Metropolitan Spiritual Churches (for 25 years), President, National Association of Sacred Science Churches, Inc., President, First Spiritual Churches of Christ, President, Bible Churches of Christ, President, Cosmopolitan Churches of Prayer. Dr. Hayes because of his compassion, concern, and interest in people is affectionately known as "Father Hayes", and

Whereas under the pastoral leadership of Dr. Hayes Cosmopolitan Church of Prayer has embarked on a new mission to invest in and rehab the Woodlawn Community a community plagued with crime, homelessness, guns, and drugs, the first phase being complete with the purchase and rehabilitation of a new church facility in the heart of the community at 840 East 65th Street, Chicago, holding the first services September 29, 1991: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. Charles George Hayes and the Cosmopolitan Church of Prayer-Holiness by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

INTRODUCTION OF NATIONAL AQUATIC ECOSYSTEM RESTORATION ACT

HON. DAN HAMBURG

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. HAMBURG. Mr. Speaker, today, I am introducing the National Aquatic Ecosystem Restoration Act of 1994 which creates a new vision for sustainable stewardship of aquatic ecosystems in our country. This bill will encourage and fund voluntary grassroots efforts to restore river, wetland and estuarine ecosystems based on a long-term National strategy. The President has called for re-alignment of Federal land management based on watershed boundaries, but his initiative extends only to Federal lands. The Aquatic Ecosystem Restoration Act's focus on non-federal lands will complement this Federal land policy.

The Mattole Restoration Council, in Humboldt County on California's northcoast, embodies this vision. In 1979 a small group of residents and landowners joined together to rebuild declining native salmon populations in their river. Inevitably, they soon discovered that restoring the salmon population meant rebuilding the ecosystem which gives it life. Today, the Mattole Restoration Council encompasses 13 member groups. They are working to restore and maintain a self-sustaining Mattole River ecosystem which will nourish and support a sustainable economy based on forestry, fishing, ranching, small business, and recreation.

Freeman House, a founder of the Mattole Restoration Council, speaks eloquently of the wisdom and effectiveness of locally-based watershed management:

One pass through with a government crew isn't going to do the job. The residents will remain in place after the government has come and gone. If the restoration program has been structured so that problems are defined and decisions made by inhabitants with the counsel of technicians, and if much of the work has been performed by local people, especially young people, then a population will remain whose identity has been extended to include their habitat. They will have the skills to maintain equilibrium with the changes inherent in all natural succession. * * * And they will begin to invent the styles of resource development appropriate to the long-range survival of their places and thus of themselves.

Community-based restoration efforts are growing across the country. From the Merrimack River in New England down the coast to the Kissimmee river in Florida, across to the Illinois and Mississippi Rivers in the heart of our country, west to numerous coastal rivers and streams on the Pacific coast, local residents are beginning to identify the health of their surrounding water systems with their own well-being ans survival.

In the last 100 years, the Federal Government has invested over $200 billion to develop dams, irrigation, flood control, and navigation projects. Although these projects have had many beneficial results for our society, they have also caused severe damage to aquatic ecosystems—rivers, lakes, streams, estuaries and the surrounding land, plants and wildlife. Only 2 percent of the rivers in our Nation are considered healthy. The sport fishery in three quarters of our streams has deteriorated to low quality. More aquatic organisms than any other group are potential candidates for listing under the Endangered Species Act.

We are now entering a new era, an era of awareness that we must also invest in restoration of our watershed and aquatic habitat. The National Aquatic Ecosystem Restoration Act of 1994 will build a future in which our children and grandchildren can enjoy the thriving fisheries and clean drinkable water we have taken for granted for so long.

INTRODUCTION OF FHA IMPROVEMENT ACT

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. ORTON. Mr. Speaker, today I am introducing the FHA Improvement Act of 1994, legislation designed to simplify and streamline the FHA single-family loan program.

The benefits of increased homeownership are substantial. It provides stability and an increased sense of community. For most Americans, it is the single most important investment they wiil make in their lifetime. Also, as individuals and families move from renting to owning, more rental units become available, an overlooked, but important source of affordable rental housing.

Our Federal housing policies recognize the importance of homeownership, and generally target the area where we can have the greatest impact—helping individuals and families enter the housing market. An important example of this is the FHA program. FHA provides reasonable down payment requirements and affordable interest rates, while limiting these benefits to houses in an affordable price range.

In recent years, however, use of FHA has declined relative to other mortgage instruments. An important reason for this decline is the increasing frustration of borrowers and realtors with the complexity and delays associated with using FHA. In the short run, this decline deprives prospective homebuyers of an important homebuying tool. In the long run it could threaten the economic health of the FHA Mutual Mortgage Insurance Fund [MMIF]. Through the process of adverse selection, it is possible that only the weakest homebuyers will use FHA.

The FHA Improvement Act seeks to address these problems of complexity, without increasing risk in the mortgage insurance fund. It does not make changes in the somewhat controversial areas of increasing the maximum loan amount or lowering the insurance premium. It does make commonsense changes to make the system more user-friendly.

I would like to briefly outline these changes. First, my bill replaces the current confusing two-part downpayment calculation with a simple formula, without changing the typical level of downpayment required. The bill also permits lenders authorized to process direct endorsement mortgages to issue their own mortgage insurance certificates—eliminating the long delays lenders frequently face. This does not change the loan approval process, since such lenders already have their own underwriting authority.

The bill would simplify the calculation of the FHA loan floor—minimum—replacing a county-by-county calculation with a calculation of average area purchase prices on a state-wide and major metropolitan area basis. This provision is identical to the administration's proposal in the housing reauthorization bill recently sent to Congress.

The FHA Improvement Act would also eliminate the unfair and unnecessary prohibition against parental loans. This would eliminate the cumbersome and intrusive need to obtain a gift letter whenever parents help their children buy a house. The bill also takes into account recent market changes by giving FHA increased flexibility to originate more variable rate loan programs, such as a 5/25 loan. However, it ties this new loan flexibility to a determination that there will be no additional risk to the Mutual Mortgage Insurance Fund.

Finally, a number of minor changes are made to outdated provisions. The 90-percent limitation on new construction projects not approved prior to construction is removed. The bill also allows FHA condominium project approval for those projects already approved by FNMA and Freddie Mac. And, HUD is directed to conduct a study of the impact of lowering FHA insurance premiums, with a focus of the effects on the MMIF.

I believe these reforms are sensible and noncontroversial. I hope that we can adopt these changes during consideration of this year's housing reauthorization bill. Their enactment would result in a solid improvement of a program that has played an important role in the well-being and economic health of our country.

FORT WASHINGTON LIBRARY 80TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. RANGEL. Mr. Speaker, I rise today to commemorate the anniversary of the Fort Washington Branch Library which is celebrating its 80th year of service, in Washington Heights, in my congressional district in New York.

Throughout the years many thousands of people the world over and from all walks of life, have availed themselves of the services of this branch—among them: Maria Callas, Lou Gehrig, Henry Kissinger, Edwin Newman, and Jacob Javits to name but a few.

In the 1920's and 1930's immigrants came mostly from Europe—Ireland, Germany, Poland, et cetera, and settled in the Washington Heights-Inwood area. Now, the majority of the immigrants are coming from the Caribbean, particularly the Dominican Republic, as well as from the former Soviet Union.

The Fort Washington Library is performing the same functions now as it has done in the past—namely, to reach out into the community by providing much needed services. They have books and cassettes to learn English for whose who wish to do so. They also have books in diverse languages for those who wish to read in their native tongue. Fort Washington has special classes for those Spanish-speaking individuals who cannot read or write Spanish because it was discovered that before a person can learn a second language such as English, he or she must first become literate in their own.

Fort Washington has the largest reference library in northern Manhattan which includes eight Spanish encyclopedias in addition to newspapers in Russian, Spanish, and Greek. They are usually filled up with wall-to-wall people of all ages—students doing homework, people reading Standard and Poors and the Wall Street Journal, as well as magazines on physical fitness, sports, and a broad range of topics.

The children's room is the second busiest branch in Manhattan and is constantly busy with story hours and special programs geared to different age groups.

Their young adult and children's librarians invite classes to the library and also go to the schools to tell stories, give book talks, and encourage the children to avail themselves of Fort Washington's services.

The library is available to all and has been for the past 80 years. They are looking forward to another 80 years playing an important role in their ever changing and vital community.

TRIBUTE TO REV. BILLY J. JONES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Billy J. Jones of the Samaritan Bible Baptist Church. Attached is a proclamation I issued Reverend Jones commending him for his work.

PROCLAMATION

Whereas, the Reverend Billy J. Jones was born in Locust Grove, Georgia, the second of five children, born to Simon and Avvie Lee Jones, he is a family man, married to Jeanette Robinson, the daughter of Helen Robinson Jordan, the father of three sons, Demetrius Van, Lewis Armstrong, and Bryant Lamont; and

Whereas, Reverend Jones was reared in Chicago since 1955, he matriculated at Forrestville and Dolittle elementary schools, Wendell Phillips High School, Crane Junior College of the Chicago City Colleges, and the Moody Bible Institute, Chicago, Illinois; and

Whereas, Reverend Jones for over thirty-five years, has been a member of the Fellowship Missionary Baptist Church, Chicago, Illinois where The Reverend Clay Evans is Pastor, he served as Assistant Minister of Music over twenty years, recording six albums with the Mass Choir, "The Voice Fellowship," in 1972 Reverend Jones accepted the Call to the Ministry, he was elected Pastor of the Sunrise Missionary Baptist Church, Chicago, Illinois in July 1975, serving there faithfully for seven years, in August 1982 he organized the Samaritan Bible Baptist Church, Chicago, Illinois; and

Whereas, Reverend Jones worked in the Civil Rights Movement with the Reverend Jesse L. Jackson, and sang for Dr. Martin Luther King, Jr. before he spoke during the time Dr. King lived on the West Side of Chicago, a member of the Southern Christian Leadership Conference—Operation Breadbasket, he organized the Breadbasket Choir, he is a Charter member of Operation PUSH, Reverend Jones is a Shepherd, a Community Leader, a Humanitarian, and a true role model in our community. Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishment of The Reverend Billy J. Jones, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

THE 50TH ANNIVERSARY OF D-DAY: REMEMBERING THE SACRIFICE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. EVERETT. Mr. Speaker, on June 6, 1994, Americans all across this Nation will commemorate the 50th anniversary of the Allied offensive on the beaches of Normandy, France, during World War II. This even marked the beginning of the end of the tyranny of Nazi rule and was key to the Allied victory in Europe. Many Alabamians were engaged in this struggle where many valiant individuals gave their lives for the preservation of freedom and democracy. They did not seek glory—they marched behind the resplendent banner of freedom, and fought to preserve that freedom for future generations.

In commemoration of the sacrifice of Alabamians on D-day, the Alabama State House

of Representatives and Senate adopted a special resolution on May 6 which specifically designates June 6, 1994, as Alabama and National D-day Remembrance Day. I applaud the Alabama Legislature for taking this action to remember this extra special day in the history of America and the free world and I have included the text of the resolution in the RECORD.

There is an inscription on a war memorial in Arlington National Cemetery that reads: "Not for fame or reward, not for place or rank, not lured by ambition or goaded by necessity, but in simple obedience to duty as they understood it." As benefactors of their courage and sacrifice, the task falls to us to ensure that future generations know that the price of freedom is high. The freedom that we now enjoy was purchased with the blood of thousands that have gone before—from the first shots fired in the Revolution to the Persian Gulf war—and we cannot let the world forget the loss of life that was required to guard this heritage of liberty we all hold so dear.

SENATE OF ALABAMA RESOLUTION

Whereas, June 6, 1994, marks the Fiftieth Anniversary of D-day, the day of the beginning of the Allied assault at Normandy, France, during World War II; and

Whereas, the D-day assault, known as Operation Overload, was the most extensive amphibious operation ever to occur, involving on the first day of the operation five thousand ships, over eleven thousand sorties of Allied aircraft, and one hundred fifty-three thousand American, British, and Canadian troops; and

Whereas, five separate beaches were assaulted, with American forces commanded by Lieutenant General Omar Bradley and British and Canadian forces commanded by General Miles Dempsey; and

Whereas, many Alabamians were involved in the attack on "Omaha" and "Utah" beaches and many American troops suffered significant losses during the assault, including over six thousand five hundred casualties; and

Whereas, the D-day assault was among the most critical events of World War II, with the success of the Allied landings in Normandy providing the foothold for the liberation of France and the eventual Allied breakthrough into Germany and leading ultimately to the Allied victory in Europe; and

Whereas, June 6, 1994, is one of the most significant dates in the lives of Alabama's World War II veterans and in the history of the United States; now therefore, be it

Resolved by the Legislature of Alabama, both Houses thereof concurring, That June 6, 1994, is designated as Alabama and National D-Day Remembrance Day, and the Governor is authorized and requested to issue a proclamation calling upon the people of Alabama to observe that day with appropriate programs, ceremonies, and activities, and to participate in remembrance with national ceremonies. Be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the entire Alabama Congressional Delegation.

TRIBUTE TO SISTER ROSANNE KLIMASZ

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Sister Rosanne Klimasz, currently the Superior of the Felician Sisters Generalate in Rome, Italy, on her 50th annniversary as a Felician Sister.

Sister Rosanne was born in the Back of the Yards community on the South Side of Chicago and attended Sacred Heart Elementary School and Good Counsel High School in Chicago. Sister Rosanne has spent many years teaching at Holy Innocents and St. John of God Schools in Chicago and Holy Cross School in Joliet, IL. She has also contributed her services to the health care of thousands of people at St. Joseph Hospital in Milwaukee, WI, Rosary Hospital in Corning, IA, Our Lady of Angels Hospital in Okarche, OK as well as Memorial Hospital in Yorktown, TX. Sister Rosanne has also served her family of Felician Sisters at the Felician Sisters Provincialate in Rio Rancho, NM and at the Felician Sisters Generalate in Rome, Italy.

Sister Rosanne has developed lasting relationships which have brought immeasurable benefits to the people of each community in which she was assigned. She has lovingly served her own family and the family of Felician Sisters by bringing spirit, joy and goodwill to them and to all the lives she has touched. I am proud that Sister Rosanne can call the Chicagoland community home.

Mr. Speaker, I am pleased to recognize Sister Rosanne Klimasz for dedicating herself to the welfare of others and the betterment of our community. As she celebrates her 50th anniversary as a Felician Sister at a special Mass of Thanksgiving on Sunday, May 29, 1994, I urge my colleagues to join me in wishing her the best in the years to come.

REAL CONGRESSIONAL REFORM

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. PORTMAN. Mr. Speaker, I am introducing legislation today that seeks to address the dramatic increase this body has experienced in restrictive rules governing floor consideration of legislation.

In the 95th Congress (1977–78), 85 percent of the bills that we brought to the House floor were considered under an open rule. This provided Members of Congress the opportunity to offer amendments to these bills before final passage and permitted full and fair debate on the issues.

With each and every Congress since then, however, we have witnessed a consistent decline in the number and proportion of bills considered under an open rule. The 102d Congress (1991–1992) saw the percentage of open rules drop to 34. Even more disturbing is that through May 12, 1994, this Congress has seen only 22 percent of the bills considered under an open rule. Therefore, 78 percent of the time, our ability to fully debate and consider amendments is restricted.

The resolution I am offering today amends the House rules to provide that a two-thirds majority, rather than the current simple majority, would be required to approve a rule that is restrictive. Thus, Members will be better able to offer germane amendments to legislation rather than being unfairly silenced through a restrictive rule. This will reintroduce some fairness into the process.

It is time Members have greater access to the legislative process. It is time for important matters of national concern to be fully and openly aired on the floor of the House. It is time that we bring an end to the restrictions placed on the offering of amendments. Please join me in this effort.

TRIBUTE TO REV. HOSEA IVEY

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Hosea Ivey of the United in Love Missionary Baptist Church. Attached is a proclamation I issued Rev. Ivey commending him for his work.

PROCLAMATION

Whereas the Reverend Hosea Ivey was born in Union Spring, Alabama, one of six brothers and one sister, the son of a Methodist Minister, the Reverend George D. Ivey and Fannie Ivey, he is a family man, married to Maureen Ivey, they have been Blessed with three sons, Clifford Ivey, a public school teacher, Dr. Carl Ivey, M.D., a Pediatrician, and Hosea Ivey, Jr., a computer programer; and

Whereas Reverend Ivey completed grammar school and high school in Union Spring, Alabama, he was reared on a farm, at the age of seventeen he left home looking for gainful employment, first in Fort Benning Georgia, Montgomery, Alabama, and Florida, during World War II he served in the United States Army from April 26, 1945 to February 16, 1947; and

Whereas Reverend Ivey moved to Chicago in 1951, promptly he found employment at United States Steel Company working there for thirty-three years; and

Whereas Reverend Ivey was active in the Methodist Church for many years, serving as the Finance Chairman at Kelly Methodist Church, Chicago, Illinois, God Called him into the Ministry in 1972, Ordained in 1977 at the Greater Mount Vernon Baptist Church, under the Pastoral leadership of The Reverend Charles Alexander, through prayer and faith Reverend Ivey organized the United In Love Missionary Baptist Church, Chicago, Illinois, leading people to Christ and serving the community for over seventeen years, Reverend Ivey is a family man, a man of faith, a shepherd, and a true role model in our community. Now, therefore, be it

Resolved, That the Congress of the United States of America wishes to acknowledge the faithfulness and accomplishments of The Reverend Hosea Ivey, by entering these ac-

complishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

ENERGY BIOSYSTEMS CORPORATION STOCKHOLDERS TO GATHER MAY 25

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. FIELDS of Texas. Mr. Speaker, I am pleased that the innovative and pioneering spirit that made Texas a leader among the States was not a thing of the past; it is with us still.

I refer to a relatively new company based in my congressional district: Energy BioSystems Corp. Energy BioSystems Corp. was founded in Texas in 1989 and completed its initial public stock offering a little over 1 year ago. On May 25, company officers and shareholders will gather in The Woodlands, TX, to review the company's performance during its first year as a public corporation, and to outline what they want Energy BioSystems to achieve in the year ahead.

I congratulate the officers, the employees and shareholders of Energy BioSystems Corp. on their first year as a public corporation, and wish them continued success in the future.

Energy BioSystems Corp. is commercializing new and innovative biotechnology-based processes for the oil production and refining industries. To date, it has concentrated on developing a process called—and I hope I pronounce this correctly—"biocatalytic desulfurization," or BDS. This process, which uses enzymes to remove sulfur from petroleum, is expected to help refiners worldwide meet increasingly stringent environmental regulations in a cost-effective manner. Those regulations could cost the refining industry up to $25 billion in capital spending, and $6 billion annually in higher operating costs. BDS could significantly reduce those costs, as well as greatly increase the value of high-sulfur oil reserves.

Energy BioSystems Corp. expects to have a pilot plant in operation this year, and plans to contract for its first unit shortly thereafter. The first unit is expected to start operations in 1996. At that point, Energy BioSystems Corp. will be free to use its facilities and its employees' expertise to expand into other "biorefining" solutions for the petroleum industry.

As a senior member of the House Energy and Commerce Committee, I know that America's domestic energy industry faces many challenges in the years ahead; regrettably, most of the obstacles that stand between them and success have been erected by the Congress, the Department of the Interior and the Department of Energy. Given the seriousness and persistence of those obstacles, I am sure that the energy industry, and related industries, will welcome the cost-saving solutions being explored by Energy BioSystems Corp.

Mr. Speaker, I appreciate this opportunity to bring to your attention—and to the attention of my colleagues—the activities of this new public company located in my congressional district, and to wish the officers, employees and shareholders of this company success in the future. All of us concerned about the environment, and the economic well-being of the domestic energy industry, hope Energy BioSystems succeeds in its innovative approach to solving seemingly unsolvable problems.

SALUTE TO NORTH ADAMS STATE COLLEGE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. OLVER. Mr. Speaker, I rise today to honor North Adams State College, the public liberal arts college of Massachusetts located in the northwest corner of the First Congressional District of Massachusetts in the City of North Adams. The college begins celebrating the 100th anniversary of its charter by the Great and General Court of the Commonwealth on Monday, June 6, 1994. Following the Charter Day program, a series of events, culminating in an October celebration, will recognize the Centennial.

Created as a teacher's college in 1894 by an act of the state legislature, the college has a proud history. Under the first principal, Frank Fuller Murdock, the school began serving teachers in the rural towns of western Massachusetts, elevating the quality of public education for generations of citizens. In 1937 the college offered 4-year and masters degrees in education, and by 1976 it became authorized to grant degrees in liberal arts and other career fields. North Adams State College now serves over 2,000 students in 20 major academic disciplines.

In 1992, the college officially revised its original mission as a teacher's college. The new mission, approved by the Massachusetts Higher Education Coordinating Council, is:

To develop liberally educated individuals who have the knowledge, perspective, critical thinking capabilities and ethical values to become active citizens and leaders in their chosen fields.

Though the college is no longer only a teaching school, the new mission statement honors the college's proud past in that the school still seeks to provide the best quality public education for the citizens of the Commonwealth of Massachusetts. I ask my colleges to join me in congratulating North Adams State College on its 100th Anniversary and in extending best wishes to all the faculty, staff, students, and alumni.

A DAY OF SPECIAL CELEBRATION

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. MINGE. Mr. Speaker, now therefore, I, DAVID MINGE, Representative of Minnesota's great Second Congressional District, do hereby proclaim May 24, 1994 to be a day of special celebration to honor and recognize the older citizens living within the boundary of Minnesota's Second Congressional District.

PROCLAMATION

Whereas older citizens of Minnesota's Second Congressional District have contributed significantly to the quality of life throughout the district; and

Whereas without the influence and vision of older citizens, Minnesota's Second Congressional District would not be a haven of safety and prosperity for those who reside here; and

Whereas the older residents of Minnesota's Second Congressional District represent a "touch stone" to the past and hold a keen knowledge of the rich history of our district; and

Whereas many older citizens of Minnesota's Second Congressional District provide valuable volunteer services which make it possible for the culture of our area to thrive and grow; and

Whereas senior citizens are deserving of honor and recognition for their contribution to the social and cultural environment of Minnesota's Second Congressional District.

TRIBUTE TO DR. ROBERT L. HOUSE

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Robert L. House of the New Life Baptist Church. Attached is a proclamation I issued Dr. House commending him for his work.

PROCLAMATION

Whereas Dr. Robert L. House was born in Shelby, Mississippi, he matriculated at Chicago State University, Chicago, Illinois earning the Bachelor of Arts Degree, 1973, Garrett Evangelical Theological Seminary, Evanston, Illinois earning the Master of Divinity Degree, 1976. Dr. House was awarded two honorary degrees, the first from Richmond Virginia Seminary, Richmond, Virginia, Doctor of Divinity, 1984, the second from Monrovia College and Industrial Institute, Monrovia, Liberia, 1985; and

Whereas Dr. House has helped many people making substantive contributions through his many volunteer efforts. He is a Board Member of "One Church One Child," adoption agency, Board Member of Chicago Christian Industrial League, Instructor in Christian Ethics and the Book of Genesis, Chicago Baptist Institute, Chicago, Illinois, Instructor in Narcotics and Drug Abuse, Progressive National Baptist Convention, former Gospel Radio Host of "An Hour and a Half With House," WBEE Radio, 1570 AM; and

Whereas Dr. House is an experienced shepherd, serving as Assistant Pastor, Saint Mark United Methodist Church, Chicago, Illinois, Pastor, Wesley United Methodist Church, Chicago, Illinois, Pastor, First Union Baptist Church, East Chicago Heights, Illinois, Pastor, Tabernacle M.B. Church, Chicago, Illinois, Founder and Pastor of New Life Baptist Church of Chicago, Illinois, 1986; and

Whereas under the leadership of Dr. House the congregation has prospered, a church and

educational building was purchased, and a Transitional Shelter for women and children is one of the dynamic ministries of the church. Mrs. House is an inspiration to her husband and especially shares in the music ministry, and the ministry to the homeless, Dr. and Mrs. House are the proud parents of two children. Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. Robert L. House and the New Life Baptist Church of Chicago by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States.

RECOGNITION OF NASA AWARD WINNERS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to recognize the accomplishments of two of my constituents from Long Island, NY. Christopher Del Rosso from Port Jefferson and Thomas Sapienza from Shoreham have both had the honor of being awarded internships with the National Aeronautics and Space Administration [NASA].

Christopher Del Rosso will commence his internship at the Goddard Space Flight Center in Greenbelt, MD. He will have the opportunity to study with astronomers in the Laboratory for Astronomy and Solar Physics. Observational programs at the center include technology and instrument development and the study of astrophysical phenomena, specifically emphasizing the structure, origin, and evolution of the sun and stars.

Thomas Sapienza's internship will be conducted at the Wind Tunnel Testing Facility at the NASA research center in Langley, VA. He will conduct research with leading NASA scientists to study the effects of wind speed. The wind tunnel is 30 feet high and 60 feet wide and is capable of generating wind speeds up to 100 miles per hour.

Only 24 students out of 5,000 entries from across the United States have been selected for this prestigious honor, and I am pleased to have this honor bestowed on two of my constituents. The competition, cosponsored by NASA and the National Science Teachers Association, is an interdisciplinary program designed to address the need for greater literacy in the area of science, critical and creative thinking, and technology.

Along with their internships, students will join their teachers at the National Space Science Symposium for the purpose of recognizing their academic achievement in an environment designed to further challenge their talents. Students will present their entries at the symposium and will be formally recognized as national winners at a NASA awards banquet.

Mr. Speaker, it is my pleasure to commend these students for their accomplishments. It is their ingenuity and intellect which will help our Nation continue to excel in the 21st century. I wish them the best in their future endeavors.

A TRIBUTE TO FRED GENTILE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Ms. MOLINARI. Mr. Speaker, I would like to take this time to honor one of Brooklyn's most outstanding and respected citizens, Mr. Fred Gentile. Mr. Gentile has enhanced the Brooklyn community since he was born there in 1929.

A recent retiree, Mr. Gentile worked for the Brooklyn Union Gas Co. for 34 years. In addition to serving as the company's senior vice president, Mr. Gentile actively served the American Gas Association, both on the accounting advisory council and the taxation committee. He also belonged to the Society of Gas Lighting, and the New York chapter of the Financial Executive Institute.

With those credentials, it is hard to believe that Mr. Gentile found so much time and energy for nonbusiness-related community service projects, such as the Boys and Girls Clubs with which he has worked since 1979. He is currently serving on the board of managers for the Brooklyn chapter which oversees three clubhouses. Mr. Gentile also worked as a trustee and audit committee chairman for the Brooklyn Methodist Hospital. In addition to this, Mr. Gentile has served as parish council president at the Our Lady of Grace Church in Brooklyn.

I would like to join his wife Jane, and his two sons, Stephen and Matthew, in honoring this wonderful community participant, Mr. Fred Gentile.

Mr. Speaker, thank you for granting me the opportunity to thank Mr. Gentile for everything he has added to the Brooklyn community.

HONORING THE JOHNSON WAX CO. AND SAM JOHNSON

HON. PETER W. BARCA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to recognize the recent achievements of one of Wisconsin's—and America's—most distinguished corporate citizens, S.C. Johnson & Son., Inc., and its president, Mr. Sam Johnson.

S.C. Johnson & Son, Inc., which is headquartered in Racine, WI, has long been noted for its contribution to the community and for its environmental responsibility.

This year, Mr. Sam Johnson and the Johnson Wax Co. are receiving two significant awards in recognition of their contribution to environmental quality.

Each year, the Charles A. Lindbergh Fund, which was established in 1977 to promote research programs and projects which contribute to the balance between technological advancement and preservation of the environment, award an individual who has made a lifetime of contributions to fulfilling the fund's purpose.

This year, Mr. Sam Johnson is being honored with the Lindbergh Award on May 25 at the National Air and Space Museum. I know of no one who is more deserving of the Lindbergh Award, and I wanted to bring this important recognition to my colleagues' attention.

Mr. Speaker, in addition to receiving the Lindbergh Award, Mr. Johnson and the company are receiving the World Environment Center Gold Medal for the corporation's outstanding, well-implemented worldwide environmental policy. In the past several years, corporations such as Xerox, IBM, and Procter & Gamble have been honored with this prestigious medal.

The WEC Gold Medal for International Corporate Environmental Achievement, which is in its 10th year, constitutes an ongoing corporate commitment to maintaining or improving the environmental standard of excellence being honored.

Too often, the environment and economic growth are viewed as being in conflict, but corporations such as S.C. Johnson & Son, Inc., and individuals such as Sam Johnson prove that progress can—and should—mean improvement.

Mr. Speaker, we should recognize those corporations which are succeeding in protecting the environment, improving our quality of life, and providing family supporting jobs. We need to look no further than Racine, WI, to Sam Johnson, his company, and his employees.

TRIBUTE TO REV. HILLIARD C. HUDSON

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Rev. Hilliard C. Hudson of the Pilgrim Baptist Church of South Chicago. Attached is a proclamation I issued Reverend Hudson commending him for his work.

PROCLAMATION

Whereas the Reverend Hilliard C. Hudson is a native of Brownsville, Tennessee. He is a family man, married to Mirta Angelita Hudson and God has blessed them with five beautiful children: Shayla, Brandon, Saunya, Christopher, and Kristina; and

Whereas Reverend Hudson matriculated at Millikin University, Decatur, Illinois majoring in Accounting, Louisiana Theological Seminary, majoring in Christian Education; and

Whereas Reverend Hudson was Called to the Ministry while under the pastoral leadership of his father, the Late Reverend Clyde Hudson. This year Reverend Hudson is celebrating eighteen years of Christian Ministry. He served as Assistant Pastor at Canaan Baptist Church, Urbana, Illinois, Reverend Hudson has served as Pastor of Pilgrim Baptist Church of South Chicago since 1985; and

Whereas Reverend Hudson has preached and taught in churches and leadership schools throughout the United States and the Virgin Islands. He is on the faculty of the Baptist General State Congress of Christian Education and the Greater New Era Congress of Christian Education, recently he was fea-

tured in "Who's Who In Religion," for his work as a shepherd, teacher and humanitarian: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Hilliard C. Hudson, by entering these accomplishments in the Congressional Record and Archives of the One Hundred and Third Congress.

HEALTH CARE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. COX. Mr. Speaker, the Santa Fe Springs Chamber of Commerce and Industrial League, in Santa Fe Springs, CA, is vitally concerned about the impact that proposed health care legislation will have on employees and employers. They have not endorsed any of the health care bills proposed, including President Clinton's Health Security Act. Instead, they have compiled a list of key features that any health legislation should include. Because this analysis and list of recommendations reflect the careful study and experience of small businesses throughout California, I commend it to the attention of my colleagues as you fashion health care legislation this year:

DEAR MEMBERS OF CONGRESS: We agree that our current health care distribution system is flawed and unaffordable for many Americans. The 80 percent of the population that is insured and covered is not looking for drastic overhaul of medical care, just a better way of controlling costs and coverage. We strongly urge Congress to consider specific steps that can alleviate many of the barriers to access and affordability, as opposed to the Clinton system.

We support the option, not a mandate, for employers to pay for insurance costs.

We oppose taxing employers or other taxpayers to provide national health insurance.

We support making premiums and actual health care for all individuals and employers 100 percent tax deductible.

We support and urge protection of unrestricted individual choice of plans, doctors, and medical facilities. This choice should be made by patients, as opposed to any government agency or alliance making the choice.

We oppose any government "standard" or "minimum policy provisions." We believe that private companies should be encouraged to compete, and thereby allow the market to set standards.

We support a "pay as you save" policy of making increases in health care spending for the indigent, or others who can't afford coverage or care, only after the savings in other health provisions have been realized by the government. This would prevent massive new health care cost increases.

We support medical tort reform and limited liability as a means of reducing the high cost of medical administration.

We support portable Medical Savings Accounts as a means for the patient to pay medical costs not covered by major medical insurance.

We support administrative, regulatory, and paperwork reform and simplification of all health services.

We support an option for small business and individuals to join together to increase buying power and leverage without government control or administration.

We support annual "open enrollment" during which employees and individuals may change health plans. This will create greater competition among different plans, encouraging them to do a good job for the consumer.

We oppose the federal government becoming the buyer, administrator, or competitor for health care for the public.

We oppose any law that makes health care an entitlement program like Social Security or Medicare.

Respectfully submitted,

SANTA FE SPRINGS CHAMBER OF COMMERCE AND INDUSTRIAL LEAGUE.

IN RECOGNITION OF BOB AND LYNN MARTINEZ

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Bob and Lynn Martinez, who have been named Business Persons of the Year by the Carmichael Chamber of Commerce.

Mr. and Mrs. Martinez have been active members of the business community in Carmichael since 1975 when they opened Jose's Mexican Restaurant. Bob is a former board member of both the Carmichael and Sacramento Metropolitan Chambers of Commerce, and was the Honorary Mayor of Carmichael in 1992 and 1993. Lynn has spent 20 years teaching in the local schools. The Martinez's also owns Jose's Mexican Restaurants in Honolulu and Kona, Hawaii, Jose's Taco Hut, and Robert Martinez Realty.

Bob Martinez has been recognized as a positive role model and has received numerous awards for his community service. In 1991 he was honored by Attorney General Dan Lungren for his exceptional community service. In 1992 he was recognized by the Mexican-American Correctional Association for being a Hispanic community role model and in 1993 he received the President's Eagle Award for outstanding statewide and community service.

Active in their neighborhood, Bob and Lynn Martinez are involved in a host of service, school and community organizations, including: the Easter Seals, Rotary Club, Women Escaping a Violent Environment, the Y.M.C.A., the Y.W.C.A., the Boy Scouts of America, Girl Scouts of America, and local high, junior high and elementary schools. Furthermore, Bob and Lynn are members of their local Presbyterian church, the Hispanic Chamber of Commerce, the Mexican-American Education Association and the Flying Samaritans. Mr. Speaker, Bob and Lynn Martinez are appropriately being honored by the Carmichael Chamber of Commerce as Business Persons of the Year.

Mr. Speaker, I ask my fellow Members to join me, the Carmichael Chamber of Commerce, and the Martinez family in congratulating Bob and Lynn on their accomplishments in business and the community service.

ADDRESS BY DR. WENDELL RAYBURN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. SKELTON. Mr. Speaker, on May 14, 1994, Lincoln University held its graduation ceremonies in Jefferson City, MO. The principal speaker was the university president, Dr. Wendell Rayburn, who spoke to the graduates preparing for a changing world. This excellent address is placed in the RECORD as it is a lesson for the entire country:

Anyone who has ever given a commencement speech knows that he or she is up against a major obstacle: no one in the audience has come to this event specifically to listen to the speaker. The students have come for one reason alone: to participate in the ceremony which officially formalizes their status as college graduates. Their parents and families have come to celebrate and to mark this significant milestone in all of their lives. The administration and faculty have come as envoys of the university.

But tradition dictates that there be a speaker, regardless of the fact that no one has come to hear him or her speak. So every person ever asked to give a commencement address has begun to think about the speech with the same question: What can I say that they will want to hear and that they might remember when they look back on their graduation?

Once, when I was invited to speak at a church, I asked the minister how much time I had. "Take all the time you want," he said. "But we leave at 1:30." Although you won't be physically leaving at any time soon, your minds and attention may check out on me if I protract this speech, which is the point the minister was making.

This point is well taken by all speakers. Keep the message brief, to the point, and memorable. Only by doing so will you reach your audience.

And so I must ask myself: What message can I bring to this audience? To whom does the commencement speaker address his remarks? Obviously, the graduates are the main audience. I am therefore led to consider who are our graduates at Lincoln University.

Our data reveal that approximately 90 percent of you are Missourians. Others come from such places as East St. Louis, Chicago, Detroit, Dayton, the Oakland/San Francisco area, and from such faraway places as Nigeria and Malawi. About 28 percent of you entered college after graduating from high school; the large majority of you are what we call nontraditional students: you were in your twenties, thirties, forties, even fifties and sixties when you started college or when you returned for a master's degree. But the most important point is that all of you have succeeded in reaching your goal.

And what are your goals? I know that a full 25 percent of you have chosen majors in the business fields; 18 percent of you are now nurses and 11 percent of you are teachers. Your selection of majors indicates that you have some insight into the direction of the future of our country and its needs. You understand that the world of business offers unique opportunities. You are answering the call for qualified educators, and you appreciate that health care will be a major arena of activity well into the next century. You

have made your plans to assume critical positions in our society. If I can imprint one lasting thought upon you today, it is this: Do not suppose that your education is over. Graduation is not the end; it is only the beginning. You must prepare yourselves, educate yourselves, for a world of constant change.

The knowledge and skills you have acquired at Lincoln University will serve you well. But you must view it as the foundation upon which you must build. Hubert Humphrey once said that he learned more about economics from one South Dakota dust storm than he did in all his years in college. This is not to say that one does not need a college education. College prepares you, gives you the background, to cope with whatever twists and turns your life will take. And make no mistake: there will be twists and turns. No matter the profession you have chosen, the one thing you can count on is that it will change and evolve.

I remember well my own graduation. With my teaching certificate in hand, I felt confident that I was prepared as a classroom instructor. That was 1952. Although the intervening forty years might seem like a lifetime to you, I assure you they won't seem so when you're looking back after forty years at your own graduation! What will astound you then is what astounds me now, and that is the changes that will take place. When I first began teaching science to grade school children at Marcy Elementary School in Detroit, it was with no realization that science as we knew it then would soon explode in a hundred directions.

The way we viewed heredity changed dramatically in 1953 when James Watson and Francis Crick deciphered the genetic code of DNA, leading to an understanding of how information is passed from one generation to another. Polio, the dreaded childhood cripler and killer, was conquered in 1954 with the introduction of a vaccine developed by Jonas Salk. The first venture beyond our own world was accomplished in 1961 when a Russian cosmonaut became the first human to orbit the earth in a spaceship, and in 1969, two Americans became the first men to set foot on the moon.

But in this same time span, we also received the first warnings that an unbridled application of scientific discoveries and principles could lead to disaster. Silent Spring, written by Rachel Carson and published in 1962, chronicled the damage that our environment was sustaining from the chemicals and pesticides that filtered through our air and earth. With the advent of this book came the birth of the environmental movement. It would gather momentum from the ecological disaster at Love Canal and the near catastrophe of Three Mile Island. All of these developments, both positive and negative, were but forerunners of even more remarkable developments to come.

And science is not the only arena where we have seen change. Every aspect of society has been transformed. As I sat where you sit today and listened to a commencement speaker, I could not even begin to speculate on what was to come. We had not yet heard of Martin Luther King, Jr., and the Civil Rights movement, John F. Kennedy, the Vietnam War, the Cuban Missile Crisis, Woodstock, Watergate, birth control pills, or the women's movement, to name a few of the significant names and events of the last thirty to forty years.

So I say to you again: prepare and educate yourselves for constant change. You need not go back forty years to determine the need to do so. We have only to look back at the early 70s, a period during which many of you were born, and to recapture what has transpired since then. During the 70s, we witnessed the hook-up of the Apollo and Soyuz space crafts, a major scientific as well as diplomatic coup for that time. Jimmy Carter pardoned the Vietnam draft evaders; Louise Brown, the first test tube baby, was born; the Shah of Iran was ousted and replaced by the Ayatollah Khoumeini and Americans were taken hostage; and the accident at the nuclear plant at Three Mile Island brought us to the brink of nuclear disaster.

The pace did not slacken in the 1980s. It was, in fact, an era of "firsts." During that decade, we toasted Sandra Day O'Conner, the first woman to sit on the Supreme Court. The first permanent artificial heart was implanted. The first female, Sally Ride, journeyed into space. The first deaths due to AIDS were publicized, and all the horrors and ramifications of that disease erupted on both the national and international consciousness. The Challenger space craft exploded on live TV; home camcorders and satellite dishes became commonplace; we watched in horror as democracy was crushed in Tiananmen Square, and in awe as the Berlin Wall fell.

The 1990s show no sign of a slowing of pace. Iraq invaded Kuwait and the United States swept victoriously through the desert. East and West Germany once again became a single country; Rodney King became a household name and South L.A. erupted in violence; communism fell in the Soviet Union; Anita Hill forced the volatile issue of sexual harassment onto the national consciousness; Hurricane Andrew and the great Midwest flood proved that man is still no match for nature; and, in several emotion-filled days this April, black South Africans went to the polls for the first time in that country's history and elected Nelson Mandela president.

There is no way to recount the cataclysmic changes that have occurred in the world thus far in our lifetimes without a profound sense of wonder and anticipation concerning what is to come. How do you prepare or plan? You do so by continuing your education, not necessarily formally unless advanced degrees are in your plans, but by never missing an opportunity to tackle new projects and search out new ideas and experiences.

That famous son of Missouri, Mark Twain, provides us with a unique way of looking at life-long learning. In his book, Life on the Mississippi, he writes: "Two things seemed pretty apparent to me. One was, that in order to be a Mississippi River pilot a man has got to learn more than any one man ought to be allowed to know; and the other was, that he must learn it all over again in a different way every twenty-four hours."

We can apply that logic to almost any field today. You must not only be proficient in your area, but your level of proficiency must change with each new innovation. Can you imagine how long someone would last in the health field if they did not keep current with developments? The nurse or physician who retired ten years ago would barely recognize the intensive care unit in today's hospital. Treatment of all the major diseases has changed dramatically as new findings come to light or new drugs are developed. For instance, until very recently, bypass surgery was considered to be the best chance for a patient in the late stages of heart disease. But a new study shows that angioplasty, a procedure involving threading a balloon-tipped catheter through blocked arteries, is producing better long-term results than surgery does in the majority of patients. And in another new development, the announcement of the discovery of a gene responsible for certain kinds of cancer made it likely that treatment of that dread disease will be revolutionized in the very near future.

The same is true of other professions, as well. In my own field of education, I can cite numerous examples of changes in the way we do business. At the top of the list would have to be the computer. Student records are now computerized. You may have had one or more classes in a computer lab, and you probably used a computer to generate papers and assignments. On a number of campuses, distance learning is now possible via the computer. No doubt you took much of this for granted, but if you have an older brother or sister who was perhaps five years ahead of you in school, chances are they were not able to take advantage of all the opportunities that computers now afford.

So I remind you once again: prepare yourself for constant change. How will you do this? I can give you four trustworthy methods for keeping current. You will no doubt discover others on your own. My first recommendation is to be a reader. It may sound trite, it may sound simple, but it cannot be improved upon for effectiveness. What should you read? Many different things: The journals of your own profession, as one way of keeping current in your field; newspapers and news magazines, in order to learn about and understand events taking place in your community and around the world; and fiction, for relaxation and enjoyment and insight into human nature. This is a short list, and you will certainly find many other worthwhile texts. I encourage you to do so.

My second suggestion is to join professional organizations. No matter what field you have entered, you will find that there are groups which promote the profession. Become a member of at least one. Membership will provide you with tools and activities that will enhance your further growth and development in your field.

Thirdly, practice networking. Don't isolate yourself from colleagues, both close at hand and afar, who share your interests. Professional meetings and conferences are excellent occasions for networking.

My last suggestion to you is to utilize technology, which can put at your fingertips the means of accomplishing all of my other recommendations.

When you think about it, your education is only just beginning. You are entering a new phase in your life, and it should be one of exploration and discovery. There will be no finish, because this exploration is ongoing. But there will be excitement, there will be highs and lows, and there will be change. If you are prepared, you will guarantee yourself a lifetime of success.

As you take your initial step into this new and exciting world, feel confident because your knowledge and skills rest upon the legacy of a rich heritage and time-honored tradition handed down by the founding fathers of Lincoln University—the soldiers of the 62nd and 65th colored infantries.

Graduates, I congratulate you and I wish you the very best!

TRIBUTE TO DR. J. ARCHIE HARGRAVES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, Dr. J. Archie Hargraves of the South Shore Community Church. Attached is a proclamation I issued Dr. Hargraves, commending him for his work.

PROCLAMATION

Whereas Dr. J. Archie Hargraves matriculated at North Carolina A & T state University, Greensboro, North Carolina, earning the Bachelor of Science Degree, with honors, Columbia University, New York, earning the Bachelor of Arts Degree, Union Theological Seminary, New York earning the Master of divinity Degree, Chicago Theological Seminary, Chicago, Illinois, earning the Doctor of Religion Degree; and

Whereas Dr. Hargraves is leader and builder of institutions he has helped thousands of people, serving as the President of Shaw University, Raleigh, North Carolina, 1971–1976, Founder and President of the West Side Organization and the West Side Organization Health Services Corporation, Co-Founder of the East Harlem Protestant Parish, New York City, Founding President, Illinois Certification Boards for substance abuse treatment and prevention, Director of Urban Mission, The Urban Training Center for Christian Mission, Chicago, Illinois, Director of Chicago Action Training, Chairman, The Black Strategy Center 1969–1970; and

Whereas Dr. Hargraves presently serves in the following capacities, Pastor, South Shore Community Church, United Church of Christ, Chairman, South Shore community Unemployment Union, Chairman, Organization for African American Unity, President and CEO, Checagou, DuSable, Fort Dearborn Historical Commission, Chairman, Chicago Africa Society, Lecturer, African and African American Studies, Roosevelt University, Coordinator, Outreach to the African American Community, AIDS Pastoral Care Network; and

Whereas Dr. Hargraves and South Shore Community Church are engaged in the cutting edge of Ministry people are being saved daily by ministry to the whole person, through the Job Locator Service, Senior Citizen Breakfast, Senior and Disabled Food Distribution, AIDS Counseling and Visitation, A Christ Centered Drug Recovery Program, Special Ministry for Black Men, Prayer and Spiritual Counseling, and a Day Care Center, and more: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. J. Archie Hargraves and the South Shore Community Church, by entering these accomplishment into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

A TRIBUTE TO THE PHOENIX SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mrs. MORELLA. Mr. Speaker, it is a proud moment for me to rise and pay tribute to the Phoenix School on the occasion of its 15th anniversary celebration. The Phoenix School was founded by the Montgomery County, MD, Board of Education in 1979 and was the first public high school in the country established for students recovering from drug and alcohol abuse.

In 1992, 50 percent of high school seniors witnessed classmates drunk at school; 42 percent witnessed other students high on drugs. The use of marijuana and cocaine is increasing among 13- and 14-year-olds. Alcohol-related car crashes are the leading cause of death among adolescents and young adults in the United States. More than 30 percent of youth under the age of 18 in State-operated institutions were under the influence of alcohol at the time of their offense. If these trends prevail, it is estimated that 4,000 of Montgomery County's 30,000 public high school students will be at risk for developing a dependency on alcohol and drugs during their lifetime.

Since its establishment, the Phoenix School has enabled hundreds of Montgomery County students to stay sober and drug-free. Students attend the Phoenix program from 12 to 18 months, after which they return to their home high schools. More than 86 percent who complete the Phoenix program go on to complete their high school studies, and many go on to college.

In most respects, the Phoenix School is like a regular high school with tough standards. Admission is selective, and students are usually referred by a school counselor, pupil personnel worker, or mental health professional. Classes are small and students must attend daily counseling and recovery sessions, 12-step programs, and must submit to frequent urinalysis tests. Parent involvement also is a major component of the Phoenix program. Parents must attend support group sessions on a weekly basis.

The Phoenix School has two locations. The Silver Spring campus is under the able auspices of the founder of the Phoenix School, Brian Berthiaume. Sally Eller is the coordinator of the Gaithersburg campus and an advocate of early diagnosis and treatment as the best prevention for the disease of alcoholism and drug addition.

The Phoenix School, with its innovative approach to helping teenagers overcome alcohol and drug abuse, is a model for the rest of the Nation. I am proud that this outstanding school is in the district that I represent in Congress. I extend my heartiest congratulations and best wishes to the school in celebration of its 15th anniversary, and I wish the winning combination of counselors, health professionals, faculty, parents and students continued success in promoting new programs and ideas to fight drug and alcohol abuse among teens.

NAFTA AND THE WESTERN HEMISPHERE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. RICHARDSON. Mr. Speaker, I would like to share with my colleagues the following excerpts from a speech made by Ambassador Abelardo L. Valdez. A graduate of Texas A&M University, Ambassador Valdez returned to A&M in May 1994 to deliver the commencement address. His "From NAFTA to a Common Market of the Americas: A Dream to be Realized" is a prophetic talk on where we were, where we are, and where we can go. NAFTA presents an opportunity for the hemisphere. Ambassador Valdez thoughtfully addresses the specific and broader issues that NAFTA raised. I invite my colleagues to read this excellent account.

"FROM NAFTA TO A COMMON MARKET OF THE AMERICAS: A DREAM TO BE REALIZED"

(By Ambassador Abelardo L. Valdez)

In every age, the world presents new and unique challenges to the women and men who enter into it. The Twenty-First Century—your century—will present realities different from those of your parents. We are already witnesses to the Cinderella-like transformation of the bi-polar world of the last half-century. Former "evil empires" have been touched by the magic wand of democratic elections and they are dressing for the ball of free markets. The economic nationalism of the past is giving way to the regional trading blocs of the future. Countries of Europe and the Pacific Rim have grouped to gain competitive advantage in global competition. Other nations, originally hesitant to join in this trend, are scrambling to position themselves within economic communities.

Our nation's new partnership with Mexico and Canada has created the North American Free Trade Agreement. I believe that NAFTA can lead, within a decade, to the creation of a common market of the Americas with more than 800 million consumers and including all the nations of the Western Hemisphere.

That goal is my dream. It is a dream which has sustained my personal efforts to help bring it about over the past quarter century. It took shape in 1967 when, as a young military aide, I accompanied President Johnson to the Uruguay Summit of the presidents of the Americas to consider the formation of a Latin American free trade association. Why, I wondered, just Latin America. Why not a trade pact for all of the Americas, North, Central and South. Why not a charter that would create a true Community of the Americas that would work together to strengthen democracy, expand our economies and provide for a better life for all our people—an idea which no one was considering at that time.

For such a dream to become a reality, I concluded U.S. leadership was crucial. If our nation did not lead such an effort, then which one would? For the idea to gain credibility among North Americans, someone would need to articulate its merits, but few seemed convinced. I wanted all Americans to share in the dream of a hemisphere in which the rising tide of prosperity would lift all boats, in which trade and mutual advantage would replace suspicion and rancor. Someone

would need to speak out for that dream, but no one would. Then the realization came that, if no one would, then I should. If not me . . . then who?

My subsequent study in the law, analysis of comparative trade policies and public service in international development brought home to me the complexities and possibilities of a hemispheric common market. During that time, I tried to sow the seeds of the dream to anyone willing to listen—and to many who were not. I found that a few shared the dream, but many, many more did not. In the process I learned that, in the real world, dreams do not come equipped with the magic wands of Cinderella stories. Their fulfillment more responds to a lesson which I earlier learned in the South Texas sun, "You chop cotton one row at a time." And I was looking at a mighty big cotton field.

So, thirteen and one half years ago, at another A&M commencement, I articulated my dream. At that time there were few takers, north or south of the Rio Grande. Indeed many laughed at the mere suggestion of the idea.

I proposed in 1980 that this great goal could be achieved through incremental steps. First, by establishing a 200-mile free trade zone along the U.S.-Mexico border as a pilot program for ten years and then expanding into a complete free trade agreement among the nations of North America—and then expanding to include all of the Americas.

Within 18 months, events in Mexico and the United States and the increased trade competition from Asia and Europe confronting U.S. companies combined to create a mushrooming maquiladora system with limited free trade, roughly in the 200-mile zone I had proposed as a first step. In the following ten years, some 1,500 co-production ventures mushroomed in the de facto zone on the Mexican side of the border making it the largest source of new jobs in Mexico and enabling U.S. companies to survive against the tremendous competition from Asia and Europe.

This experience of nearly 10 years convinced both countries that expanded free trade and co-production presented substantial mutual benefits to the people and economies of both nations. This led to President Carlos Salinas' bold initiative with President George Bush in 1990 to begin free trade negotiations with the United States and Canada. These long negotiations, augmented by side agreements at the request of President Bill Clinton, resulted in the North American Free Trade Agreement, which became effective on January 1, 1994—thirteen years after I had proposed it from this platform as the first critical building block for a Western Hemispheric Common Market.

As I speak to you today, plans are firming up for a meeting of 34 elected leaders of our hemisphere, to be hosted by President Clinton in Miami this December. In his announcement of the event, the President said that this "Summit of the Americas" will be "a unique opportunity to build a community of free nations diverse in culture and history but bound together by a commitment to responsive and free government, vibrant civil societies, open economies and rising living standards for all our people."

Well, Mr. President . . . I could not have said it better and I thank you for embracing the dream which I dreamed, in a much different hemisphere, so many years—and so many rows of cotton—ago.

The upcoming summit will provide the forum for cooperation among the nations of this hemisphere towards solving problems of the environment, expanding human rights, promoting good governance and greater social inclusion. It will also advance the dialogue towards an expansion of NAFTA by the entry of other individual countries or by the affiliation of already-forming regional trade groups.

Regional trade groupings in the Americas are the order of the day. In the southern cone, Argentina, Brazil, Paraguay and Uruguay are on the road to completing their common market, "MERCOSUR." Older groupings of the Andean, Central American and Caribbean countries are modernizing. Chile and Colombia are actively pursuing entry into NAFTA. The day is dawning when a hemispheric common market, encompassing countries from the north to the south poles will help the Americas to better compete in the global marketplace.

As this global marketplace changes, the workplaces that supply it will undergo transformation. "Aggie" graduates before you likely worked for a well-established firm and likely stayed with it for most of a career. You will more probably be employed by, or will create, a small firm, established to meet a specialized objective. Your typical employment span will average five years.

This economic sea change will require courage and flexibility and well-defined professional goals on your part. You will be called upon to meet new and stronger competition and to do so sensibly, maintaining and improving worker training programs and other benefits for existing employees, creating new jobs for the ever increasing number of applicants and improving the social services for those who cannot work or require assistance. Additionally, your generation will be called upon to reduce the demand on our non-renewable natural resources and to restore balance to a physical environment burdened by population pressures and unwise use.

Your leadership, vision and hope will meet these challenges, will overcome the obstacles and lead our nation and our world to the frontiers of mankind's coming age. "If not you . . . then who?"

TRIBUTE TO DR. VERNON BEETHOVEN HARRIS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Vernon Beethoven Harris of the Beautiful Zion Missionary Baptist Church. Attached is a proclamation I issued Dr. Harris commending him for his work.

PROCLAMATION

Whereas Dr. Vernon Beethoven Harris is a native of Lexington, Mississippi, where he was reared by his maternal Grandparents, Berry and Ollie James. Dr. Harris is a family man, married to Lillian Harris for thirty-five years, God has blessed them with six children: Dawnis, Monica, Bonita, Chandra, Russell, Vernon, Jr. and eleven Grandchildren; and

Whereas Dr. Harris was called to the Ministry in 1958, Ordained March 3, 1960, he is a graduate of Ambrose High School, Lexington, Mississippi, he served his Country in the United States Air Force for four years. Dr. Harris received his Bachelors degree in 1984, the Master of Theology degree in 1987, later in honor of his work in the Church and Community he was awarded the Honorary Doctor of Divinity Degree; and

Whereas Dr. Harris is a Denominational Leader serving as the Treasurer of the United Baptist Convention of Illinois, Inc., Instructor and Lecturer in the State Congress of Christian Education, Chairman of the Permanent Organization Committee of the Emmanuel Baptist District Association of Chicago and Vicinity; and

Whereas Dr. Harris is the Pastor of the Beautiful Zion Missionary Baptist Church, Chicago, Illinois, God has prospered the congregation under his leadership. Dr. Harris organized The Beautiful Zion School of Christian Education, over fifteen men have responded to the Call to Ministry under his leadership, he organized a youth church in 1988, instituted business courses in 1990 taught at the church, and there is a food and clothing ministry to the needy. Dr. Harris is a man of humility, dedicated to God, a scholar, a humanitarian and a true role model in our community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. Vernon Beethoven Harris and the Beautiful Zion Missionary Baptist Church by entering these accomplishments into the CONGRESSIONAL RECORD and Archives of the One Hundred and Third Congress.

TRIBUTE TO THE WORK OF BILL HUTCHINSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to the excellent work of Bill Hutchinson, Director of the Marin Interfaith Task Force on Central America. After 9 fruitful and productive years, Bill will be stepping down from his post this summer.

Bill Hutchinson began his involvement with MITF during one of Central America's darkest periods—the Reagan years. Like so many others in the organization, he was driven by a sense of moral responsibility, unable to sit idly by while his own Government sanctioned wars in Central America. During his tenure, he has watched people risk their lives, and sometimes lose their lives, for the cause of peace and human rights. Indeed, Bill has risked his own life for these causes, through his presence in El Salvador and other Central American nations during times of war.

It takes a special person to do these things, and it is a special organization which appointed him as director 9 years ago. The work of Marin Interfaith Task Force on Central America, led by Bill Hutchinson, has been a great value to us all.

The Marin Interfaith Task Force and Bill Hutchinson have been a valuable resource to me from the beginning. Shortly after being elected to work for the people of Marin and Sonoma Counties as their U.S. representative, I met with Bill and others to discuss Central American issues. We knew right away that we were natural allies, because we shared a sense of commitment to human rights issues.

Since then, Bill has worked closely with me and my office, and his assistance has contributed to my success as a Member of Congress.

MITF's work, with Bill at the helm, has also been valuable to the people of Marin County. The Task Force's work throughout the 1980's and 1990's has put Marin on the map as one of the Nation's leading areas advocating for peace and human rights in Central America.

But finally, and most importantly, this work has been valuable to the people of Central America. It is for this reason, after all, that Bill and so many others became involved with MITF, and this is the true measure of the organization's success. The progress which has been made for the people of this region could not have occurred without the work of grassroots organizations such as MITF here in the United States.

While Bill is stepping down from his director post, he will certainly stay involved. So, Mr. Speaker, I do not pay tribute to Bill in sadness, because I know that he and the Marin Interfaith Task Force on Central America will continue moving forward to advocate progress in the areas of peace and human rights. I simply wish to recognize Bill Hutchinson's efforts, and to wish him the best of luck in the future.

Thank you, Mr. Speaker.

LINDA A. DICKERSON, RECIPIENT OF THE ART PALLAN HUMANITARIAN AWARD

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. COYNE. Mr. Speaker, today I am pleased to pay tribute to Linda A. Dickerson, recipient of the Art Pallan Humanitarian Award. The Myasthenia Gravis Association of Western Pennsylvania will present this award to Linda at the first-ever "Rubber Chicken Roast," which will be held Sunday, June 5, 1994, in the city of Pittsburgh.

It is fitting that the assembled Members of the U.S. House of Representatives should have this opportunity to recognize Linda A. Dickerson. Linda Dickerson has demonstrated a remarkable ability to take on the challenges of serving others in her community with joy and intellectual vigor. She has shown the people of the Pittsburgh area what a difference one person can make. Her example is one that should stand as a reminder of the role our Nation's citizens can play in strengthening and improving the quality of life in local communities across the United States.

This outstanding woman has given generously of her time and energy to her fellow citizens. She serves on the boards of many local organizations, including the Three Rivers Center for Independent Living, Point Park College, Community College of Allegheny County, the Rehabilitation Institute, The Pittsburgh Ballet Theater, and Goodwill Industries of Pittsburgh. Linda Dickerson has provided leadership in focusing public attention on local, regional, and national opportunities for the Pittsburgh area to grow both economically and culturally.

Linda Dickerson is also a successful businesswoman. She serves as president of Riverview Publications and publisher of Executive Report, a monthly business magazine serving southwestern Pennsylvania. She has used her knowledge of the economic opportunities available to the Pittsburgh area and southwestern Pennsylvania to take a leading role in promoting a vision of positive economic growth and development in our region.

Linda Dickerson's accomplishments and continued dedication to public service make her a superb choice to receive the Art Pallan Humanitarian Award. Linda provides an additional inspiration to everyone in the Pittsburgh area since she engages in her many civic activities from a wheelchair that she occupies due to a rare neuromuscular condition called Werding-Hoffmann disease. Linda Dickerson demonstrates daily that the human spirit need not be confined by physical limitations and that individuals can overcome obstacles to secure great personal achievements.

Linda Dickerson will receive the Art Pallan Humanitarian Award from the Myasthenia Gravis Association of Western Pennsylvania. This organization is dedicated to helping individuals in western Pennsylvania and across the Nation who suffer from myasthenia gravis [MG], a disabling neuromuscular disorder. The MG Association helps those with MG and their families by providing access to superior medical treatment and medications at reasonable cost and by educating the community, health care professionals, and the Nation about myasthenia gravis. This organization has led the way in promoting medical research necessary to find better treatments or a cure for myasthenia gravis.

Mr. Speaker, I am thankful for this opportunity to join in honoring Linda Dickerson. She clearly deserves to be recognized as the recipient of the Art Pallan Humanitarian Award. I also want to commend the Myasthenia Gravis Association of Western Pennsylvania both for selecting Linda for this award and for continuing to help those whose lives are affected by myasthenia gravis.

HUNGARIAN DEMOCRACY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. DORNAN. Mr. Speaker, since the fall of the Iron Curtain many American observers have watched the changes in Eastern Europe with much hope and expectation. The Hungarian elections held earlier this month show that a functioning democracy can be established in the former Soviet empire. I would commend the following report regarding press freedoms in Hungary to Members' attention.

REPORT ON THE SITUATION OF THE MEDIA IN HUNGARY

(By Z. Michael Szaz, Ph.D.)

INTRODUCTION

The structure and objectives of the media, especially the electronic media in Hungary, cannot be simply compared to their structure and objectives in the United States. The historical and political background of their development is completely different as is their programmatic and political context.

Hungarian radio was founded during the Horthy period and was completely state-run as had been most European radio stations of the era, regardless of the political ideology prevailing in the particular country. This tradition of public radio which would not only run news and popular music programs but sponsor symphonic orchestras, sports events, historical, literary and folklore programs is deeply embedded in the minds of all protagonists of the present dispute, whether on the conservative, liberal, or the Socialist side. The radio was financed by a user's fee in Hungary paid by the public listening to the programs of the Hungarian Radio. Of course, already during the Horthy period, the government's control over the radio resulted in many programs praising the government and its patriotic agenda and critical programs were sparse on the Hungarian Radio before 1945.

This situation favored an easy Communist takeover of the radio programs in 1948, after a short-lived diversity between 1945–48 that was never allowed to blossom and which even then was severely restricted by the presence of Soviet occupation troops.

Under the Rakosi regime the radio's professional staff was successively retired or fired and new Communist activists took over programming. It was not a one-year effort, but a cumulative assumption of the key programming positions by committed and, later also well-trained, Communist activists and after one generation by the progeny of trusted cadres. Radio, and later television programming positions, where they did not have to get rid of old professionals, became the reward for the services of the most trusted party cadres, most of whom by the 1970s and 1980s were also professionally well-trained but absolutely loyal to the HSWP. Many of the foreign correspondents, including one of the cause celebres, Mr. Gyorgy Bolgar, were members of the Hungarian military and other intelligence agencies and others were informers for the secret police at home.

In the television, the HSWP encountered few difficulties as it was in complete control by the time the MTV (Hungarian Television) was established as a government-controlled entity.

But journalists are an inquisitive and critical group and in the 1980s the HSWP allowed them some room to maneuver. Certain criticism of the existing domestic situation was permitted and in the late 1980s even the situation of the two million Transylvanian Hungarians in Ceausescu's Romania joined the list of tolerated topics, especially on the Hungarian TV. However, the Party and the Soviet Union could not be criticized. These concessions created a certain impression of media freedom and many of the programmers took advantage of them, to mention only Mr. Alajos Hrudinac and Dr. Andras Sugar at the TV Panorama News Magazine and Akos Mester and the programmers of the Sunday Newspaper (Vasarnapi Ujsag) in the Hungarian Radio.

In conclusion, it must be stated that in May 1990, the month of the first free elections in Hungary since 1945, the Hungarian media, including, of course, the written media, were in the hands of professionals who were trained during the Kadar regime, were loyal and zealous servants of the regime by their family and political background and those at the higher echelons expected to be fired by the new directors of the electronic media and privatized newspaper editors.

In contrast to other countries in the region (Czechoslovakia, Poland), the housecleaning

never took place in Hungary that year. The newspaper editors and their staff were needed by the foreign investors and we have the situation that the former Communist daily which had the largest circulation in the country, Nepszabadsag, still retains the largest circulation figures, is advertised on almost all buses, trolleys and subways in Budapest and its professionally adept editor, Pal Eotvos and his staff are able to slant the news and criticize the government from the standpoint of the reform Communists, the Hungarian Socialist party and Mr. Eotvos could not complain of any infringement of his press freedom to me on April 15, 1994. In my interviews with Peter Nemeth, the liberal editor of the Magyar Hirlap, a high circulation liberal daily, the same press freedom was praised. The pro-government press has relatively small circulation and lacks the financial resources and the trained staff, although the Christian Democratic Pesti Hirlap has journalists with the right confrontational style, but the able editor of the Uj Magyarorszxag did not yet succeed to obtain the right staff to produce an interesting and confrontational daily a la Magyar Hirlap, or the Pesti Hirtap. The Magyar Nemzet, which even in the Communist days retained a more moderate and professional approach and good foreign news coverage, is still serious-minded, but decidedly liberal.

A boulevard press, only on a slightly higher level than our tabloid papers, also arose, and among them the Kurir is well-liked for its muckraking style and catering to the baser sentiments in men. Again, its targets are either crooks or government officials and it could be well listed as the tabloid equivalent of the Nepsdzabadsag as far as its political objectives are considered.

This should be sufficient about the Hungarian press which is about 80 per cent anti-government, either of the liberal, or the Socialist persuasion and represents an almost impenetrable bulwark against any government attempts to get a fair hearing in the press. However, the press is privately funded and the pro-government journalists have a chance of establishing their own press organs and two of the government parties (HDF and CDPP) have done so. Nobody, not even the liberals and Socialists, detect any infringement of press freedom in Hungary.

TRIBUTE TO REV. LUCIUS HALL

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Lucius Hall of the First Church of Love and Faith. Attached is a proclamation I issued Reverend Hall commending him for his work.

PROCLAMATION

Whereas the Reverend Lucius Hall was the spiritual son of his mentor the late Reverend Clarence H. Cobbs, maturing in the Sunday School, the Junior Usher Board, served as President of the International Youth Department, served twenty-nine (29) years as religious commentator to the late Reverend Clarence H. Cobbs, was licensed to Preach Friday, July 20th, 1979, Ordained Monday, May 12, 1980, and

Whereas Reverend Hall demonstrated a strong work ethic before entering the ministry, he served his country in the United States Armed Forces as a Military Policeman with an outstanding record, later he displayed equal zeal in employment with the Veterans' Administration rising from a clerk position to the Chief of Compensation, Pension and Education; and

Whereas Reverend Hall is the Founder and Pastor of the First Church of Love and Faith organizing Friday, April 18, 1980, moving to the current facilities in 1980 and burning the mortgage to the Sanctuary, Church Offices, and the Faith Dining Room in that same year; and

Whereas Reverend Hall has been Blessed to reach out to others through the Broadcast Ministries offering hope and salvation through Jesus Christ on Channel 25 Cable Television "live" on W.G.C.I. radio A.M. 1390 and W.L.U.P. A.M. 1000 heard in over 40 States. In February 1981 he organized the First Spiritual Church of Truth, Inc. with 30 Spiritual Churches throughout the United States, in 1983 established a Headstart and Homestart program, in 1983 established a regular food give away program for the community, and has been a friend and brother to many in need: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Lucius Hall by entering these accomplishments into the CONGRESSIONAL RECORD and archives of the one hundred and third Congress.

HOUSE SALUTES LYMAN BEEMAN JR., PAPER INDUSTRY AND COMMUNITY LEADER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. SOLOMON. Mr. Speaker, Lyman A. Beeman Jr. of Bolton Landing, NY, died unexpectedly last Saturday after a short illness.

I have lost a friend, and the community has lost an outstanding leader. Lyman Beeman was a man of so many parts, that it's hard to decide where to begin. He was a war hero, a business leader, a conservationist, and a pillar of the community, contributing in a variety of ways.

Mr. Beeman retired as president of the paper company, Finch, Pruyn and Company in 1982. He had started with the company in 1950, rising to vice president of marketing in 1959 and senior vice president in 1970. In 1980, he succeeded his father, Lyman A. Beeman Sr., as president.

He was equally known in the community for his tireless work with a number of civic groups, including the Glens Falls YMCA, the Hyde Collection, and Lake George Fund. He was also a trustee of the Adirondack Community College Foundation. At the time of his death he was serving as director of the Lake George Basin Conservancy and as a member of the board of directors of the Adirondack Nature Conservancy and Adirondack Land Trust.

Ask anyone who worked with him on these various groups, and they'll tell you there was no finer organizer or fund raiser. He was a thoughtful, quiet persuader who could enlist the talents and commitments of others.

He showed his distinguishing characteristics while still a young man. He was a first lieutenant with the 31st Fighter Group in the European Theater of World War II. In that conflict, he flew 30 missions and earned the Air Medal with three clusters.

After the war he got his degree from Williams College and worked in several positions before beginning his successful career with Finch, Pruyn.

Mr. Speaker, America is a great country because it produces a higher percentage of people like Lyman Beeman than any other nation. I refer to people who learned how to serve their community by first learning how to serve their country. Many things are expected of people who have many gifts to offer. That certainly applies to Mr. Beeman.

And so, Mr. Speaker, I ask Members of this House to join me as I express my deepest sympathies to Mr. Beeman's wife, Leigh, to his son, three daughters, and three stepsons, for their loss. Lyman A. Beeman Jr. was a great man, a patriotic American, and a good friend.

TRIBUTE TO J. WILLIAM KIME ON HIS DEPARTURE AS COMMANDANT OF THE COAST GUARD

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. STUDDS. Mr. Speaker, I wish to pay tribute to Admiral J. William Kime, Commandant of the United States Coast Guard, who will retire on June 1, 1994. When Admiral Kime assumed the helm of the Coast Guard in 1990, he charted a course to pursue his vision for the Coast Guard: to support Coast Guard people, to balance Coast Guard missions, and to strive for excellence. "People, Balance, and Excellence" has been the hallmark of Admiral Kime's distinguished command and he has carried out these goals admirably.

The Coast Guard and this Nation have been well served under Admiral Kime's leadership. He will be missed by the Members of the Committee on Merchant Marine and Fisheries who have come to rely on his wise counsel and spirited support for the men and women of the Coast Guard. Personnel retention in the Coast Guard is at an all-time high, almost assuredly because of Admiral Kime's successful Work-Life and Total Quality Management initiatives. Admiral Kime recognized the increasing demands on Coast Guard personnel and the need to take care of the people who guard our safety at sea.

Admiral Kime also implemented a Total Quality Management Program to ensure excellent performance in the execution of Coast Guard missions. As a result, high morale and job satisfaction within the Coast Guard have paid dividends to the public in the form of improved service in all Coast Guard mission areas.

Through an era of changing operational missions and tight budgets, Admiral Kime made sure the Coast Guard focused on its four primary missions of maritime safety, marine environmental protection, maritime law enforcement, and national security. Let me take a moment to highlight a few of Admiral Kime's many accomplishments as Commandant. Ad-

miral Kime commanded the Coast Guard's activities in Operation Desert Shield/Desert Storm. The Coast Guard established port security units throughout the Persian Gulf theater and supervised the operations for the sealift of persons and materiel from United States ports. Under Admiral Kime's supervision, the Coast Guard responded to the tragic oil well fires in the Persian Gulf and conducted maritime interdiction operations on the Red and Adriatic Seas.

Admiral Kime guided the Coast Guard's implementation of the Oil Pollution Act of 1990, one of the most comprehensive laws Congress has ever assigned to the Coast Guard. He has attempted to resolve the complex regulatory issues under OPA 90 before his watch ends, so that the new commandant can start with a clean slate.

Admiral Kime took the lead on domestic and international measures to improve marine environmental safety, such as the deployment of a differential global positioning system, and the early design and evaluation of a state-of-the-art vessel traffic system, called VTS 2000, to be implemented soon in major U.S. ports.

Internationally, Admiral Kime promoted numerous proposals on behalf of the United States at the International Maritime Organization (IMO), all designed to minimize the threat to the global marine environment posed by substandard ships.

Admiral Kime has balanced the Coast Guard's multiple law enforcement missions by enforcing regulations to protect our Nation's important fish stocks, while aggressively pursuing the Coast Guard's high seas drug interdiction and in-country narcotics eradication efforts as the President's Interdiction Coordinator. During his command, the Coast Guard has rescued over 44,000 Haitians from the perils of the sea.

Admiral Kime's agenda of "People, Balance, and Excellence" served the Coast Guard and the public well, enabling the service to fight a war, to respond to devastating natural disasters, to rescue those in distress at sea, and to protect our marine environment. That so much is accomplished by so few is testament to Admiral Kime's energy, unflagging spirit, and leadership. On behalf of the Committee on Merchant Marine and Fisheries, and more importantly, on behalf of the American people, I salute Admiral J. William Kime for his outstanding leadership as Commandant of the United States Coast Guard and wish him well on all future voyages.

TRIBUTE TO REV. HENDERSON HILL

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Henderson Hill of the True Vine of Holiness Baptist Church. Attached is a proclamation I issued Reverend Hill commending him for his work.

PROCLAMATION

Whereas the Reverend Henderson Hill is a native of Clinton (Green County), Alabama, born to the late Tom and Lizzie Hill, worked on the farm and attended Oak Grove Elementary School, Green County Training High School, Boligee, Alabama, and matriculated at Chicago Baptist Institute, Moody Bible Institute, Olive-Harvey College, and Trinity Christian College, Deerfield, Illinois, earning the Bachelor of Arts Degree, and the Doctor of Divinity Degree, Hamilton State University, Tucson, Arizona; and

Whereas Reverend Hill was ordained a Deacon November 1960, called to the Gospel Ministry in 1966, a year later he organized the True Vine of Holiness Missionary Baptist Church, August 1967, served as instructor for the State Congress Class on Evangelism, moderator of the Fellowship Baptist District Association 1976–1980, President of the Progressive Baptist State Convention of Illinois 1980–1984; and

Whereas many souls have been saved through Reverend Hill's ministry, the church facilities have expanded by acquiring the present building, the former Pullman Bank at 400 East 111th Street, for $250,000 in 1975, Reverend Hill and the True Vine of Holiness Baptist Church continue to be a beacon of light in this community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Henderson Hill.

THE CLINTON WHITE HOUSE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. GINGRICH. Mr. Speaker, yesterday there was an article in the Washington Post, entitled "The White House's Outside Insiders," in which our colleague, Frank Wolf, made some excellent observations. I would like for all of my colleagues to take some time to read this article as it sums up the Clinton White House in a very accurate manner.

THE WHITE HOUSE'S OUTSIDE INSIDERS

Their paid employment includes working for corporations, political candidates and even foreign political parties in Greece and South Africa. One of them even managed to snag two multi-million-dollar accounts on the North American Free Trade Agreement and health care. But you can regularly find them at 1600 Pennsylvania Ave. working for their top client, Bill Clinton.

This team, which includes James Carville, Paul Begala, Mandy Gunwald and Stan Greenberg, operates (with the approval of the White House) without the restrictions that apply to the rest of the White House staff. This policy gives them the best of both worlds—constant access and policy input with no limits or accountability on their finances or conflicts.

Last week I offered an amendment to the FY '95 Treasury appropriations bill to rein in this situation. The amendment would require that these individuals, who have more influence with the Clintons than many, if not most, senior staffers, file the same financial disclosure information required of their campaign colleague, George Stephanopoulos, for example. The amendment is simply about accountability. The recent GAO Travelgate report noted that the access that Hollywood producer and Clinton friend Harry Thomason had to the White House during the White House travel office debacle conveyed "the appearance of influence and authority . . . unrestricted access of nongovernment employees creates an opportunity for influence without the accountability."

No one is accusing these individuals of any wrongdoing; we are just asking them to provide the same financial information required of other senior advisers with 24-hour a day White House access passes. I was disappointed that the subcommittee failed to recognize that this issue is not a partisan maneuver, but a responsible, good government action. We are trying to make public policy to ensure public accountability for this White House and any White House in the future, whether occupied by a Democrat or a Republican.

In recent news reports on these "outside insiders," Chuck Lewis of the Center for Public Integrity has said: "You have an adjunct kind of shadow government that is exploiting a gray area. There is this yuppie arrogance: 'We're the good guys, don't bust our chops.'" Ellen Miller, the director of the Center for Responsive Politics says, "The fact that they have a close relationship with the White House while maintaining outside clients raises the specter of conflict of interest." A Democratic activist identifies the bottom line: "People are buying a name and a connection."

The White House ensures that these individuals have been advised on conflict matters. But why the secrecy? Mandy Grunwald has said, "We asked for information from the White House and * * * governed us. . . .We found out there were very few. So we decided to make our own rules." Why not just follow the same rules an everyone else at the White House instead of making up non-binding rules in secret?

Furthermore, there may in fact be rules that do apply to this situation, and they are not "do your own thing" conflict rules. Title 18, United States Code, Section 202(a), defines the term "special Government employee" as an officer of employee of the executive or legislative branch of the United States or of the District, who is "retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days. . . temporary duties either on a full-time or intermittent basis."

Carville and friends could in fact, be special government employees (if they work fewer than 130 days per year at the White House) or regular government employees (if they work more than 130 days). If they are regular government employees, they are not allowed to earn outside income. The White House argues that because these individuals have not been formally appointed, the rules don't apply to them, and the White House refuses to respond to inquires regarding how many days these advisers work at the White House. Yet as the statute clearly indicates, appointment is not dispositive.

During Lloyd Cutler's previous Democratic administration, the Carter Justice Department issued a memorandum opinion for the attorney general stating that "an identifiable act of appointment may not be absolutely essential for an individual to be regarded as an officer or employee in a particular case where the parties omitted it for the purpose of avoiding the application of the conflict of interest laws."

The significant criteria cited in the Carter era memo regarding an individual's status as a special government employee or regular government employee include: Is the person's advice solicited frequently? Is it sought by one official, who may be a personal friend,

or impersonally by a number of persons in the government agency that needs expert counsel? Do meetings take place during office hours? Are they conducted in the government office? The Office of Government Ethics has stated that the status of an employee depends upon "the specific facts of if, and how, the White House officially requested his services and for what purposes."

Thus far, the only guidance the White House has provided about what these four do is the following broad statement: "whatever issues on which the president, the vice president, the First Lady or members of their staffs request them to consult." Given this broad portfolio, don't the American people at least have a right to know the outside interests of the "outside insiders" before they consult on "whatever"?

So far the White House has been short on the facts when Congress has asked questions about these matters. Admittedly, more information is needed to determine the actual status of these advisers. I will continue to move this issue forward in the House. As a top Democratic consultant stated in a Business Week article. "They should disclose their clients and their fees . . . that's a common-sense way to avoid potential problems in the '90's."

In addition, the status of these individuals as special government employees or regular government employees heeds to be determined based on facts—facts, thus far, the White House has refused to disclose. Sunshine is the best disinfectant to clean up this problem. This amendment could very well reduce headaches for this and future administrations. Those who claim to "work hard and play by the rules" should have no problem with it.

REMEMBERING THE ARMENIAN GENOCIDE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. DREIER. Mr. Speaker, while I am sorry that I was unable to join nearly 100 of my colleagues in commemorating the 79th anniversary of the Armenian genocide, I rise today to personally honor once again the lives of the 1.5 million men, women, and children who were brutally murdered in the inaugural genocide of the 20th century.

Each year, Members of Congress come together to do more than simply remember that the Armenians were the first victims of what sadly has become man's bloodiest century. Rather, we each hope that raising the consciousness of past atrocities helps prevent similar tragedies in the future.

It is reported that before embarking on his planned final solution to the Jewish problem, Adolf Hitler was heard to say "Who remembers the Armenians?" Elie Wiesel, a Holocaust survivor and 1986 Nobel Peace Prize recipient, has said, "He was right. No one remembered them." The Nazi Holocaust, the murder of millions of Russians and Ukrainians by the Soviet Government, and the bloody rampage of Pol Pot and the Khmer Rouge in Cambodia, all had their seeds in Anatolia. Each of the murderous regimes depended upon people not remembering or caring.

The collapse of the Soviet empire and the independence of Armenia are recent important milestones on the road toward freedom for the Armenian people. While very serious conflicts remain to be solved in the Caucasus region, April 24 will remain an important day in Armenia, and for Armenians in this country, who are equally dedicated to remembering the past, and working for a brighter future.

RECOGNITION OF JOHN BOPP

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to an outstanding citizen from the First Congressional District on Long Island, NY, who is retiring after 12 years of service. John Bopp has served his country as a member of the U.S. Navy and his community with an unceasing fervor which we are here today to recognize.

For the past 12 years, John has served at the Division of Veterans' Affairs, counseling Long Island veterans and their families concerning their benefits. John also worked with veterans while employed at the New York State Department of Labor. For 6 years, John interviewed and referred veterans and constantly investigated employment opportunities for those seeking work.

John has also been an adviser to several commissions. He has served on the advisory council at the Veterans Medical Center in Northport, NY, as well as the State Senate Veterans Advisory Council. As a consultant to the Long Island State Veterans Home, John aided in the design and planning of the nursing home which now provides care for over 350 veterans. Finally, as counselor to the American Legion Boys' State, John helped foster educational initiatives by advising local students concerning the framework and processes of the Federal Government.

The activities of this inspiring Long Islander continue into his personal and community life as well. As devoted parents, John and his wife Marian have raised four wonderful sons. John is an honorary member of the Family Service League of Long Island, as well as a cubmaster for his sons' scout troops. He sits on the Sacred Heart School Educational Advisory Board and the Disabled American Service Officers Board. John was ordained to the Permanent Deaconate of the Roman Catholic Church and serves as a deacon at Our Lady of Good Counsel Church in Mattituck, NY.

Mr. Speaker, it is with great pleasure that I rise with my fellow Long Islanders in recognition of this great man. I applaud his involvement, and I wish him the best of luck in his future endeavors.

THE LAUNCH SERVICES ACT OF 1994

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. HEFLEY. Mr. Speaker, today I have introduced a bill that I hope will give rise to a revitalization of the U.S. space launch industry, the Launch Services Corporation Act of 1994.

This bill addresses a problem that has concerned me since I came to Congress in 1986—the continual erosion of America's share of the world commercial space launch market and the rising costs of doing business in space. Over the past 25 years, this Nation has spent more than $3 billion studying this problem, yet we have nothing to show for it today but a pile of reports. This bill is my attempt to get this issue off the dime.

The Launch Services Act of 1994 is modeled on the highly successful Communications Satellite Act of 1962, which enabled today's market in geosynchronous telecommunications satellites.

My bill would direct the president to issue a statement of the Nation's requirements for space launch, then cause to bring into being a corporation, a public-private partnership, which would be charged with raising private capital, either through the sale of stocks or other devices, and providing launch services to the Government and world commercial market.

To provide an underpinning for this corporation, the Government would provide some funds for nonrecurring costs, negotiate a guaranteed number of launches per year, probably between 10 and 15 and provide help in research and development and access to launch facilities. After 6 years, the act would sunset and the corporation would have to make its way in the world as a private, for-profit business, dependent upon its skill in meeting the requirements of the market.

Why would we want to do something like this? For a number of reasons. First, the high cost of launch satellites into orbit is stifling, even endangering what we can do as a Nation. This is particularly true in the area of defense, so much so that last year, the Senate Appropriations Committee ordered the Defense Department to look into the possibility of launching strategic assets aboard foreign launchers like Long March or Ariane. I don't think any of us believe that would be a good thing.

Launch costs to orbit have been the long pole in the space tent for some time. In 1969, a commission headed by then-Vice President Spiro T. Agnew concluded that the costs of putting things into space were too high and that the Nation should develop launch systems driven by elements of commonality, reusability, and economy. The space shuttle was the first attempt to do that and we have been studying the problem ever since.

Second, the current U.S. launch industry has no incentive to lower its costs. Its main—and sometimes only—customer is the Federal Government, particularly the Defense Department which, in turn, has no choice but to pay high prices for launch. As a result, U.S. launchers remain high-tech and built for performance and launch costs remain high. In other words, we build race cars while the rest of the world builds trucks and our wallets and market share suffer as the result.

This has had the expected result in the world commercial launch market. Atlas and, especially Delta, rockets are currently competitive against the French Ariane although some

of Atlas share could be list with the maiden flight of Ariane V next year. But entrants from nonmarket Russia and China could undercut virtually all of our launchers.

There is a limit to how much can be accomplished by further refinements to our existing fleet or even through trade talks. In the short term, it is simply impossible to demand that a command-and-control economy, like China, start pricing its products as though it operated in a free market. A tiger cannot change its stripes overnight. To compete with the Protons and Long Marches of the world, we have to bring about a drastic reduction in launch costs and real changes in the way we do business. I believe the best way to do that is to expose the U.S. launch industry to market forces and the only way for such a corporation to survive would be for it to aggressively recapture a major share of the world market. The two work hand in hand.

The benefits of such a strategy are obvious. If the services offered by the new corporation manage to bring about a reduction in launch costs by 50 percent, or even 25 percent, the Government can recoup its initial investment over a period of a relatively few years. The spending foregone can then be applied, either to other programs, or to meeting budget constraints.

The benefits to the private sector are more speculative but, I believe, just as real. To make money in the commercial launch market, players have to seize an overwhelming—not just a major—share of that market. If that can be accomplished, investors may start examining ideas for space business that may seem far-fetched today. This could give rise to the commercialization of space so many of us have waited for, the success of which would redound to the benefit of the Launch Services Corporation in new business.

The last benefit is more basic. If we continue the way we have been going, we are going to lose the American launch industry. Martin Marietta, in my State, recently acquired the Space Division of General Dynamics. While this acquisition works to the good in consolidating overcapacity in the launch industry, the vehicles Martin will build are by no means assured of capturing a greater share of the launch market than we have now. The loss of jobs and this manufacturing base will continue unless we take fairly drastic action.

I'm not wedded to this idea nor am I going to pretend this is a perfect bill. Frankly, this idea scares some people. Some of the current players, Martin included, worry it would put them out of business. Some others, such as Orbital Sciences and, to some extent, McDonnell Douglas, feel market forces are at work that will eventually sort all of this out.

There are reasonable questions that can and should be asked about the commercial potential of space, the effect of such legislation on existing contracts and the actual financing of such a corporation. We dropped the authorization section of this bill after we were unable to get any solid figures on how much this would cost and how much private investment we could attract. These are questions that can and should be explored more fully in open debate. But we must talk about this issue, not put it off for another 25 years.

Mr. Speaker, we hear a lot these days about re-inventing Government, about preparing for the 21st century. Businesses have become leaner and meaner and State and local governments have begun to contract out and to privatize. I believe the American space launch industry must do the same lest those industries, which put men on the moon and helped us win the cold war, become that war's final casualties.

H.R. —

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 "Launch Services Corporation Act of 1994".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Corporation" means the Launch Services Corporation created under section 4 of this Act; and

(2) the terms "launch", "launch property", "launch services", "launch site", and "launch vehicle" have the meaning given such terms under section 4 of the Commercial Space Launch Act (49 U.S.C. App. 2603), except that the provisions of this Act shall not apply to activities relating to suborbital trajectories.

SEC. 3. FEDERAL RESPONSIBILITIES.

(a) PRESIDENT.—The President shall—

(1) coordinate the activities of Federal agencies with space launch responsibilities, so as to ensure that there is full and effective compliance at all times with this Act;

(2) ensure that timely treaties, trade agreements, and other appropriate arrangements are made, and appropriate regulations are issued, to enable foreign customers to obtain launch services from the Corporation and to otherwise participate in the launch services system established pursuant to this Act; and

(3) after consultation with appropriate Federal agencies, issue a statement of the technical requirements of the Federal Government for the system referred to in paragraph (2).

(b) RESEARCH AND DEVELOPMENT.—The National Aeronautics and Space Administration and the Department of Defense shall cooperate with the Corporation on research and development related to the purposes of the Corporation.

(c) FEDERAL AGENCIES IN GENERAL.—The Federal Government shall—

(1) procure, to the maximum extent feasible, needed launch services from the Corporation;

(2) pay fair market value for services provided to the Federal Government by the Corporation;

(3) extend to the Corporation first priority for access to launch property and launch sites in a mutually agreeable manner;

(4) furnish range safety for launches from Government-owned facilities; and

(5) to the extent feasible, furnish other services to the Corporation as may be required in connection with the establishment and operation of the Corporation.

SEC. 4. LAUNCH SERVICES CORPORATION.

(a) CREATION.—There is authorized to be created a Launch Services Corporation, a for-profit corporation which shall not be an agency or establishment of the United States Government and which shall be incorporated under the laws of a State of the United States.

(b) PURPOSES.—(1) The purposes of the Corporation shall be—

(A) to broaden and speed the economic use of space;

(B) to enhance the economic competitiveness of the United States launch services industry and all industrial, commercial, and financial businesses related thereto;

(C) to enhance national security;

(D) to serve the launch needs of—

(i) the Federal Government;

(ii) private sector customers in the United States; and

(iii) appropriate foreign customers; and

(E) to remain a viable and competitive corporation.

(2) It shall not be a purpose of the Corporation to construct launch vehicles.

(c) PROCESS OF ORGANIZATION.—The President shall, as expeditiously as possible, appoint incorporators, by and with the advice and consent of the Senate, who shall serve as the initial board of directors of the Corporation until the first annual meeting of stockholders or until their successors are elected and appointed under subsection (d) and qualified. Such incorporators shall arrange for an initial stock offering and shall take whatever other actions are necessary to establish the Corporation, including the filing of articles of incorporation, subject to the approval of the President.

(d) DIRECTORS AND OFFICERS.—

(1) DIRECTORS.—The Corporation shall have a board of directors consisting of 15 individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Three members of the board shall be appointed by the President, by and with the advice and consent of the Senate, for terms of three years or until their successors have been appointed and qualified, except that one of the members first appointed under this sentence shall be appointed to a term of one year, and one of such members shall be appointed to a term of two years. Any member appointed to fill a vacancy shall be appointed only for the unexpired term of the director being replaced. The remaining 12 members of the board shall be elected annually by the stockholders.

(2) OFFICERS.—The Corporation shall have such officers as may be named and appointed by the board, at rates of compensation fixed by the board, and serving at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation shall receive any salary from any source other than the Corporation while employed by the Corporation.

(e) FINANCING.—

(1) STOCK.—The Corporation may issue and have outstanding, in such amounts as it shall determine, shares of capital stock, without par value, which shall carry voting rights and be eligible for dividends. The stock shall be sold in a manner to encourage the widest distribution to the public. No company, including any company controlling, controlled by, or under common control with such company, may hold more than 15 percent of the capital stock of the Corporation.

(2) ADDITIONAL INSTRUMENTS.—The Corporation may issue, in addition to the stock authorized by paragraph (1), nonvoting securities, bonds, debentures, and other certificates of indebtedness.

(f) POWERS.—In order to achieve its purposes, the Corporation may—

(1) plan, initiate, own, manage, and operate itself, or in conjunction with other business entities, a commercial launch services system;

(2) furnish, for hire, launch services to public and private entities of the United States

and, except as otherwise prohibited by law, to foreign customers;

(3) own and operate launch property, launch sites, and one or more types of launch vehicle, provide or contract for range safety operations at those launch sites, and provide or contract for any other such service as may be required to carry out its purposes; and

(4) conduct appropriate research and development.

(g) RECOUPMENT.—Not later than 180 days after the date of enactment of this Act, the President shall establish procedures for the repayment by the Corporation to the Federal Government of an amount equal to the amount of Federal funding that has been provided to the Corporation.

SEC. 5. FOREIGN BUSINESS NEGOTIATIONS.

Whenever the Corporation shall enter into business negotiations with respect to launch property, operations, or services authorized by this Act with any international or foreign entity, it shall notify the Department of State of the negotiations, and the Department of State shall advise the Corporation of relevant foreign policy considerations. Throughout such negotiations the Corporation shall keep the Department of State informed with respect to such considerations. The Corporation may request the Department of State to assist in the negotiations, and that Department shall render such assistance as may be appropriate.

SEC. 6. REPORTS TO THE CONGRESS.

(a) PRESIDENT'S REPORT.—The President shall transmit to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments of the Federal Government and the Corporation during the preceding calendar year under this Act, together with an evaluation of such activities and accomplishments in terms of the purposes of the Corporation and any recommendations for additional legislative or other action which the President may consider necessary for such purposes.

(b) CORPORATION'S REPORT.—The Corporation shall transmit to the President and Congress, annually and at such other times as it considers appropriate, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

SEC. 7. SUNSET.

No Federal funding shall be provided to the Corporation after December 31, 2000, except as payment for services provided to the Federal Government by the Corporation.

H.R. 4477, STATE BOATING SAFETY FUNDING

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. STUDDS. Mr. Speaker, today I am introducing legislation—H.R. 4477—to ensure stable funding for the Coast Guard's State Boating Safety Grant Program. This bill is necessitated by the Coast Guard's fiscal year 1995 budget which requested no funding for this program. Ending this Federal support would cripple State recreational boating safety programs and surely bring an increase in boating accidents, injuries, and deaths.

Since this Federal grant program began in the early 1970's, boating fatalities have dropped five-fold, from 20 per 100,000 boats in 1971 to 4 per 100,000 boats in 1992. Some have argued that this success is a clear indication that it's time for the Federal Government to reduce its role in the program. Unfortunately, safety is not something that can be achieved and victory declared; it must be worked at every day to simply maintain progress and to, hopefully, make our waterways safe recreation spots for our Nation's tens of millions of boating enthusiasts.

Those who argue that the Federal role should be eliminated assume that the States will pick up the slack. But this is not the case. These Federal dollars provide the leverage necessary to encourage many State legislatures to support boating safety. The National Association of State Boating Law Administrators [NASBLA] testified before the Committee on Merchant Marine and Fisheries that, rather than make up the difference, many States would significantly reduce funding for boating safety. In fact, NASBLA testified that this grant money is so critical that many States would eliminate their entire boating safety programs if Federal funding were cut.

This legislation will ensure stable funding for these vital State programs by dedicating a portion of the fuels taxes paid by recreational boaters for State boating safety programs. These programs help prevent boating accidents, reduce injuries, and save lives. Spending tens of millions of dollars on accident prevention is assuredly more cost-effective than spending hundreds of millions on search and rescue. I urge all Members to support this bill and continued Federal support for State boating safety programs.

"MAGGIE" McCURRY, TEACHING LEGEND AT QUEENSBURY, RETIRES AFTER 41 YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. SOLOMON. Mr. Speaker, a teaching legend is retiring from the Queensbury School District in Warren County, NY.

Her name is Margarethe McCurry, but everyone who knows her calls her Maggie. I'd like you, too, to know a little about her and to discover why her retirement marks the end of an era.

Maggie McCurry was one of the first people I met when I moved to Queensbury more than 30 years ago. Talk about favorable first impressions. I recognized many of the things in her that her other friends and colleagues have recognized, and will honor in a retirement celebration this Sunday at the Glens Falls Civic Center.

Maggie McCurry has taught in Queensbury schools for 41 years. She has done more, much more, however, than just show up for class every day. Hers was a career marked by constant efforts at self-improvement, of enhancing her skills, all toward the goal of serving her students more effectively.

Her excellence in teaching did not go unnoticed. She was the AGATE—Advocacy for Gifted and Talented Education—Teacher of the Year in 1988, and is listed in Who's Who of American Women.

She has been active in a number of local, State, and national professional organizations. She was unfailingly generous in her time, having served as advisor to many student activities and organizations. These ranged from advising the ski club and drama club, to chaperoning student tours to New York City and Montreal, and to directing stage projects.

She could teach handicapped and gifted students with equal passion. Queensbury was not the only beneficiary of her talents. She also taught special classes at Adirondack Community College, the YMCA, and St. Alphonsus Church.

But, Mr. Speaker, you can't get the measure of Maggie McCurry just by citing her accomplishments and honors. Rather, try to imagine the impact this remarkable lady has had on several generations of students in 41 years. I'm sure that in many cases she has taught the sons and daughters of original students.

You cannot replace someone that gifted and dedicated. But you can wish her well in her retirement, and express gratitude for all that she has done.

That, Mr. Speaker, is what I would ask Members of this House to do today, to join me in a salute to Maggie McCurry for 41 years of outstanding service to the people of Queensbury. Well done, Maggie, and all the best.

POSTAL FOOD DRIVE A SUCCESS

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. BAKER of California. Mr. Speaker, I rise today to praise the U.S. Postal Service for organizing the recent nationwide food drive. Branch 1111 of Contra Costa County was one of approximately 700 postal branches across the country involved in the food drive. I want to particularly point out the efforts of Marie Arzate of Antioch who organized the local effort for Branch 1111.

The results were tremendous: 147,000 pounds of canned food were gathered through this food drive in Contra Costa County alone. This is the largest 1-day food drive in the history of the county. All proceeds went to the Contra Costa Food Bank.

Citizens in participating areas left canned foods at mail receptacles for pick-up on Saturday, May 14, 1994. Food was also dropped off at local post offices the week of May 7–14, 1994.

The food drive was endorsed by the U.S. Postmaster and the National Association of Letter Carriers.

I applaud Marie Arzate, local postal workers, and generous area citizens for a tremendous effort that will help feed the less fortunate.

TRIBUTE TO REV. ROY A. HOLMES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Roy A. Holmes of the Greater Walters African Methodist Episcopal Church. Attached is a proclamation I issued Reverend Holmes commending him for his work.

PROCLAMATION

Whereas the Reverend Roy A. Holmes is a native of Greenwood, Mississippi, the son of the late Tommy Holmes and Mrs. Ruby Holmes. He is a family man married to the former Miss Lovetta Goodson and they are the proud parents of two daughters, Krista Marie and Kimberly Michelle; and

Whereas Reverend Holmes matriculated at Morris Brown College, Atlanta, Georgia, earning the Bachelor of Arts degree in Philosophy and Religion, 1974, Hood Theological Seminary, Salisbury, North Carolina, earning the Master of Divinity degree, 1978; and

Whereas Reverend Holmes is an experienced shepherd beginning his pastoral ministry as Pastor of St. Matthew African Methodist Episcopal Zion (A.M.E.Z.) Church, Whitmire, South Carolina, Pastor, Mt. Lebanon A.M.E.Z. Church, Elizabeth City, North Carolina, Pastor, Wesley Center A.M.E.Z. Church, Pittsburgh, Pennsylvania, where he served on the Commission to remap Pittsburgh, adding three African-Americans to the City Council, and served on the Mayor's Committee for Minority Business Development; and

Whereas Reverend Holmes came to Greater Walters A.M.E.Z. Church, Chicago, Illinois in 1988, under his leadership the congregation has continued to prosper. The Greater Walters church is reaching out to the community with Marriage Encounter Groups, Singles Ministry, Youth Seminars, Tutoring for grades 6 through 12, African American History Class, Prison Outreach Ministry, and Senior Citizen Activities: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Roy Holmes and the Greater Walters African Methodist Episcopal Church, Chicago, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States.

A TO Z SPENDING CUT PLAN

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. BATEMAN. Mr. Speaker, I am a cosponsor of H.R. 3266, commonly called the A to Z spending cut plan, who has not to date signed discharge petition 16 to force the bill and the proposed rule governing its consideration to the floor.

Every bill I cosponsor is not for that reason alone, appropriately, the subject of a discharge petition to bring it to the floor, bypassing normal legislative procedures. Bringing bills to the floor by discharge petition should be the exception not the rule. Otherwise there could be no orderly legislative process.

Obviously, I am in accord with the thrust of the A to Z spending cut plan. If I were not I would not have cosponsored it. Even as I did so there were unanswered questions as to the manner in which the bill would be considered on the floor of the House. Those questions are normally answered in the terms of a rule proposed by the Rules Committee as to the bill reported from committees. On November 9, 1993, a proposed rule governing how the A to Z plan would be considered on the floor of the House was introduced and was referred to the Rules Committee for consideration. Much later, on April 18, 1994, a new rule governing the consideration of the A to Z plan was introduced, which was different from the originally proposed rule. It is this later proposed rule which is the subject of discharge petition 16 which was filed on May 4, 1994.

My cosponsorship of H.R. 3266, the A to Z plan, is not inconsistent with my decision to refrain from signing the petition to discharge from committee the most recently proposed rule, which by its terms makes significant changes in H.R. 3266. I still agree with the intent of H.R. 3266 as contained in the most recent proposed rule and discharge petition 16. The real issue is the procedure controlling consideration of H.R. 3266.

As a Member of Congress I should be able to expect the leadership of the House of Representatives to bring the A to Z plan to the floor under procedures that allow Members of the House to work their will on spending cuts in an orderly, structured manner. The leadership owe this to the 228 sponsors of H.R. 3266.

My support for deficit reduction has been consistent and is abiding. In 1991, I was the only Member of the House whose legislative proposals would have resulted in a net decrease in spending. I have long supported a balanced budget amendment and a line-item veto for the President, and still do.

The 228 Members who cosponsor the A to Z plan clearly manifest the will of the House to meaningfully address deficit reduction. It could not be more clear that the leadership of the House is dramatically out of step with the majority of its Members, if they do not bring to the floor a workable way in which the House can debate and act upon spending cuts.

The leadership is said to be in negotiation with Democratic deficit hawks regarding a more structured approach to deficit reduction and I applaud that. This is not, however, sufficient. The leadership of the deficit reduction effort has been bipartisan and clearly Republicans need to be at the table when a more satisfactory procedure for acting on spending cuts is developed. Mr. Zeliff and other Republicans should be consulted. They appreciate the desirability of a better structured, yet meaningful legislative process for assuring that Members of the House do indeed face up to the hard choices spending reductions entail.

The proposed rule for the consideration of the A to Z plan has major procedural flaws, and while I for now have concluded I should not sign discharge petition 16, my decision will be reconsidered unless there is a truly bi-partisan effort to develop a better procedure which still assures that the Members of the House have the opportunity to consider spending cuts that will bring us to the balanced budget the great majority of Members advocate.

TRIBUTE TO THE ROMULUS HIGH SCHOOL PROJECT SERVICE PROGRAM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to a dedicated young group of students from the Project Service Program at Romulus High School. These students have spent the past year building a sense of public service and voluntarism which has improved the image and tenor of their community.

Project Service is a student volunteer service program which encourages youth to use their community service skills to improve the environment and image of the city and schools of Romulus. They have initiated several projects to achieve this goal. Throughout the year, the students have concentrated their energies on five main areas of service.

Romulus High School students were concerned about the image of their community in the news media and used a number of strategies to change this perception. By inviting members of the media to their schools and demonstrating the modern technology being utilized for education, they received favorable articles in the Detroit newspapers and established a positive image for Romulus.

In addition to working on the media image of Romulus, students created programs to improve the physical appearance of the city and schools. Students cleaned school and city buildings, planted flowers, and painted fire hydrants. These actions contributed to the beautification of the city and were facilitated by community support and involvement. A local company donated the paint for the fire hydrants, creating an example for students of public responsibility.

Students' interests in the physical appearance of their community can also be seen in their efforts to establish awareness of environmental issues. Recycling programs were created in elementary schools, students place warning signs by sewer drains, and existing recycling programs were publicized to create community involvement in caring for the environment.

Often forgotten members of the community were special recipients of additional service programs. Students both participated in social activities with senior citizens groups and collected children's books for youth in the community who did not have books of their own. These programs helped to instill in the students the value of sharing their own abilities and talents with those in the community who have fewer opportunities and traditionally less support from society.

I am encouraged by the energy and commitment of students from Romulus High School.

In a time when it has become fashionable to characterize our Nation's students as unmotivated and cut off from responsibility for their community and society, it is heartening to note the efforts of dedicated students within my congressional district. These students who have learned to give unselfishly of their time and energy will be better prepared to serve their community as adults.

OPPOSES BLACK LUNG BENEFITS RESTORATION ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. BALLENGER. Mr. Speaker, I am opposed to H.R. 2108, the Black Lung Benefits Restoration Act.

The Black Lung Benefits Act, enacted in 1969, was designed to provide benefits to coal miners who were totally disabled by black lung disease—a respiratory disease resulting from inhalation of dust and other particles. The program was designed to be temporary and claims filed after 1973 were to become the responsibility of the State workers' compensation programs. It was generally believed that the program would not be needed once individual States developed adequate occupational disease compensation systems. This change never happened and the Black Lung Program continues today. Since inception, over $30 billion has been spent providing disability and medical benefits to around 225,000 miners and survivors. The annual program costs exceed $1.5 billion.

H.R. 2108 creates many inequities in the current program and results in substantial expenditures for Black Lung benefits. This legislation treats the Black Lung Trust Fund as if it were an unlimited source of revenue for benefits regardless of the claimant's eligibility. Control is needed to limit the expenditure of vast amounts of Federal resources on the creation of a new, wasteful program. Independent analysis by an actuarial accounting firm estimates that the bill, over 5 years, would result in costs of over $1 billion. These higher costs would have a financial impact on the coal industry as well as many electric utility customers who use coal-generated power. The most expensive provisions are those permitting refiling of previously denied claims, the medical evidence requirements, and the interim benefit provisions.

Unfortunately, the Congressional Budget Office [CBO] estimated that the bill will only cost the Federal Government $195.5 million over 5 years. Obviously, there is a vast difference between what the independent source believes to be the cost and the CBO estimate. In the end, the taxpayer will be responsible for picking up the tab for this expensive expansion.

The bill will significantly add to the Federal deficit. H.R. 2108 fails to include any financing mechanism to offset the projected cost—violating the pay-as-you-go provisions of the 1991 budget agreement. Unless changes are made in the Black Lung Program, other programs such as child nutrition or vocational rehabilitation may have to take a hit to pay for the provisions in the bill.

Finally, the legislation places enormous burdens on the Black Lung Trust Fund, which is funded by an excise tax on coal. The self-sustaining trust fund is currently $4 billion in debt to taxpayers and has operated in the red for years. The trust fund has regularly borrowed money from the Federal Government to make-up the shortfall. An amendment was offered during debate that simply stated that none of the provisions of the bill would become effective until the total indebtedness of the Black Lung Trust Fund is less than $600 million. Unfortunately, I was with a group of constituents from my district and missed the rollcall vote on this amendment—rollcall 181. Had I been present, I would have voted "aye" to stop a future taxpayer bailout of the trust fund.

TRIBUTE TO GERALDINE W. JOHNSON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. CLAY. Mr. Speaker, I rise today to ask my colleagues to join me in paying a special tribute to a distinguished lady, Mrs. Geraldine Watson Johnson, educator, administrator, community leader, loving mother and faithful wife, who retired on February 1, 1994.

I would like to share with this body the following statement that was issued upon her retirement.

A TRADITION OF LEADERSHIP

After an outstanding career of educational leadership and community service, Mrs. Geraldine Watson Johnson has retired. For forty-three years her influence has been evident in St. Louis Public Schools through her accomplishments with students, teachers, and administrators. Her career has been as varied as it has been illustrious. As an elementary classroom teacher she provided a total curriculum program for her students. Subsequently she provided specialized instruction to students as a reading clinician and remedial reading teacher. Her diligence and willingness to accept challenges led to her advancement through a series of administration positions: principal, elementary curriculum supervisor, elementary facilitator, director of Project PLAN, deputy to the assistant superintendent of elementary education, and executive director of elementary education. Her broad experience base and high energy level enabled Mrs. Johnson to effectively provide leadership for teachers and administrators in the implementation of excellent educational programs for elementary students throughout the district.

Mrs. Johnson's contributions to professional institutions and organizations are notable: i.e., guest lecturer and part-time faculty member at local colleges/university (Harris Stowe State College, Meramec Community College, St. Louis University); presenter of papers and workshops at conventions, conferences, and various school districts throughout the nation, member of state and national educational committees and task forces (Missouri Urban Education Manual Committee, United States Office of Education Validation Team. Educational Braintrust, Education Committee of American Cancer Society, Educational Adviser for the Honorable William L. Clay, Representative in Congress, Missouri First District, and Vice-President of the Board of Directors for the William L. Clay Scholarship and Research Fund); participation and leadership in professional organizations (past president of Greater St. Louis Association for Supervision and Curriculum Development, past president of Missouri ASCD, immediate past chair of Nomination Committee ASCD, past vice-president of Administrators Association of St. Louis Public Schools, member of International Reading Association and St. Louis City Council IRA).

Community service has always been a major commitment for Mrs. Johnson. This commitment is exemplified by her active participation as a member of the Board of Directors of Annie Malone Children's Home for more than eighteen years, past national president of Tots and Teens, Inc., past parlimentarian for the St. Louis Alumnae Chapter of Delta Sigma Theta Sorority, Inc., and member of St. Philip's Lutheran Church.

Recognition of Mrs. Johnson's effective leadership is reflected in the numerous honors she has been awarded, such as the Harris Stowe State College Distinguished Alumna Award, the "Making A Difference" Award from Annie Malone Children and Family Service Center, the National Phi Delta Kappa, Inc., Alpha Nu Chapter Eminent Educators Award for Excellence in Education, and Top Ladies of Distinction Community Service Award.

Mrs. Johnson has given fully of her skills and talents throughout her distinguished career. Her retirement will not diminish her enthusiasm and commitment to educational excellence and community service. It will, however, enable her to focus more of her energy on those relationship she cherishes most, i.e., spending quality time with husband, Grover, nurturing and inspiring her daughters, Jana, Jennell, Jacqueline, and adoring and indulging her four fabulous grandchildren. In addition, she will continue the tradition of service to the community which has been a dominant characteristic of her life.

We wish for Mrs. Johnson a retirement filled with good health, extensive opportunities for travel to interesting places, personal fulfillment, and serenity. It is with great affection, appreciation, and respect for her many achievements that we wish her Godspeed and much happiness.

SPEECH BY ROBERT H. MICHEL AT COMMENCEMENT CEREMONIES FOR AUGUSTANA COLLEGE, ROCK ISLAND, IL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. HYDE. Mr. Speaker, I am pleased to place into the RECORD a speech given by the House minority leader, ROBERT H. MICHEL of Illinois. This speech was given at the 1994 commencement ceremonies for Augustana College in Rock Island, IL, on May 22, 1994.

In addition to sound advice for the graduates of Augustana, our leader makes some excellent remarks on U.S. foreign and defense policy in the post cold war world, and I commend this speech to all Members of the House.

REMARKS BY HOUSE REPUBLICAN LEADER ROBERT H. MICHEL, AUGUSTANA COMMENCEMENT, MAY 22, 1994

I am deeply honored on being the commencement speaker at such a wonderful occasions for students, parents faculty and administration of the Augustana Class of 1994. That sense of honor is somewhat tempered by one fact: I cannot recall the name of the commencement speaker at my graduation in the class of 1948 in Bradley University in my home town of Peoria. But perhaps this is as it should be: commencement speakers are sometimes memorable only for the length rather than the wisdom of their discourse.

I am reminded of the old saying that a commencement address should strike a balance between the speaker's pleasant duty to declaim and the graduates' urgent desire to depart. I hope to strike that balance today. Each generation has its own distinguishing characteristics: In the 1920's there was "the lost generation." There was the "beat generation" in the 1950's. My own generation had no label. We were too busy trying to work our way out of a depression, and fight a world war. But whatever name history bestows, your generation faces a unique challenge: You must bridge the gap between the post-Cold War world that is dying and a new world waiting to be born. You must salvage the best from the past, and devise new answers to new questions. And there are many new questions being asked in the post-Cold war world.

It so happens that the House of Representatives is in the midst of debating the Defense Department authorization bill for the coming year. For almost 38 years I have been a participant in debates over our national security. And I can tell you that I am troubled by certain recent trends in our national foreign and defense policies. I have until now refrained from making formal public comments about my views, in deference to the President, who I know is trying his best to do what is right for our country. But the time has come when I believe that my duty toward our nation overrides my reluctance to publicly criticize the policies of a new President. After 18 months, a new president is no longer new.

Since these foreign policy trends will have a direct effect on the course of your lives—and the life of our nation—I just have to make a few appropriate remarks about them here today. I am particularly concerned with the drift and indecision in foreign policy that has marked the first eighteen months of this administration. A writer for the Washington Post described the President's foreign policy routine in these words—and I quote: ". . . issuance of a threat that was easier to make than carry out; an inability to set or stick to priorities, misplaced faith in the goodwill of adversaries; (and) in discipline among contending voices in the administration, undermining any impression of resolve."

From Somalia to Bosnia, from North Korea to Haiti, the administration has sent out confused and often conflicting policy signals. Then there is Communist China, whose importance to the future of world peace can scarcely be exaggerated. President Clinton as a candidate harshly criticized the policy of President George Bush to continue to open China to free markets. But when he became President he seemed to embrace that policy. And now he appears to want to criticize and embrace it at the same time.

I can tell you from almost four decades of observing and taking part in national security and foreign policy debates: Rhetoric isn't enough. Good public relations are not enough. The ability to charm audiences is not enough. Good intentions are not enough. A President of the United States must have a set of foreign policy and national security principles in place when he comes into office. He must implement those principles. And he must make tough decisions without worrying about popularity polls. Can anyone imagine the current administration conceiving, undertaking and successfully completing the kind of complex, dangerous, gravely important military operation that President Bush led in the Gulf War? What is needed by the administration is not just more appearances at televised town meetings, not more media strategies, not more public relations experts, but more serious thought as to the ends and means of foreign policy—and the will to carry out tough policies in the face of criticism.

The Clinton administration continues to promote the deepest defense spending cuts since World War II. To meet those cuts, the Department of Defense, on average, will lay off 15,000 personnel, retire one ship, 37 primary aircraft and one combat battalion each month—that's right, each *month!*—of the next fiscal year. We can't cut defense the way this administration has and then say we are operating from a position of strength in the world. No one is going to believe us. And I can tell you the lesson of history in such a case is as clear and consistent as it is cruel: A loss of credibility in the field of policy is the prelude to the loss of lives on the field of battle.

At this point you're probably musing to yourselves that we already know we are going to face a lot of problems. But what can we do to help solve such enormous problems? It may sound strange, but I believe your generation will be challenged to change America by leading ordinary lives in an extraordinary way. In a democracy, foreign policy and defense policy are—or should be—a reflection of the will of the people. And the will of the people can offer no reliable guidance to foreign policy unless it is rooted in the ordinary virtues of courage prudence, justice, and faith among the people. There is an old saying that a country that has no heroes is sad—but a country that always needs heroes is sadder still. I believe that is true.

Heroes are always welcome. But when a country gets into such trouble that heroes are necessary, it is in a state of crisis. We aren't there . . . yet. I believe we have time to solve may of our problems. But the changes must come from the bottom up, from every community, family and individual. Government can accomplish great things. But what this country desperately needs today—government can't do. Recently I came upon a saying attributed to Mahatma Gandhi. He said that individual and national problems spring from seven causes: —Wealth without work. —Pleasure without conscience. —Knowledge without character. —Commerce without morality. —Science without humanity. —Worship without sacrifices. —Politics without principles. There is not a single one of these problems that government action can solve. Not one. In a democracy like ours, government must work for the people. But only the people can provide the social and moral foundation on which sound government policy can be erected. Many of the moral and social breakdowns in our society can be traced to failures to adhere to ordinary, civilized standards of behavior.

That is why I think your generation has what Franklin Roosevelt called "a rendezvous with destiny", a special calling to restore ordinary virtues to American life. And what do I mean by ordinary virtues? Here are a few of them: —No matter what your job is, do it the very best you can. Craftsmanship, concern, and conscience should be at the heart of your work. —Take responsibility for yourself, your family your property, and your community. —Treat others as you would be treated. —Keep reasonably informed about the world and the nation and your neighborhood—and then be sure to vote. —Know your constitutional rights—but also know your moral duties. If we could just restore such a sense of ordinary duty and responsibility to daily life, our nation would be transformed.

A distinguished diplomat recently was asked about America's role in the world. And he replied: ". . . unless we preserve the quality, the vigor, and the morale of our own society, we will be of little use to anyone at all." And that, I believe, will be the great challenge of your generation. Perhaps I have disappointed you by not urging you on to feats of unparalleled heroism, with the blaring trumpets and booming drums of the media spotlight. But I believe that the gentle, quiet rhythms and harmonies of ordinary people practicing ordinary virtues make a greater music for our nation.

In my own life I can think of two such ordinary people: my parents. My father came here from France to build a better life. He found work and did it the best he knew how. He married. He and my mother raised a family. Just an ordinary story, repeated millions of times by families all across America. But what a extraordinary contribution such ordinary lives make to a nation! Just adhering, day by day, to standards of personal decency, honestly and love; just doing a job well and teaching by example the virtues of hard work and discipline; just having faith and living by its dictates: How ordinary—how difficult—and how extraordinarily wonderful! Two weeks from now I will return to Normandy, where, fifty years ago, we stormed the beaches of occupied France. I said earlier a nation that needs heroes is in a state of crisis.

Well, fifty years ago, we needed heroes in World War II because we were in such a crisis. A victory for Hitler would have been a disaster for our nation and for western civilization. But many heroes made the ultimate sacrifice in that war, so we emerged victorious. Those of us lucky enough to have survived believed a new, better world would have to be created out of the ashes. Fifty years have passed and although we have made some progress in a few areas, we have a long way to go. And so, as your generation takes up the burdens of leadership, perhaps you will remember a little bit of verse that was found at a battlesite during World War II. It was written by an allied soldier just before he died. And here is what he wrote: "When you go home, Tell them of us, and say; For your tomorrow, We gave our today."

It is my wish for your generation that fifty years from now, the many today's of your lives will have been given to building a better tomorrow for our country. Congratulations, to this class of '94 and all best wishes to each and every one of you as you go forth to face the world of work.

TRIBUTE TO JETHRO WARD GAYLES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the late Reverend Jethro Ward Gayles of the Gospel Temple Baptist Church. The loss of Reverend Gayles is a tragedy. To his family, friends and many, many admirers, I wish to memorialize his outstanding achievements through the publication of this proclamation. May future generations of Americans be inspired by his extraordinary example of tireless, selfless service to others.

PROCLAMATION

Whereas the Reverend Jethro Ward Gayles was born to Samuel and Emma Gayles, in the State of Mississippi, he was the ninth child of fourteen, he is married to Ruth Gayles, and is the father to two lovely daughters and three grandchildren; and

Whereas Reverend Gayles graduated high school with honors, he matriculated at Western Baptist College, Kansas City, Missouri, earning the Bachelor of Arts Degree in Business Administration, and the Chicago Baptist Institute, Chicago, Illinois, earning the Bachelor of Theology Degree, he has been awarded two Honorary Doctor of Divinity Degrees, Kansas Bible Teachers College 1973, and the Chicago Baptist Institute in 1987; and

Whereas Reverend Gayles preached his first sermon in June 1947, he was Ordained in June 1949, in January 1954 he was called to pastor Gospel Temple Baptist Church located at 622 E. 43rd Street, Chicago, Illinois, in 1969 the Church moved to 1056–58 West 103rd Street; and

Whereas Reverend Gayles is a churchman and community leader, he has served as Moderator of the Greater Shiloh Baptist Association, First Vice President, United Baptist State Convention of Illinois, President, Baptist Ministers Conference of Chicago and Vicinity, Vice President, Council of Religious Leaders of Metropolitan Chicago, Trustee, Chicago Baptist Institute, Board Member, Interfaith Council for the Homeless, Board Member, Evangelistic Board National Baptist Convention, Inc., and a Life Member of the National Association for the Advancement of Colored People, he is a humanitarian, a servant of God, and a true role model in our community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Jethro Ward Gayles and the Gospel Temple Baptist Church by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO HON. BASILIO BAERGAS PARAVISINI

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Honorable Basilio Baergas Paravisini, the Mayor of Salinas, Puerto Rico, who is beloved not only in his home town, but among the many Salineses now residing in New York City.

Mayor Baergas is a very dedicated, very hardworking individual, whose tireless efforts over the last 4 years have transformed Salinas into a town of renewed beauty and prosperity. And for Salineses in Puerto Rico and New York, Basilio Baergas is a warm and unifying leader.

Mr. Speaker, from 4 p.m. until midnight on Sunday, June 12, the Salineses of New York will hold "Encuentro Boricua," a festival of Puerto Rican culture which will be dedicated to Mayor Baergas. I ask my colleagues to join me now in paying tribute to this outstanding public servant.

RECOGNITION OF THE INTERNATIONAL CHIROPRACTORS ASSOCIATION AND MAY AS GOOD POSTURE MONTH

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 1994

Mr. SABO. Mr. Speaker, I have been advised by Dr. Sid E. Williams, chairman of the board of the International Chiropractors Association, that the month of May has been designated by that prestigious organization as "Good Posture Month." The promotion of good posture through regular spinal adjustments, exercise and posture training is a major goal of the chiropractic profession.

According to Dr. Williams, good posture is both a contributor to, and a positive indication of, good health. Dr. Williams explained that when a person has good posture, it gives him a feeling of self confidence. He is also able to present himself to others with greater authority.

A star athlete in his youth and a member of Georgia Tech's championship 1953 Orange Bowl team, Dr. Williams speaks with authority. His first encounter with chiropractic was when he sought and found relief after many months of pain which had been seriously interfering with his posture as well as his ability to run and leap. With this very positive introduction to the chiropractic science, the young Sid Williams and his bride, Nell, both elected to enroll at Palmer College of Chiropractic to earn their professional degree.

After building a large and successful chiropractic practice in the Greater Atlanta area, Dr. Williams launched his dream to establish a professional college true to the principles of chiropractic. Beginning in 1974 with little more than a warehouse and high hopes, Dr. Williams has guided Life College to its current status as the world's largest college of chiropractic. In addition to the doctorate in Chiropractic and master's degree in Sports Health Science, Life College also offers bachelor degrees in Nutrition and Business Administration. It is fully accredited and on its way to achieving university status as it adds a Ph.D. and other degrees currently under development.

Even today in his mid-sixties, Dr. Williams takes pride in his own posture and good health as he stands tall to promote Life College through television ads. Dr. Williams is very proud of Life College's 120-acre wooded campus which features an Olypmic-standard 5-mile training track now being used by runners from all over the world. The campus also features a state of the art sports health science center for monitoring the runners' progress, along with modern classrooms, labs and equipment. He is also justifiably proud of Life's championship teams in basketball, rugby, soccer, ice hockey, cross country, and track.

Dr. Williams explained that in spite of the rigors of long hours of classroom lectures and after-hours study, his students are able to excel in academics and sports in large part because of the close relationship between chiropractic care and good posture. He said, "We give our athletes a leading edge over their opponents with care from a competent sports chiropractor both during training and at the sporting event itself. Most injuries are corrected immediately to allow the body to begin healing as rapidly as possible. As a result, permanent disabilities are rare."

Dr. Williams also explained that the special relationship between good posture and chiropractic care comes from the fact that both deal primarily with the spinal column. The chiropractor uses his hands to adjust the spine to assure that all misalignments are corrected to remove harmful interference of nerve function, thereby relieving the patient of pain, numbness and dysfunction. In the long run, a misaligned spine can contribute to a great variety of diseases, most of which can be prevented through regular chiropractic care. The skilled doctor of chiropractic locates and removes nerve interference through the correction of spinal subluxation by means of his precise chiropractic adjustment.

Dr. Williams pointed out that poor posture not only causes chronic fatigue as a result of the inefficient uses it makes of the body's energy, but it also predisposes the individual to major health problems later in life. Research has shown, according to Dr. Williams, that a healthy, properly aligned spine better enables the body to combat disease and various other assaults. Impaired nerves, on the other hand, can weaken internal organs and subject them to dysfunction and disease.

As chairman of the board of the International Chiropractors Association, as well as founder and president of Life College, Dr. Williams is a dedicated proponent of and spokesman for chiropractic and healthful living. For many years, he has promoted good mental and physical health through his Dynamic Essentials lectures. "Good posture should be encouraged very early in life," he said, "and I would like to see every child have the benefits of regular chiropractic care to help them produce the very best body and mind possible. All too often, injuries to the spine sustained during birth or the first few months of life disrupt natural growth and function and needlessly burden the person with a lifelong handicap."

Mr. Speaker, I have also heard from other reliable sources about the benefits of chiropractic and how it promotes beautiful posture and a healthy lifestyle without the invasive use of drugs or surgery. In view of the overwhelm-

ing evidence of the great value of chiropractic to the millions of patients who take advantage of its availability, I would like to urge my colleagues to join me in giving wholehearted support to this proven healthcare profession, especially as we consider what to do to help solve America's health care crises in an adequate and affordable manner.

I know my colleagues will want to join me in congratulating Dr. Williams in his success at founding a school of chiropractic care and promoting its benefits.