SENATE—*Wednesday, May 25, 1994*

(Legislative day of Monday, May 16, 1994)

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

The PRESIDENT pro tempore. Today's prayer will be offered by guest chaplain Rabbi Rachmiel Liberman, of the Jewish Educational Center in Brookline, MA.

Rabbi Liberman, please.

PRAYER

The guest chaplain, Rabbi Rachmiel Liberman, Jewish Educational Center, Brookline, MA, offered the following prayer:

Before we begin, I would like to place a token in the charity box to contribute to the needy.

We have recently read in the Weekly Bible Portion, read at synagogue services, God's command to Moses, "That they shall make for me a sanctuary, and I will dwell within them." Our sages teach us that the term "I will dwell within them," instead of the usual form "I will dwell within it," means that God will dwell within the heart of each and every person, when he or she strives to build a sanctuary for God.

God of Heaven and of the Earth, King of the universe, we are assembled here today in the Capitol, with the men and women who have been chosen by the citizens of the United States of America to represent them in Government; and in them, millions of people have placed their faith and confidence to make decisions and to pass laws on behalf of their families in vital matters pertaining to life, safety, health, security, education, harmony, and peace of mind.

Help us to remember that the future before us is dynamic. Everything we do will affect it. The dawn of each day brings with it a new frontier, if only we shall recognize it.

We beseech You, O Mighty God, to grant us clear vision, that we may know where to stand and what to stand for.

Help us to realize that it is better to fail for a cause that will ultimately succeed, than to succeed in a cause that will ultimately fail.

Strengthen and sustain us to overcome our shortcomings, and may we all enjoy peace, tranquility, and brotherly love for all mankind. And help us to build a sanctuary, so that You will dwell within us, and within those whom we have chosen to lead us in Government. Amen.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF SAM BROWN, JR.

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume executive session to continue the consideration of the motion to invoke cloture on the nomination of Sam Brown, Jr., with the time until 1 o'clock p.m. to be equally divided and controlled in the usual form.

The Senate resumed consideration of the nomination.

The PRESIDENT pro tempore. Who seeks recognition?

Mr. FAIRCLOTH addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. FAIRCLOTH].

Mr. FAIRCLOTH. I ask unanimous consent to speak as in morning business for a period of 15 minutes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina is recognized for not to exceed 15 minutes as in morning business.

NOMINATION OF LAURI FITZ-PEGADO

Mr. FAIRCLOTH. Mr. President, today the Senate debates the nomination of Sam Brown to be U.N. Ambassador to the Conference on Security and Cooperation in Europe. His history of supporting regimes which are hostile to the United States is shameful. But at least as unfortunate is the fact that he is not alone. In their own way, other nominees have equally shameful pasts. That is worth exploring in the context of the Sam Brown nomination.

A good example is the nomination of Lauri Fitz-Pegado to be Assistant Secretary and Director General of the U.S. Foreign and Commercial Service in the Department of Commerce.

Mr. President, Lauri Fitz-Pegado has orchestrated lies to Congress. She has served as a lobbyist for the Communist government in Angola. She worked for the murderous Duvalier regime in Haiti, a regime which has left us with the tragic legacy we are dealing with today.

Mr. President, this is just the tip of the iceberg. She has done much more. She has been a hired gun for disreputable foreign interests. She has deliberately attempted to mislead Senators about her past. She has taken an active role in orchestrating perjured testimony before a congressional committee.

In short, Lauri Fitz-Pegado has disqualified herself from service in the position to which she has been nominated.

None of these facts and allegations were disclosed either to Chairman DON RIEGLE, or ranking Republican ALFONSE D'AMATO, or to the other members of the Banking Committee when her nomination was voted on there.

Mr. President, today I will talk about only one of the reasons why her nomination should be returned to the Banking Committee for further review. When the Senate is aware of this and other facts, it will know what many already know; America can do better than Lauri Fitz-Pegado. In fact, it could hardly do worse.

A reason—which by itself should be sufficient to reject the nomination of Lauri Fitz-Pegado—is her role in orchestrating perjury before Congress and the U.N. Security Council as the representative of "Citizens for a Free Kuwait."

In 1990, after the Iraqi invasion of their country, the Kuwaiti Government in exile formed "Citizens for a Free Kuwait". They hired the lobbying firm of Hill and Knowlton to attempt to influence public opinion in the United States toward entering the conflict. Lauri Fitz-Pegado was in charge of the effort.

Her strategy was to use alleged witnesses to atrocities to tell stories of human rights violations in occupied Kuwait. Using their testimony live and on video news releases, she orchestrated what has come to be known as The Baby Incubator Fraud.

She first coached a 15-year-old Kuwaiti girl, identified only at the time as Nayira, to testify before Congress that she had seen Iraqi soldiers remove Kuwaiti babies from hospital respirators.

Nayira claimed to be a Kuwaiti refugee who had been working as a volunteer in a Kuwaiti hospital throughout the first few weeks of the Iraqi occupation. She said that she had seen them take babies out of incubators, take the incubators, and then leave the babies on the cold floor to die.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Nayira's emotional testimony riveted human rights organizations, the news media, and the Nation. That incident was cited by six Members of the Senate as reason to go to war with Iraq. However, it was later discovered that the girl—who had only been identified as an escapee from occupied Kuwait—was in fact the daughter of the Kuwaiti Ambassador to the United States. It also turned out that Lauri Fitz-Pegado had concealed Nayira's real identity.

Since then, every reputable human rights organization and journalist have concluded that the baby incubator story was an outright fabrication.

Even a study commissioned later by the Kuwaiti Government could not produce a shred of evidence that the Ambassador's daughter had managed to sneak back into occupied Kuwait in order to do a few weeks of volunteer work in a hospital overrun by bloodthirsty Iraqis.

When the perjured testimony was discovered by John MacArthur of Harpers magazine, and later reported by the television news program "60 Minutes", Fitz-Pegado first maintained that she had believed the girl's story, and that she hadn't meant to deceive anyone.

But, Hill and Knowlton later said that they did know about Nayira's family ties, but that Congress wanted the fact withheld.

They blamed Congress for their lies. What is more, they put on a repeat performance in front of the U.N. Security Council on November 27, 1990.

In the testimony before Congress, they claimed they could not fully identify who the witness was because they wanted to protect her family that was supposedly still trapped in Kuwait which was totally false. In front of the United Nations, Lauri Fitz-Pegado abandoned that pretense and instead employed witnesses who testified using false names and occupations.

The most important of these phony witnesses was a man who called himself Dr. Issah Ibrahim. With Lauri Fitz-Pegado there in New York, he claimed to have personally buried 40 babies pulled from incubators by the Iraqis.

Dr. Ibrahim told the Security Council that he was a surgeon. But after the war when the incubator scam was exposed as a total fraud, he admitted to being a dentist who never buried any babies.

Fitz-Pegado did not inform the Banking Committee of this baby incubator scam. However, in an on-the-record interview with John MacArthur of "Harpers" magazine, she was taped admitting that she was involved in the lying to Congress.

She said she took "total responsibility and much pride in everything that Hill and Knowlton did." She went on to say that she thought any negative comments about her were sexist and racist, and said she wanted to make it clear that "I don't work in the kitchen, I am not a clean-up woman."

But when she was pressed to account for the lies, she said—and I quote—"Oh come on John. Who gives a * * *"—and then she used a word that is so foul that I will not repeat it on the Senate floor.

I will make an unedited copy of that interview available to any Member of Congress or the press who would like it.

Mr. President, as a supporter of our country's involvement in the Gulf war, I am offended that Lauri Fitz-Pegado believes that those kinds of illegal and unethical activities were necessary to get this country to face the threat of Saddam Hussein.

I am more offended, however, that she thinks that her orchestrating lies to Congress is no big deal and that anyone who says it is racist and sexist.

I believe that if the other members of the Banking Committee, Democrat and Republican alike, had been aware of even this limited set of facts during the confirmation process, her nomination would have been rejected by that committee.

Now they will hear even more about Lauri Fitz-Pegado's involvement with the Marxist Government of Angola. They will hear about her ties to the bloody Duvalier regime in Haiti. They will hear other facts and allegations about her past that she has deliberately attempted to hide from Congress.

If confirmed, Lauri Fitz-Pegado would have control over a global network of 200 trade offices in 70 countries. Mr. President, my opposition is not based on party or on ideology. It is based on the fact that there are few people in America who have less business being in charge of our Nation's trade secrets than Lauri Fitz-Pegado.

Lauri Fitz-Pegado's nomination should be returned to the Banking Committee for further and full review. If it is not, then facts that are far more embarrassing to Ms. Fitz-Pegado and to others in government will be revealed in other speeches and in long and protracted debate on the Senate floor.

Mr. President, the Senate Banking Committee was hoodwinked by a professional scam artist.

Lauri Fitz-Pegado should be asked to disclose her entire past, and then be prepared to defend what I believe is an indefensible past.

Mr. President, in the near future I will inform the Senate of other aspects of Lauri Fitz-Pegado's past.

When the puzzle is completed, Senators will know about Lauri Fitz-Pegado what others already know about Sam Brown; America can do better than Lauri Fitz-Pegado, and it would be hard to do worse.

I thank the chair and yield the floor.

NOMINATION OF SAM BROWN, JR.

The Senate continued with the consideration of the nomination.

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

SAM BROWN AND VIETNAM

Mr. PELL. Mr. President, yesterday, the senior Senator from Washington [Mr. GORTON] stated his objection to actions by Mr. Brown in 1977 allegedly celebrating the victory of Communist totalitarianism in Vietnam and the defeat of the United States. Senator GORTON found such conduct particularly inappropriate, because Mr. Brown at the time was a U.S. Government official, the Director of ACTION. I would share that concern if the allegation were correct. But it is not.

Senator GORTON's statement of concern is based, at least in part, on a report by Eric Sevareid of CBS. According to that report, in September 1977 there was a reception celebrating the arrival of the Vietnamese delegation at the United Nations which Mr. Brown attended. According to Mr. Sevareid, those in attendance at the reception "never had the slightest objection to the murderous civil war in Vietnam, which was started by the Hanoi Communists, who invaded the South." Mr. Brown is also reported to have stated at the reception that "this is the proudest day of my life. This is what I've been working for all these years."

These and associated allegations about Mr. Brown's attendance were addressed by the committee in written questions to Mr. Brown. In his answers, Mr. Brown categorically denied that he said or did anything in the way of celebrating a Communist victory or rejoicing in an American defeat. Let me state for the record some of the questions posed to Mr. Brown by the committee and his responses:

Question. "Were you in fact in attendance at this reception?"

Answer. "I am pleased to have an opportunity to respond to this allegation which has been floating around for years. I was walking up Broadway in New York City with my fiancee and saw a marquee advertising a Vietnam-related event. We stopped in very briefly—no more than five minutes or so. I did not sponsor, speak at, or in any other way support this event. After realizing the nature of the event, my fiancée and I left."

Question. "Would you consider yourself among those who 'had no objection' to the invasion of South Vietnam by North Vietnam?"

Answer. "No."

Question. "Did you believe at that time that the United States was truly acting as an imperialist force seeking colonial gains in Vietnam?"

Answer. "No."

Question. "Did you believe at that time that the United States was truly acting as an imperialist force seeking colonial gains in Vietnam?"

Answer. "No."

Question. "Do you currently believe that the United States was acting as an imperialist force seeking colonial gains during the Vietnam War?"

Answer. "No."

Question. "* * * Dr. Henry Kissinger writes 'What I have difficulty understanding is the

relish with which some Americans greeted our humiliation in Southeast Asia. When I see, for example, the head of ACTION going to a meeting where the North Vietnamese ambassador, upon joining the U.N., castigates the United States, and this American official says 'This is the proudest day of my life. This is what I've been working for all these years,' that raises to me really profound questions about the fundamental motivation from the beginning."

Are these accurate reproductions of your statements at the time?"

Answer. No. I, like many Americans, opposed U.S. involvement in the war in Vietnam and worked through the political process to bring it to an end."

Question. "Did you applaud when such statements were made regarding the United States of America?"

Answer "No, I left when the nature of the meeting became apparent."

Mr. President, I believe that this sampling of Mr. Brown's responses to questions about the New York event establish that the media and other commentators have inaccurately and unfairly characterized Mr. Brown's actions and views in 1977. Mr. Brown was an opponent of the Vietnam war—as I was, I would like to add—but he did not exult in America's defeat; nor did he champion North Vietnam's bloody cause. He simply advocated an end to American involvement in what he believed—as did I and many others in this body—to be a war that was not in America's interest to continue.

I yield the floor.

The PRESIDENT pro tempore. Who seeks recognition?

Mr. BROWN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. BROWN].

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

The PRESIDENT pro tempore. The Senator is recognized for such time as he may require.

Mr. BROWN. Mr. President, I appreciate the distinguished chairman who put into the RECORD the quote from the New York Times article. If it has not already been submitted for the RECORD, I ask unanimous consent that the entire New York Times 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, Sept. 26, 1977]

THOUSANDS WELCOME VIETNAM DELEGATES—ANTIWAR ACTIVISTS AMONG THOSE AT CEREMONY IN NEW YORK FOR UNITED NATIONS TEAM

(By Pranay Gupte)

With an explosion of emotion yesterday, Vietnam's new delegation to the United Nations was greeted by thousands of its American friends and supporters, many of whom had opposed the United States involvement in Indochina. In songs, and speeches they suggested that a new, more harmonious, era between the two countries was about to begin.

"Your presence here finally puts the past behind us," Cora Weiss, a longtime antiwar activist, said to the Vietnamese at a ceremony at the Beacon Theater, Broadway and 74th Street. Her reference seemed to be as much to the end of the Vietnam war as to the recent admission of that nation to the United Nations—admission that the United States had opposed several times.

As she spoke, dozens of supporters of what was once the Saigon Government stood in the rain outside the theater and chanted slogans accusing the Vietnamese Government in Hanoi of ignoring human rights. Occasionally, a sharp argument would break out between the demonstrators and passersby, and at one point it even looked as though there might be a fistfight. There were no arrests, although policemen watched warily.

Inside the theater, there was only a sprinkling of Vietnamese residents of New York City, where their community has become a visible presence in recent months. Before the festivities started, the Vietnamese delegates lined up in the lobby to shake hands. There was much picture taking and exchanging of pleasantries.

After almost an hour, the Vietnamese strode into the auditorium. They were robustly cheered by the audience, which included representatives from more than 40 delegations to the United Nations and which had been invited—for $2.50 a person—by Friendshipment, a coalition of peace and religious groups in this country.

"Welcome!" Mrs. Weiss shouted. After her speech, she beckoned the Vietnamese to come to the stage. They climbed the steps and, with hands clasped above their heads, acknowledged the applause of the audience.

U.S. 'IMPERIALISTS' ATTACKED

One of the Vietnamese, Ngo Dien, the Deputy Foreign Minister of Press and Information, then stepped to the microphone and read a speech, a substantial portion of which was an attack on United States "imperialists."

"From such a long distance the American imperialists sent half a million troops to wage a bloody colonial war," he said in English. "Yet no enmity exists between the Vietnamese and American people."

Heavy applause interrupted him.

Mr. Dien motioned for quite, then continued: "How can we accept that those who dropped 50 million tons of bombs on Vietnam not contribute to the healing of war wounds?" There was more applause.

"Long live the friendship between the Vietnamese and the American people!" Mr. Dien declared.

The crowd once again rose to its feet and cheered.

Among those who applauded was Ramsey Clark, the former United States Attorney General. "I'm very happy to see Vietnam finally in the United Nations, where they belong," he said.

The man next to him nodded. He was Sam Brown, the 33-year-old former antiwar activist and now the director of Action, a Federal agency that supervises such volunteer programs as the Peace Corps.

"I am deeply moved," he said. "It's difficult to describe my feeling—what can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you?"

"I believe we ought to aid the Vietnamese in their reconstruction," Mr. Brown said, adding that he hoped President Carter could be persuaded similarly.

Then Pete Seeger sang a few songs, some from the days of the antiwar protests in which many of those in yesterday's audience had participated. Later there were hugs and kisses, much like in a class reunion.

Mr. BROWN. Thank you, Mr. President.

The nominee, quoted in the New York Times, said:

I am deeply moved. It's difficult to describe my feelings—what can you say when the kind of things that 15 years of our life were wrapped up in are suddenly before you? I believe we ought to aid the Vietnamese in their reconstruction.

That quote follows a description of the event as just summarized by the distinguished chairman. The event included a speech by the Deputy Foreign Minister of Vietnam, a substantial portion of which was an attack on United States imperialists. According to the article, the attack received a strong ovation from the group that was there.

Mr. President, it is important to look at is the particular group that was at the event in the New York theater. The New York Times says that people were there only by invitation. The New York Times says there was a fee of $2.50 to enter.

Our candidate describes himself as being there because he simply wandered in from the street. He said he was walking the streets of New York and happened to walk into the theater without knowing about the event beforehand. Sam Brown's recollection is difficult to reconcile with the New York Times account that people came to the event only by invitation. It is further difficult to reconcile with the fact there was a fee involved, both of which the candidate stated he cannot recall in responses he submitted to committee questions.

It is somewhat difficult to understand how someone who wanders in from the street with his girlfriend without invitation and without paying the required entry fee ends up sitting next to Ramsey Clark, the former attorney general, a celebrity in the antiwar movement and from the article, a focal point of the event.

But I think, hopefully, the questions that have been asked and the review presented by the chairman will be helpful to Members.

I think it is appropriate that all of that background be included in the RECORD.

Mr. President, I have here a letter from the Jewish War Veterans of the U.S.A. The letter is addressed, as appropriate, to the chairman of the Foreign Relations Committee. It reads as follows:

DEAR SENATOR PELL: The Jewish War Veterans of the USA (JWV) questions the nomination of Sam Brown to the sensitive position of Ambassador to the Conference on Security & Cooperation in Europe (CSCE).

A review of Sam Brown's background presents inadequate experience in the necessary military, diplomatic, and arms control experience required for the position.

Previous CSCE ambassadors Max Kampelman, Warren Zimmerman, and John Kornblum were individuals of broad experience and capabilities.

JWV strongly recommends that the Administration nominate an Ambassador with

the requisite capabilities comparable to those of the other involved nations.

Sincerely,

EDWARD D. BLATT,
National Commander.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

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

Mr. PELL. Mr. President, as to the questions that were asked of Mr. Brown, which the Senator from Colorado mentioned, I think we ought to put into the RECORD also his replies, what his answers were to the New York Times story.

He said:

A New York Times reporter saw me as I was leaving the meeting and asked my feelings. So far as I know, the quote is accurate, although I don't recall what went in the ellipsis in the quotation and it is a very partial statement of my views. I, like many Americans, opposed U.S. involvement in the Vietnam war and worked through the political process to bring it to an end. I was relieved that the war was over—a cause to which I had given many years of my life—that American soldiers were no longer dying, and that Vietnam was entering the United Nations.

And when it came to the question of the $2.50 fee or invitation, he was asked this question.

The New York Times reported that Friendshipment, a coalition of peace and religious groups in the United States, had invited those in attendance at a cost of $2.50 per person.

Mr. Brown was asked the question:

Did you receive an invitation from Friendshipment to attend the event at the Beacon Theater? If you did not receive an invitation, please explain what action you took to gain admittance to the event.

And his reply is: "No. None."

Then the question was:

Did you pay the $2.50 admittance charge in advance at the theater or was the fee waived in your case? If the fee was waived, what actions did you or members of your office take to waive the fee?

And his reply:

I arrived after the event had started and do not recall paying for the event. I took no action to waive the fee. Since I was not aware of, and had not planned to attend the event, my office could not have taken any action to waive the fee.

Then finally, he was asked:

Did the Federal Government reimburse you for the cost of attendance at the event at the Beacon Theater?

And his reply was a flat, "No."

Mr. President, I suggest the absence of a quorum, to be charged equally on both sides.

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

The absence of a quorum has been suggested with the time to be equally divided between both sides. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I rise today in opposition to the nomination of Mr. Sam Brown to be the United States Ambassador to the Conference on Security and Cooperation in Europe [CSCE].

First, I would like to take issue with Mr. Brown's radical philosophies and activities that bring into question his position on American foreign policy. He was very active in the Vietnam Moratorium Committee, which was an organization that served as a Catalyst for turning public opinion in America against the Vietnam war. In 1977, he attended an event sponsored by Communist Vietnam that celebrated Vietnam's admission into the United Nations. These antiwar show disrespect for every American who fought for this country in that bloody conflict. Every heart-wrenching decision made during Vietnam was made for the advancement of democracy. However, Mr. Brown appear to be more in favor of socialism than the advancement of democracy. He seems to favor a "work force democracy" or "economic democracy," terms that have been described as euphemisms for socialism.

Second, I would like to express my doubts as to Mr. Brown's qualifications to perform adequately as head of the U.S. delegation to the CSCE. The official job description for this position requires the head of the delegation to "lead a large integrated U.S. delegation of over 25 substantive officers from State, Defense, the JCS [Joint Chiefs of Staff], the intelligence community, ACDA [the Arms Control and Disarmament Agency], and the USIA [U.S. Information Agency] responsible for all aspects of U.S. relations with the CSCE. * * *" How is a man who has publicly stated: "I take second place to no one in my hatred of the intelligence agencies," going to carry out the mission of this delegation with the unity and cooperation that it needs?

The CSCE plays an important role in monitoring current arms control agreements and negotiating future agreements to ensure the continued United States security in Europe. Mr. Brown simply does not have the diplomatic or national security experience critical to this position.

Furthermore, there is evidence that Mr. Brown demonstrated poor management as director of the ACTION Agency during the Carter administration. That agency was the subject of a House Appropriations Committee investigation in 1978. Some of the concerns raised by that investigation include improper procurement practices, the elimination of the agency's independent inspector general office, and subsidized nonofficial employee travel. These types of possible abuses and violations of regulations and policy do not enhance the credibility of this nominee. The CSCE position requires a person of the highest qualifications and Mr. Brown does not meet this criteria.

Mr. President, I agree with the Senate Foreign Relations Committee that it is time to fill this position so that the CSCE can begin its important role in the post-cold-war era. I do not agree, however, with the committee's conclusion that Mr. Brown will provide the strong leadership needed in this position. I strongly urge my colleagues to send Europe and our fellow Americans the message that we are committee to a strong and active role in resolving the crucial conflicts that lay ahead, by opposing this nomination.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields time? The Senator from Rhode Island.

Mr. PELL. Madam President, in response to the points raised by the senior Senator from South Carolina, I would simply repeat what I already said, that Mr. Brown has categorically denied the allegations of pro-Vietnam statements. Also, regarding the staff report on Mr. Brown's management of ACTION, Senator SIMON, when he was in the House, chaired a hearing on that very same staff report and found that none of the allegations of misconduct were substantiated and said this in a statement on the Senate floor just yesterday.

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

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

The PRESIDING OFFICER. The Senator from Colorado is recognized for as much time as he may consume.

Mr. BROWN. Madam President, I think it is important to read the report that the House Appropriations Committee staff produced. It was written by staff under Democratic leadership. It was not a partisan document nor was it created solely by partisan input. As a matter of fact, the chairman of the committee that put out that report was a Democrat. The documentation is complete, extensive and very specific.

Last week we presented a summary, that is included in the RECORD, for Members, but I have a copy of it here. There are other copies available. We have tabbed the specific references, the portions of the report that we referred

to yesterday, and we even referenced the specific pages of the report.

Let me simply point out this: It was said in the discussion in our Foreign Relations Committee that the report dealt only with matters that happened before Sam Brown became head of ACTION. That is absolutely not correct. I detailed on the floor more than a dozen examples, specific examples, with citations to the report of criticisms that are very significant that occurred during Sam Brown's tenure. The suggestion that these events occurred before Sam Brown was at ACTION is simply not accurate. It is clear and evident on its face in this very report prepared by the Democratic subcommittee staff.

Secondly, I think it would be a tragic mistake to ignore the other evidence that has been presented, specifically the incidence of the firing of the head of the Peace Corps, the first black woman to head the Peace Corps who was dismissed by Sam Brown. I mention that not because people do not have personnel disputes—they do—but the nature of the personnel dispute I think says something about management abilities as well.

A public shouting match is not normally a suggested method of administering or disciplining personnel. Pounding on doors near midnight in foreign hotels to continue an argument is not a highly recommended means of handling a subordinate.

I just hope that as the Members consider the question of Mr. Brown's management style and performance, they will look at the very specific report that the House Democratic subcommittee has put together; the reports from the New York Times and other articles that have been submitted for the RECORD that detail specifically the disorders, the violations of law and regulation and the generally inappropriate management practices that occurred.

Madam President, I want to simply mention also what I think is something of a contrast, and that is a contrast between the people that serve the United States at the CSCE now, those that have served in that position, and Sam Brown. I do not for a minute want to suggest that Sam Brown is not a person of intelligence or a person who is inarticulate. He is both. And he is an able person. I have expressed on previous occasions that I think, given time, he is capable of understanding these issues, of reviewing the issues, and of developing an expertise in them.

The question the Senate must consider is this: is Sam Brown ready to head our delegation at this moment? I have come to the conclusion that he is not. I hope other Members will look at the comparative background of the representatives of other nations who will be serving with Sam Brown as outlined in the committee report and at the background of his predecessors, as also included there.

For instance, Max Kampelman, representative of the United States there, who had extensive experience, including legislative counsel to Senator Hubert Humphrey before he went; alternate member of the President's Commission on Intergovernmental Relations; senior adviser to the U.S. Delegation to the United Nations; and consultant to the U.S. State Department.

Warren Zimmermann, language abilities: Russian, Serbo-Croatian, Spanish, and French. His abilities are in somewhat sharp contrast to the nominee before us, who does not have foreign language abilities at this point.

Warren Zimmermann's experience includes an analyst of Soviet foreign policy, Bureau of Intelligence and Research; speech writer for the Secretary of State; Deputy Chief of the political section, Moscow; Special Assistant for Policy Planning, Bureau of European Affairs; political counselor in Paris, France; Deputy Chairman to the U.S. Delegation to the CSCE before he was named head of the mission.

As the Members can see, Mr. Zimmermann held a variety of posts before assuming the delegation's leadership role. In the past we have sent people who are well qualified, and we should—other delegates at CSCE are exceptionally qualified and have extensive experience. This is not a position where the State Department sends you to start learning the diplomatic trade; this is the culmination of a career—both for U.S. representatives and those from other countries.

John Kornblum, our most recent Ambassador, in addition to our language, speaks German and French. His experience includes time as an international relations officer with the State Department, both in economic and business affairs, as well as in the Bureau of European Affairs; political officer in Bonn, Germany; international relations officer with regard to the Office of Central European Affairs; Chief of the Political Section, the U.S. Mission to Berlin, Director of the Office of Central European Affairs. He also had experience as U.S. Minister and Deputy Commandant in Berlin and Deputy U.S. Representative to NATO.

What is the point of all of this? The point, I believe, is that everyone who has represented us has had extensive diplomatic experience, which stands in sharp contrast to Sam Brown. He does not have that experience. What is perhaps even more significant is that everyone we have sent has had some experience in national security. No one is saying that Sam Brown should have served in the military to have this post, but I do believe, and I think it is fair to say, that someone should at least have some national security experience before they end up being the chief of the delegation that will negotiate the next Conventional Forces in Europe Treaty.

If you are trying to get a good horse trader, you ought to at least know something about horses. If we want somebody who is going to ensure effective implementation of the CFE Treaty and begin negotiations on a follow-on, we ought to expect our representative to have at least some background in national security matters. To suggest it is not necessary, that national security has nothing to do with one of our more sensitive diplomatic and national security posts, is absurd.

It has been pointed out that there are experts on the staff who can assist with these questions. That is correct. A majority of the staff are either military officers or intelligence officers. Nonetheless, we are about to put someone in charge of them whose attitude toward military intelligence and intelligence activities, in general, has been repeated and summarized on this floor. I assume that quote referred to by other Members is something said with youthful enthusiasm and does not represent the current attitude of the nominee.

Let me simply suggest for Senators that an ability to direct a staff and an ability to work with intelligence personnel, an ability to draw the best from them in negotiating a treaty, are all important factors. These abilities should not be ignored as we move forward in our deliberation as to who can properly serve the United States as head of the delegation.

Madam President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, in connection with the remarks of the Senator from Colorado, I was struck by the repetition of the earlier argument in connection with Mr. Brown's handling of ACTION. I would like to read into the RECORD a couple paragraphs from the CONGRESSIONAL RECORD of yesterday. This is Senator SIMON speaking:

> 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, which is 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? Yes. 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.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Colorado is recognized.

Mr. BROWN. I thank the Chair. I yield myself such time as I may consume.

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

Mr. BROWN. Madam President, much has been discussed in terms of the nominee's management abilities and the obviously unusual occasion in which a Democratic subcommittee investigated a Democratic Agency head and produced more than a 100-page report. Not only that, the report contained page after page of criticisms of management style, reports of violations of specific regulations and allegations of violations of specific statutes, which is a serious matter. That report and its findings have been discussed at length.

Additionally, there were a number of reports that appeared in the press including reports from the Washington Post, the New York Times, the Wall Street Journal and various excerpts from a variety of other papers. They all deal with the management abilities of this nominee. Specifically, they deal with some of the problems that come with this nominee and his particular management style.

I ask unanimous consent they be printed in the RECORD.

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

[From the Washington Post, Dec. 23, 1978]

EFFORTS TO CHANGE PEACE CORPS IMAGE HAVE GONE NOWHERE

(By Warren Brown)

ACTION Director Sam Brown had what he thought was a good idea: take a group of "untrained" ghetto blacks from a city such as Oakland, Calif.; send them to a "developing country," such as Jamaica, to do volunteer service—land terracing, for example—for three months; and bring them back home where they could apply their overseas experience to solving domestic problems.

The purpose was to show that short-term voluntarism is a "viable development tool" abroad and at home, that domestic and international volunteer service programs could complement one another, and that nontraditonal volunteers—such as inner-city blacks—could be used effectively in federal volunteer programs.

The idea flopped.

The Jamaican government, already saddled with high unemployment among youths and increasingly violent political unrest, didn't like it. Two ranking Peace Corps officials, Director Carolyn R. Payton and Jamaica Director Loretta Carter-Miller, opposed to Carter-Miller, quit as a result. Payton, whom Brown forced to resign last month, said the "Jamaica Brigade" proposal was a key source of friction between herself and Brown.

The upshot was that no "brigade" was sent, no "short-term volunteer program"—a major Brown goal—got underway and no substantially new Peace Corps program has begun since Brown took office two years ago.

Critics of ACTION, which oversees government volunteer service programs, have seized on the failure to press their claim that Brown is a starry-eyed ideologist trapped by the fervor of his days as an antiwar and political activist and incapable of moving the federal bureaucracy or dealing with the Third World.

Brown said the real problem is that he's meeting massive bureaucratic opposition to his efforts to change the Corps' image and operation.

"There are a lot of people who think the Peace Corps should continue to operate the way it did in the '60s," he said. "They think we should be satisfied with just providing technical assistance and acting as people-to-people ambassadors. I can't accept that.

"For the last 15 years in some countries we've been doing the same thing [sending two-year volunteers to work on construction, health and teaching projects, for example.]

"I'm not saying anything is wrong with that. In fact, that's good. But the world has changed drastically since the 1960s, and if the Peace Corps is going to continue to make sense, it has to stay on top of where the world is and stop wishing it could go back to where the world was 15 years ago."

He said the Jamaica Brigade, conceived in early 1977 and aborted early this year, was an attempt to break out of the mold.

"We are going to Jamaica to learn from their experiences; Jamaica can teach us much," Brown said before a trip there last year to discuss the project with Corps officials and the country's socialist leader, Prime Minister Michael Manley.

In addition to the short-term aspect, the project would have differed from other Peace Corps operations in that participants would have worked primarily for and with a volunteer agency, the Jamaican National Youth Service, of the host country.

According to an ACTION outline, Jamaica was selected "because it was one of the developing nations where new techniques in community mobilization are being tested and where a receptive climate exists for exploring short-term service."

The Jamaica Volunteers, about 25 blacks ranging in age from 18 to 26, were to come from Oakland, where they would return to spend one year working in ACTION's domestic volunteer service program, VISTA (Volunteers in Service to America).

According to the ACTION outline, Oakland was chosen because "It has a receptive political climate, and a meeting of community-based organizations has endorsed the idea." The outline added: "Oakland's problems are typical of the U.S. Yet it is small enough so that it can serve as an appropriate laboratory for this pilot project."

The target date for implementation was last February.

But the project never got off the ground, largely because of early opposition from Carter-Miller, backed by Payton. Both are black.

"I did not support the brigade because it was not philosophically what the Peace Corps was about, nor was it what I was about," Carter-Miller said.

She said she thought the proposal was "just another Sam Brown attempt to make a splash and grab headlines."

"I mean, what sense would it make to send in a bunch of inner-city youths to a country where there is already a high incidence of drug use?" Carter-Miller asked rhetorically.

"I just decided that Sam wasn't going to use me to use those kids to make some kind of splash. Then, when the s— hit the fan because of this dumb idea, I was going to have to be the lady to hang around and clean it up. I got tired of fighting with him, so I quit."

Payton said she, too, regarded Brown as operating "outside the Peace Corps mandate" by pushing for the Jamaica Brigade and similar programs. She said she understood Carter Miller's "frustration."

Brown refused to comment directly on Carter-Miller or Payton. But close aides said the women were poor administrators, more concerned with protecting their turf from VISTA encroachment than with Brown's alleged elitism in dealing with the Third World, and too inflexible in their interpretation of the Peace Corps' mandate.

Some Brown aides said Carter-Miller had grown "insensitive" in her role as Jamaica Peace Corps director, as evidenced by her home with a swimming pool, servants and a "substantial American car," a Camaro, while in Jamaica.

Her Jamaican life style made Brown "livid," one aide said.

Carter-Miller responded: "Poor Sam. Why does he feel he can live comfortably here while his hard working country directors live in shacks?

"The real issue is that, under Sam, there's nothing happening with the Peace Corps . . . I had a pool, sure. I was totally anti-brigade sure. But both I and my pool have been out of the way for more than a year, and Sam's Peace Corps programs still haven't worked. Tell me why?"

[From Newsweek]

THE PEACE CORPS: OUT OF ACTION?

HELP WANTED—Politician or educator, with a natl rep to help restore U.S. Gov. agency to former glory. Must be willing to work with demanding boss and deal with Congressnl critics. No "elitists" pls. Salary: $47,500.

Sam Brown, director of ACTION, is not yet desperate enough to place that kind of ad, but he is having trouble finding a new boss for the Peace Corps, a job vacant since he fired Howard University psychologist Carolyn Payton last November. Brown's first choice, former Sen. Dick Clark of Iowa, is expected to reject the job; he is leaning in-

stead toward a newly created State Department post handling refugee problems. Brown says he is also considering former Rep. Donald Fraser of Minnesota and Michael Bakalis, who lost his race for governor of Illinois last November. But the nominee whom he will most likely recommend to President Jimmy Carter in the next few weeks is a political unknown from within the ACTION bureaucracy: Larry Brown, 37, now the agency's recruitment director.

If he gets the job, Larry Brown will face a tough rebuilding job at the troubled agency. The Peace Corp's popularity peaked in 1966, when more than 15,000 volunteers were stationed in 46 countries. During the Vietnam war, applications fell sharply and the corps was forced to withdraw from a number of countries. Then, in 1971, President Richard Nixon further eroded the corps's image by merging it with domestic volunteer groups under the ACTION umbrella. The corps continued to shrink in size and prestige, and now only about 6,000 volunteers work overseas, scattered across 63 countries.

When he took over as ACTION director two years ago, Sam Brown, 34, hoped to revitalize the corps with a new approach aimed at helping satisfy "basic human needs" in host countries. The former antiwar activist decreed that all corps projects should be directed at root problems like health or nutrition, should concentrate on people most in need and should promote a "lasting solution" that would eliminate further corps involvement. He has tried to attract volunteers who have practical skills such as plumbing or carpentry. And he has cut down on recruitment of English-language teachers, arguing that they were reaching only a small elite group in the host country. "The changes in the Peace Corps are the changes in America over the past seventeen years—from a world of unlimited optimism and seemingly unlimited resources to a recognition of our limits," he says.

But Payton and other critics charge that Brown is being elitist because he is telling developing countries what they need. By cutting back on teachers, Payton says, Brown is denying countries the opportunity to understand Western technology. Brown is also accused of trying to spread his own political views rather than fill requests for assistance. The critics point to his desire to place volunteers in several radical Third World countries. They have also seized on his aborted scheme to send black youths from California to Jamaica for a three-month work stint. "[ACTION directors] see the Peace Corps as a vehicle to allow unemployed black ghetto youth to learn about life in a socialist black country," Payton charged soon after her resignation. "They would be pleased to have Peace Corps volunteers demonstrate overseas against corporations that engage in practices with which they disagree."

NO SUPPORT

Brown, a campaign worker for Eugene McCarthy in 1968 and an organizer of the 1969 antiwar march in Washington, denies that he is politicizing the agency and points out that similar charges were leveled at the Peace Corps long before he took over. Still, Congress is likely to hold hearings on the Peace Corps this year to investigate the charges. "Sam Brown, in attempting to leave his mark, is greatly altering the Peace Corps—and without Congressional support," complains Rep. Don Bonker of Washington, the new chairman of the House subcommittee on international development.

In part because of the controversy, Brown could lose control of the Peace Corps. Last year, Bonker introduced legislation that would establish the corps as an independent foundation, funded by the Federal government and operated by a board of directors selected by the President. Another bill, introduced by the late Sen. Hubert Humphrey, would place the agency in a new department along with the Agency for International Development. Both bills are likely to come up again this year and, given the current dispute over Brown's stewardship, Congress may decide the time has come to take the Peace Corps out of ACTION.

[From the Washington Post, Dec. 8, 1978]

"POLITICAL ACTIVISM" PEACE CORPS GOAL, EX-DIRECTOR ASSERTS

(By Warren Brown)

Dr. Carolyn R. Payton, forced to resign two weeks ago as director of the Peace Corps, yesterday accused federal volunteer program administrators of trying to turn the corps into an "arrogant, elitist" political organization designed "to meddle in the affairs of foreign governments."

Payton said she believes the Peace Corps has "strayed away from its mission" of "promoting world peace and friendship" and is trying to impose American intellectual fads—political and cultural—on host countries.

For example, she said, "it is wrong to tell a government in the Third World that its efforts to teach its citizens a world language—be it English or French—is an 'elitist' idea." And it is "arrogant and neocolonialist for the American Peace Corps to say to a nation, 'We will no longer teach your children mathematics and science' so that some secrets of western technology will become accessible to them but that 'we will teach your peasants numeracy and literacy'" so they can count their cows or print their names on a wall, she said.

"I believe it is wrong to use the Peace Corps as a means of delivering a message to particular constituencies in the United States, or to export a particular political ideology," Payton said in a speech here before the conference of the Eastern Association of College Deans.

"Those now responsible for the Peace Corps seem to wish the organization to be engaged in a kind of political activism and advocacy. They would be pleased to have Peace Corps volunteers demonstrate overseas against corporations that engage in practices with which they disagree, or that market products they see as harmful.

"They would see the Peace Corps as a vehicle to allow unemployed black ghetto youth, as short-term volunteers, learn about life in a black socialist country."

Payton, described by some as an "establishment" black liberal, was the first black and first woman to head the Peace Corps, the government's overseas volunteer organization. Her 13-month tenure ended Nov. 24 after a long-running conflict between herself and ACTION Director Sam Brown, a former antiwar activist, who had jurisdiction over the Peace Corps and other federal volunteer service programs.

Brown demanded Payton's resignation because of what were officially described as "policy differences." Payton initially refused, but relented at the request of President Carter, who said the "unresolvable policy differences" between the two administrators were hurting ACTION.

Payton's speech yesterday was her first public comment on her resignation.

"The Peace Corps has strayed away from its mission," she said. "As director, I could not—because of the peculiar administrative structure under which the Peace Corps operates—do anything about this situation. As an ex-director, I am free to sound the alarm."

Brown could not be reached for direct comment, just as he could not be reached for direct comment on Payton's resignation.

Some ACTION officials said privately that Payton's statements were "unfortunate" and "Outlandish." However, Marylou Batt, an agency spokeswoman, said: "We are carrying out the policies which the president wanted and which the Congress supported. We are talking about differences of policy, not of politics, as implied in Dr. Payton's remarks."

Batt said Congress has given the Peace Corps a vote of confidence by increasing its budget by $9 million, from $86 in fiscal 1978 to $95 million in fiscal 1979.

[From the Washington Post, Nov. 25, 1978]

RELUCTANT PAYTON QUITS AS DIRECTOR OF PEACE CORPS

(By Warren Brown)

Peace Corps Director Carolyn R. Payton resigned under protest yesterday.

In a letter of resignation presented to President Carter early last evening, Payton said:

"I deeply regret that I am required to offer you my resignation as Peace Corps director, effective immediately.

"During my 13 months in office, I have attempted to direct the Peace Corps so that it would fulfill its mandate * * * I have not succeeded in part because of conditions which had arisen before you and I took office, and in part because there have been deep differences between the ACTION administrator and the Peace Corps over the interpretation of this mandate.

"Unfortunately, these differences could not be reconciled; and I could not continue as director."

ACTION Director Sam Brown, who has jurisdiction over the Peace Corps, VISTA (Volunteers in Service to America) and other volunteer service programs, had earlier this week requested Payton's resignation because of "policy differences," according to Peace Corps and other administration sources.

Payton, through a spokeswoman, strongly implied Thursday that she would not step down unless told to do so by the President.

Yesterday, according to a White House spokesman, Payton met with Robert J. Lipshutz, counsel to the president "to discuss policy differences which seemed to be unreconcilable with Sam Brown.

"Lipshutz said he also discussed with her the president's feelings that her resignation was best for all concerned," said the spokesman, associate press secretary Marc T. Henderson.

In a statement on Payton's resignation, Carter said: "I have come to the conclusion that there are unresolvable policy differences between the director of ACTION and the director of one of its major agencies, the Peace Corps.

"In order to carry out the important programs of ACTION and to resolve this serious impasse, I am today accepting the resignation of Dr. Payton as director of the Peace Corps."

The president said his acceptance of the resignation "does not in any way reflect on the competence integrity or sincerity of Dr. Payton."

"I wish to express my appreciation to her for the good service which she has rendered," Carter said.

Brown issued a statement saying he appreciated "the contributions Dr. Payton has made to the Peace Corps." He added, "I continue to believe that the Peace Corps is the best opportunity we have for assuring that American assistance reaches the people with the greatest need around the world."

Payton's action yesterday ended several days of rumors and leaks that she was planning to and had, in fact, resigned under pressure. It also ended months of bitter wrangling with Brown that, according to several sources, reached a climax early this month at a meeting of Peace Corps North, Near East, Asia and Pacific countries directors in Morocco.

The sources said Payton and Brown got into a dispute over the Peace Corps fiscal 1979 budget. Payton allegedly felt that $95 million, up from $85 million for fiscal 1978, was insufficient to carry out present operations and introduce new ones.

"The Morocco conference was the final kind of rising to the surface of the problems between Carolyn and Sam," one source said. Other differences between the two involved administration of the Peace Corps, the sources said.

Despite numerous attempts, neither Payton nor Brown could be reached for direct comment.

In her letter of resignation Payton said: "The issue between the director of ACTION and me is an issue of substance about the Peace Corps and not one of my sex, color, or age."

Payton, 53, was the first woman director and the first black director of the Peace Corps. She joined the agency in 1964, and later was its director of operations in the eastern Caribbean. She left in 1970 to become director of the Howard University counseling service, and was nominated by Carter last year as corps director.

[From the Wall Street Journal, Jan. 16, 1979]

THE PEACE CORPS IS FAR FROM PEACEFUL UNDER SAM BROWN

(By James M. Perry)

WASHINGTON.—"If there was one thing we were sure this new administration would do, it was that they would put the Peace Corps back together," says an old Peace Corps hand.

But the Peace Corps, set up in 1961 by John Kennedy and his brother-in-law, Sargent Shriver, and long a symbol of innocent American idealism, is in turmoil. "It may not survive," says Democratic Rep. Don Bonker of Washington, whose International Relations subcommittee chronicles the agency's progress.

The turmoil swirls around Sam Brown, 35, director of ACTION, the federal agency that runs the Peace Corps. Mr. Brown's credentials include organizing the "children's crusade" for Eugene McCarthy in the 1968 presidential primary in New Hampshire (that led to the fall of Lyndon Johnson) and leading of the Vietnam Moratorium march on Washington in 1969 (that deeply troubled Richard Nixon).

"It is the ultimate irony," says one of Mr. Brown's critics. "Here is the young man who led the antiwar movement against tyranny in the Johnson and Nixon administrations running an agency that makes the Nixon days look like a civil-libertarian dream."

NASTY SQUABBLE

Mr. Brown has fired his director of the Peace Corps, Carolyn R. Payton, a 54-year-old black woman who is a psychologist and who had been director of counseling at Howard University. In the '60s, she was a Peace Corps director in the Caribbean. Her chief deputy, Ruth Saxe, formerly vice president of Common Cause, the self-styled citizens' lobby, has resigned. Three or four others have been fired or have resigned in protest.

"It's a purge," says Miss Payton.

If it isn't a purge—and Sam Brown's backers say it isn't—it is one of the nastiest bureaucratic battles in recent history. "I have never heard such vitriol," Mr. Brown concedes.

It is a bizarre tale that began in ACTION's drab offices about a block from the White House and came to a tumultuous climax in a hotel in Morocco, when Sam Brown telephoned Miss Payton at one in the morning and angrily told her she should quit. It is a story, too, of a young white male committed to change, even radical change, and an older black woman seeking to preserve the traditional Peace Corps. Apparently, they never began to understand each other.

After he took over ACTION in early 1977, Sam Brown took six months looking for a director for the Peace Corps before he found Miss Payton. He and his deputy, Mary King, were delighted. "Carolyn's appointment is a powerful statement," Miss King said.

CHANGE OF DIRECTION

But from the start, Miss Payton says, she and Mr. Brown didn't hit it off. "For the first few months we didn't see each other privately at all," she recalls. "Then when we began to have meetings, just the two of us, he would work from a typed agenda. The funny thing is, he would never look at me directly."

While she was away last July and August to look at programs in the South Pacific, Miss Payton says, Mr. Brown changed the direction and the goals of the Peace Corps—in violation, she insists, of an agreement they had worked out earlier. She says the changes involved helping other countries develop their own domestic volunteer programs and starting a program in the U.S. to educate Americans about the Third World.

"And we had agreed the Peace Corps would retain its presence in all 62 countries we were then involved with. But when I got back they had prepared a 'hit list' of 14 countries that we would pull out of." The list, she says, included Brazil, South Korea, Malaysia, Chile, Costa Rica, Jamaica, Tonga, Fiji and Barbados.

"Sam talked all the time about 'exit-entrance,' about leaving some countries and entering others," says Mrs. Saxe, who is Miss Payton's firmest defender. "He didn't know what to do with Mary King, his deputy, so he put her in charge of that program. She whirled around the world like a UFO, looking for new places to put volunteers."

Miss Payton says Mr. Brown and his aides at ACTION adopted something called a PQLI, a Physical Quality of Life Index, to determine which countries the Peace Corps should work in and which to stay out of. "If a country's PQLI was above the 'magic figure' of 40, we were supposed to get out," Mrs. Saxe says. As a result, Mrs. Saxe and Miss Payton both say, Mr. Brown intended to take the Peace Corps out of almost all of Latin America and Asia and send the bulk of its 6,200 volunteers to Africa.

Mr. Brown agrees that's pretty much what he has had in mind. "Korea," he says, "has undergone heavy development. We are no longer needed there so much. We were in some of the wealthiest nations in the Third World, but we weren't in Bangladesh. Humanity demands we should make more reasoned decisions." (Bangladesh is one of the countries Miss King has brought the Peace Corps to; the others are Tanzania and Congo.)

Mr. Brown denies, though, that there was ever a "hit list" of 14 countries. In fact, he says, there will be no exiting from any country for at least another year.

THE JAMAICA BRIGADE

From the start, Miss Payton asserts, Mr. Brown had what she calls "crackpot ideas." One was for a program called the Jamaica Brigade. The idea was to ship about 200 young, poor American blacks to Jamaica for three months to work with young people there. Then, they were to return and apply the skills they had learned in Jamaica as domestic volunteers here.

"Theoretically," says Miss Payton. "it's not a bad idea. But it isn't relevant. So these kids go to Jamaica and learn about 'terrace farming.' What do you do with that skill in the Oakland ghetto?"

And, adds Mrs. Saxe, "can't you just see all these American kids running all over a country where one of the principal crops is ganja (marijuana)?"

Some of Mr. Brown's aides did go to Jamaica to talk to Prime Minister Michael Manley. Miss Payton says they showed up in safari jackets and boots. Mrs. Saxe says the prime minister jokingly told the Americans to see his brother. The brother, they add, is to the prime minister what Billy Carter is to the President.

"It was just an idea." Mr. Brown says, "one of dozens we were thinking about. It isn't written in stone that a Peace Corps volunteer should put in two years. That eliminates professional people and it eliminates poor people. It leaves the Peace Corps to middle-class white kids."

JAMAICAN DIRECTOR QUITS

Mr. Brown insists the Jamaica Brigade became "an ideological hook" to hang him on because he took stern measures with the Peace Corps director there after he discovered that "she was living in a house with a swimming pool." The director, Loretta Carter-Miller, resigned last year; she couldn't be reached for comment, but Mr. Brown's critics say it was because she disapproved of the Jamaica Brigade. Mr. Brown says it was because she wasn't doing her job.

Mr. Brown confirms rumors that ACTION officials visited Cuba, too. He says they went there on vacation time. "But," he says, "they went there on their own hook. I'm not too smart, but I'm not dumb enough to send an official party to Cuba."

Nothing came of the trip to Cuba. Nothing has come of the Jamaica idea either.

As for Miss Payton, Mr. Brown says he hired her to operate the Peace Corps, not to make policy. "It was clear from the start," he says, "that I had changes in mind. It was clear, too, that I was the boss."

SHOWDOWN IN MOHAMMEDIA

Their confrontation finally came last November at a regional Peace Corps conference at a place called Mohammedia, a resort hotel on the Mediterranean coast between Rabat and Casablanca.

Miss Payton and Mrs. Saxe contend that Mr. Brown and his chief aides staged the conference so as to embarrass Miss Payton to the point she would be forced to resign.

"They just took over the conference." Mrs. Saxe says. "They ignored Carolyn. It was brutal. Sam preached at the directors who had come to the conference. Then they had these "brainstorming" sessions where they would write things people said on these flipcharts made out of newsprint rolls. We were

in a serious budget crunch, and they actually got some of the directors to say we ought to get out of various countries."

Finally, Miss Payton says, "I told Sam it was obvious my presence (at the conference) was hurting the Peace Corps. The major motivation obviously was, 'Get Carolyn.' So I told him I thought it would be in the best interests of the Peace Corps if I resigned."

MIDNIGHT PHONE CALL

It was after midnight that night when the phone rang in Miss Payton's hotel room. The room was filled with a number of her friends and associates, including Mrs. Saxe. "He spoke so loud," Mrs. Saxe says, "we all could hear him.

"He ended up by saying, 'Carolyn, why the (expletive deleted) don't you get out of here?" Carolyn hung the phone up and a few minutes later Sam was outside the room banging on the door. He kept that up for 15 minutes before he went away."

Miss Payton says various Peace Corps people urged her to hold off resigning, and she reconsidered. But when everyone finally returned to Washington, Mr. Brown asked for her resignation. The President, whose mother, Lillian, served in the Peace Corps in India, concurred. So Miss Payton, reluctantly, submitted her resignation.

Congressman Bonker, when he heard about it, called the President. Mr. Carter told him to talk to Sam Brown. Mr. Bonker tried to make the President understand that Mr. Brown was the problem he was calling about. He doesn't think he got that message through. Minutes after he had hung up, he received a phone call from Mr. Brown. "He was incoherent," Mr. Bonker says. The congressman believes Mr. Brown should resign.

"INCREDIBLE VITRIOL"

Mr. Brown confirms that he telephoned Miss Payton and spoke to her angrily. He acknowledges, too, that he knocked on her hotel-room door. He says he didn't "bang" on it. Nor, he says, did he stage the Morocco meeting to put pressure on Miss Payton.

"The level of vitriol in all of this is incredible." Mr. Brown says. "I had no choice. For two months she was on the phone every day trying to undercut me in every way possible. You can't have that."

He is especially aggrieved that some of his critics liken the atmosphere in his office to that of the Nixon White House in its final days. "If I am such a dictator, such a martinet, why are these problems popping up only on the Peace Corps side?" he asks. "On the domestic side of this agency, there has been no trouble at all."

Now, says Sam Brown, he will try to put the pieces back together.

END TO VOLUNTEER AGENCY IS URGED BY INVESTIGATORS

WASHINGTON.—Congressional investigators called for abolishing a government agency, saying volunteer participants had engaged in political activity and union organizing.

The report by staff investigators of the House Appropriations Subcommittee on Labor and Health, Education and Welfare, criticized ACTION, the government headquarters agency for volunteer programs, for lackadaisical administration of the program. It said ACTION misused its powers.

ACTION administers the Peace Corps, Volunteers in Service to America, or VISTA, and other government-funded volunteer programs. Its director, Sam Brown, has clashed a number of times with the subcommittee, which handles its budget.

The congressional staff aimed its criticism chiefly at the agency's National Grants Program, which awarded $4 million to 12 VISTA projects last year. "The investigative staff's findings demonstrate the apparent weaknesses in ACTION's overall management of its personnel, procurement and budget and finance programs," the report said.

An ACTION spokeswoman. Carol Hansa, countered that the agency had turned up some of the same matters on its own and corrected them.

Mr. BROWN. Madam President, I thought it would be helpful simply to review, very briefly, the background and experiences of the nominee in relationship to the job he is under consideration for. If this were a simple ambassadorial post, I suspect the level of review would not be as rigorous. But this position is much different. Members are well aware of it. This ambassadorship will not only head the delegation to the CSCE, but will focus on monitoring the Open Skies Treaty, the Conventional Forces Treaty as well as lead the negotiations in the new round of talks on reduction of conventional forces. All of us hope these new talks will commence and be successful.

I wish to go just briefly to the major areas of concern in terms of qualifications and what the candidate who is before us brings. This nominee has no experience with regard to the Forum for Security Cooperation which was added to the CSCE in recent years, unlike some of our past Ambassadors and many now at the CSCE. None. In terms of the CFE Treaty implementation, conventional forces effort, our candidate has no experience. Not only has he no experience in terms of its enforcement but he has no experience in national security matters that would help him to understand the treaty. In terms of the Open Skies Treaty, he has no experience at all; in terms of the Office of Democratic Institutions and Human Rights, no experience; in terms of supervision of U.S. military personnel, no experience; in terms of foreign language ability, no experience.

Madam President, this lack of experience is not only significant in itself, but stands in sharp contrast to our past representatives who have served this country and the qualifications and experience of those who serve other countries at the CSCE. I thought it might be helpful to go through some of the specific areas of expertise and explain this nominee's experience.

In terms of arms control which is referenced as a CSCE responsibility in section 5 of the 1992 Helsinki document, Sam Brown simply has no experience. When asked about experience in this area, he responded:

Although I attended some meetings at the Aspen Institute focused on arms control, I do not have direct professional experience.

In terms of the CSCE responsibility for force planning referenced in section B(7) of the Helsinki document, 1992, the nominee's response was as follows. The question put to him:

This position will require significant intimate knowledge of the military and the ability to effectively assess options for the use of military forces. Do you have any military experience?

The response was:

CSCE does not have a military capacity. However, it has the ability to call on NATO forces for assistance in nonmilitary missions. My military experience is limited to ROTC and is not relevant to the post in question.

Question: Do you have any national security experience?

Obviously, a much broader field and perhaps the more significant question.

Answer: National security includes both military components and an equally important ability to analyze dangers before they require military force. In each of these areas, the Peace Corps is America at its best. In addition, I supervised the activities of VISTA as treasurer of the State of Colorado. In my personal life, I have built a small but successful entrepreneurial business.

All commendable efforts. Nonetheless, the question still remains: what kind of national security experience has he? The answer is none.

CSCE responsibilities extend also to defense conversion. For those who are interested, the source of this is section B(8) of the 1992 Helsinki document. When asked about this type of experience, Brown's response in terms of his experience was "None." He did make reference to ROTC military experience and a lengthy dissertation on national security in his written response.

Madam President, let me just go through to summarize for the Members some of the areas that CSCE deals with, because I think it is helpful, and relate to you what appears to be the experience of the nominee.

Under arms control, no experience; under force planning, another important element, no experience; under defense conversion, no experience; under nonproliferation issues, no experience; the program for military cooperation and contacts, no experience; the national security area with regard to NATO, no experience; with regard to the WEU, no experience; conflict prevention, no experience; dealing with the former Soviet Union, no experience; Armenia and Azerbaijan, one of the hot spots that could boil over into conflict, no experience; the former Yugoslavia, no experience; general peacekeeping operations, no experience; verification of arms control agreements, a vital area that relates directly to the monitoring responsibilities, no experience; under the CFE Treaty implementation, no experience; under Open Skies Treaty, and military issues associated with it, no experience; the Office of Democratic Institutions and Human Rights, dealing with the former Soviet Union, no experience.

We have already talked about Armenia and Azerbaijan, and Yugoslavia. The answer is the same. Supervision of military personnel, as we have noted over half of its staff ends up being mili-

tary or military-related, no experience; foreign language ability, no proficiency in another language.

Madam President, these are not abstract standards that are raised to plague the nominee. These are the functions and the responsibilities that the ambassadorial post includes.

I want to reiterate that I believe the nominee is bright and capable. One of the suggestions I had made to the State Department was that they give him some time to work in the job before nominating him for an ambassadorial post and before giving him the position signifying formal leadership of the United States CSCE delegation. Unfortunately, that suggestion was not well received. I continue to believe that before we hand over this important responsibility we ought to have some ability to assure the Senate and the Nation that it is going into the hands of someone able to carry it out effectively who also has experience in the important national security issues that are involved.

Madam President, I yield the floor.

Mr. PELL. Madam President, I concur in the views of the Senator from Colorado about the importance of having experience and ability abroad, particularly for those occupying ambassadorial posts.

I would like to read in the RECORD a paragraph from a letter addressed to me by one of the most efficient career Ambassadors we have, most able career Ambassadors, Warren Zimmermann. He writes this letter:

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 which 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 me with his quick 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.

(Mr. KOHL assumed the chair.)

Mr. PELL. Mr. President, I yield such time as she may need to the Senator from California to speak in morning business.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. FEINSTEIN] to speak as if in morning business.

Mrs. FEINSTEIN. I thank the President, and I thank the distinguished Senator from Rhode Island.

EXTENDING MOST-FAVORED-NATION STATUS TO CHINA

Mrs. FEINSTEIN. Mr. President, tomorrow morning the President will most probably put forward his position on whether or not China should be granted most-favored-nation status. I would like to take this opportunity to say why I believe the trading status should be extended.

For 15 years, I have traveled to China. In 1979, as mayor of San Francisco, I started America's first sister city relationship with a Chinese city. That was the one between my city and Shanghai, one of China's largest and most entrepreneurial cities. Jiang Zemin, once mayor of Shanghai, now President of China, and I negotiated several agreements in the areas of trade, medicine, business, and culture which produced many opportunities, economic and otherwise, for both cities.

The relationship between the two cities was the most active sister-city relationship in the world during the 1980's. Since Jiang Zemin became President of China, I have had an opportunity to discuss human rights and trade issues directly with him in two face-to-face meetings in 1991 and 1993, each lasting several hours.

When I first went to China in 1979, it was not possible to discuss human rights, politics, or virtually any controversial subject. China had emerged a few years earlier from the Cultural Revolution. Conversations were carefully scripted and prodigious notes were taken by ever-watchful government representatives. Any conversation with a Chinese official about human rights, no less a candid one, was unthinkable.

The standard of living in China was low. Worker incomes were a pittance. Consumer goods were highly restricted and expensive. Modern conveniences were limited. Skyscrapers were few and far between. And no foreign companies were allowed. What goods were available for one person had to be shared by five in a country with more than 1 billion people at that time.

It was not uncommon for a family to have one pair of shoes. One person would go out in the shoes, and wait for the shoes to return for another person to wear the shoes. But that is not the China of today.

Beginning with the establishment of four independent, special economic zones in the early 1980's, which grew to more than a dozen, and continuing with the gradual lessening of centralized economic control, China has grown at a faster rate than at any other time in its long history, more than 9 percent annually over the past decade, and 13 percent annually over the past 2 years.

In 1979, when I first went, everything was state-owned. In 1992, less than half of China's total output is from state-run companies. Today, consumer goods abound in the cities. A stock market has been started. Large industrial zones have been developed where American and other foreign countries have large plants. Small, privately owned businesses are growing. Modern skyscrapers have changed the landscape in the big cities. Foreign involvement is growing. And the overall quality of life for the people has improved. More importantly, today, candid discussions on different subjects can take place, and the Chinese do listen. Just as an economic democracy is rapidly developing, I believe social democracy can one day follow. But it will take time, and time for the Chinese is not the same as time for Americans.

American policy toward China can improve China's economic and, hopefully, political situation. But not if that policy seeks to dictate to China. My experience has taught me that to influence the Chinese, one must undertake a broad policy of engagement over a lengthy period. Revoking MFN status will only be counterproductive to America's long-term interests and push China back into a pre-Boxer Rebellion resistance to Western interaction.

What we forget is that, historically, century after century, China has resisted Western influence. It is only very recently that that began to change.

The first problem with a policy linking MFN to human rights is that it is counterproductive. Denying most-favored-nation status to China would hurt the United States as much as it would hurt China. It would jeopardize 9 billion dollars' worth of American exports to China, which support 200,000 jobs in the United States.

Earlier this month, the chief executives of nine companies—AT&T, Boeing, Chrysler, Digital Equipment, Eastman Kodak, General Electric, Honeywell, Motorola, and TRW—sent President Clinton a letter estimating that their cumulative sales to China would reach $158 billion over the next decade if trade relations remain normal and the Chinese economy continues to grow at a healthy rate.

In California, my State—incidentally, the State with the largest Chi-

nese population outside of Asia—trade with China supports more than 30,000 jobs. The State exported more than $1.6 billion to China in 1993, up 145 percent since 1990. More than a quarter of California's exports to China are from the aerospace industry, which has been especially devastated by defense cutbacks. China is our fastest growing trading partner and the State's 13th largest trade relationship.

So denying most-favored-nation status just does not make economic sense. Unless the Chinese believe that we have a realistic chance of following through on our threat, they will ignore our policy of linking human rights goals with MFN.

Plain and simple, MFN only guarantees China the same low tariff rates that are enjoyed by nearly every nation in the world, including Iran and Iraq—not exactly the world's best practitioners of human rights.

While the economic case for extending MFN is strong, the most persuasive argument for extending it, I believe, is the political one. First, China is facing one of its most critical leadership successions since impatient Yankee traders demanding change first came to its shores more than two centuries ago. On the heels of probably the best decade of economic growth in their history, China's leaders are facing a struggle to replace Deng Xiaoping, who is gravely ill. Significantly, Deng remains the only single leader in China who alone can move China to do anything.

Throughout China's recent history—and by that I mean just the last two centuries—it has failed to consolidate economic growth because it fell victim to crippling political struggles to replace emperors, dictators, or Mao Tse-Tung. The political fortunes of future Chinese leaders, including those we know and those yet to become known to the outside world, depend in part on important links that fragile, but emerging, private Chinese entrepreneurial forces are forging with the United States, their single most important trading partner. America accounts for 38 percent of China's trade.

To undermine our long-term relationship with China by denying MFN is to tell the Chinese people—not just the leaders in Beijing—that we do not care about their welfare. If such a course is taken, how could we expect that after Deng dies, a Chinese leader, any leader, will walk the extra mile to cooperate with the United States?

Chinese cooperation will be vital in persuading North Korea to stop its nuclear program and in influencing that country to avoid threatening military actions. China needs to be encouraged to cooperate with other global powers to stop nuclear and major weapons proliferations, something that we have failed to do.

China's geographic size and economic activity make it an essential partner in global efforts to reduce harmful environmental trends. While we wait for the succession battle to be resolved, let us avoid boxing ourselves and China into positions that neither one of us can afford, into positions that can only harm our credibility with China and its people—hard-won credibility that we must maintain against the North Koreans, the Serbs, the Iraqis, and others who seek to continually test our word.

Second, at the same time that Beijing's leaders are warily eying each other on the eve of a leadership succession, China faces mounting social tensions. Inflation is, today, running at more than 25 percent, outpacing any wage increases earned by workers. A stunning 130 million itinerant workers—the equivalent of half of the population of our country—are looking for jobs in China's urban centers. They have come in from the countryside. Six thousand strikes occurred last year, and another 1,500 occurred in the first 3 months of this year. Popular unrest is growing ever more widespread, as is government and Communist Party corruption.

Some of these same tensions occurred before Tiananmen Square, and one of the lessons of Tiananmen, I believe, is that when faced with instability, the Chinese leadership will take the harshest of actions to restore order, including the horrible repression of its citizens. I have been personally told by Chinese leaders that stability remains the No. 1 priority of the Chinese Government. They, I believe, will take virtually any action to maintain that stability.

As in 1989, how China handles its worsening social tensions will go a long way toward shaping China's relationship with the world and peace in the region. If we inflame Beijing's insecurities by using the MFN club to attack China's economic future, we would be giving comfort to those doctrinaire Chinese voices calling for isolation. Remember, there are still 20 million cultural revolution cadres in the midmanagement level of Chinese bureaucracy. These are the same voices whose ancestors brought spasms of unparalleled violence to the Chinese people during the Boxer Rebellion and the cultural revolution.

Maintaining China's MFN status is the best way, I believe, to prevent the country from becoming isolated and turning inward.

If we move to develop an effective dialog with Chinese leaders, we can hope to persuade them to work with us, not just work with us on our agenda of trade, international security and human rights, but to find solutions to issues on China's agenda. Through exchanges and interaction, we can help show Chinese leaders at all levels of government how civic and social institutions can help improve social welfare and ease the instabilities caused by economic development.

SUCCESSION

Meanwhile, any major human rights gains that we hope for China might well be difficult to achieve, I believe, until a new leadership emerges. That leadership must be one that is of laws and one that is willing to guarantee the protection of due process and basic freedoms to its people. That is where we are going to make the gains, post-succession, not during a pre-succession stiffening. In order to do this, a core leadership with strong party and military support must emerge rather than the fragmented and competitive leadership group now in place.

HUMAN RIGHTS

I am one who truly believes that human rights know no borders. We are our brothers and sisters keeper. If nothing else, the Holocaust taught us what happens to the world when we turn our back, and we see this reoccurring again in Bosnia and Rwanda on a brutal scale. Even sometimes we see human rights violations on a smaller scale in this country.

China's long history is marked by brutality toward its people. From the day of the first emperor to today, the Chinese have not had a system of justice which prizes due process.

I have often thought how lucky we are to be Americans. So many people in this world do not have the rights that we take so for granted in this country. We cannot be picked up from our beds in the middle of the night and imprisoned without trial. We have due process. But, in many countries, and China is one, due process is nonexistent.

For some time I have believed that our China policy is flawed. It is not active enough, bilateral enough, welcoming enough to the American way and knowledgeable enough about the Chinese way.

Tiananmen Square and its aftermath was so sobering and horrifying to Americans. But I am convinced that some progress has been made, particularly when I look back to 1979.

Let me give the view of a liberal Chinese-American teacher of Asian American studies at the University of California at Berkeley and the Bay Area chapter president of the National Association of Chinese-Americans. His name is Ling Chi Wang. I know him well. And I quote:

> For the vast majority of us who came to the U.S. to escape oppression and poverty in China, there is another irony in the spectacle of American liberals pushing to deny MFN status to China. We know firsthand the fallout that any new political upheaval in China will have on ordinary Chinese. Yet that is precisely the kind of turmoil Washington could unleash by jolting China with a cancellation of MFN. Nor will the consequences stop at China's boundaries. At a time when most Americans cringe at the idea of a new influx of refugees, there could be a vast increase in Chinese seeking safety and survival here.

BILATERAL DIALOG WITH CHINA

So what can the United States do to promote our interests in human rights

which can run parallel with helping the Chinese people through this period of political succession and social instability?

The only real answer is that America must seek to engage the Chinese in a real, ongoing bilateral dialog.

The United States just cannot keep on insisting on what we want from China. We also must understand what they need and want.

China and its leaders expect the respect that their strategic, political, economic, and cultural position in the world deserves. They will not be dictated to, but they will listen and, with the right timing and opportunity, change can be made.

TIBET

Let me speak for a moment about an area which I have had much discussion with the Chinese leadership.

China has made very little, if any, progress on the issue of Tibet.

The Dalai Lama, a personal friend of my husband and mine, has shown his willingness and desire to return to Lhasa as the spiritual and religious head of his government. For decades, he has eschewed violence and pleaded for justice.

In 1979, Deng Xiaoping in a statement said that he would be prepared to discuss issues with the Dalai Lama, "except that of independence." And just a few weeks ago, at the Council on Foreign Relations in New York, his holiness, the Dalai Lama, stated once again, as he has throughout the decades, that he was prepared to discuss issues of cultural and religious importance to Tibetans, with the "exception of independence."

In other words, he again agreed to the statement of promise that Deng Xiaoping held out in 1979 that has remained unanswered by the Chinese to this day.

The Dalai Lama has given the same assurances to me personally, and I carried messages from him to the Chinese leadership in that regard in 1991 and 1993.

Now, it is China's turn.

China should agree to talks on religious and cultural autonomy for Tibet, not because we want them to, but because it is in China's domestic interest to give the Tibetans greater control over their own society. The key remains what incentives can be provided to a postsuccession leadership to take these steps. Around this, a strategy must be developed.

Such discussions would lend credibility to China's regular declarations that their laws protect the rights of ethnic and religious minorities. How can the world believe that China protects the ethnic and religious minorities if they will not even discuss these issues with the leader of one of China's major minorities who was accorded the Nobel Prize for his dedication to justice through nonviolence?

But instead of linking China's MFN status to behavior on Tibet, and other human rights concerns, we should make human rights discussions a part of the ongoing talks with China on trade and other issues. New mechanisms must evolve.

LOOKING FORWARD

Rather than wielding the MFN sledgehammer, the United States should use a variety of diplomatic and political tools and targeted trade sanctions to underscore our commitment to human rights in China.

Specifically, the United States could:

First, carefully target sanctions toward specific violations. Withhold low-tariff privileges or ban exports produced by military-owned companies. Review these tightly focused sanctions every six months.

Second, more strictly enforce laws that prohibit China from exporting products made or inspected by forced prison labor.

Third, create a bilateral human rights commission, as has been suggested, where human rights issues could be intelligently discussed in regular meetings, progress charted, documented incidents and events carefully and accurately chronicled and reported, and recommendations made to both governments.

Fourth, encourage efforts to promote increased understanding in both countries. Mutually beneficial exchanges in the law, medicine, and education, among others, could take place on an increased basis and enhance understanding on both sides of the Pacific Ocean.

CONCLUSION

In the end, it is clear that the United States should employ a combination of efforts utilizing wider diplomatic, business and citizen initiatives as well as targeted sanctions.

Denying MFN, however, would not do anyone—including the United States—any good.

In sum, my comments about United States policies toward China are not about what should be done this week, next month, or this year. Instead, I believe we need a larger framework on which to base a relationship between the United States and China that would define mutually-beneficial goals over the remainder of this decade and into the next.

We need a larger road map to point us in a new direction for American-Chinese cooperation based on mutual consultation, not unilateral demands.

Mr. President, just yesterday an interesting poll was made public.

Some 800 people were asked questions in a survey on the issue of China's most-favored-nation trading status, but the people who were surveyed were all Chinese scholars and students from mainland China. This survey was conducted through various professors at Georgia State University, Penn State University, and the department of chemistry at the University of Massachusetts. The results are very telling.

To the question, "President Clinton should not link the human rights issue with the MFN issue," 88 percent strongly agreed or agreed.

To the question, "Linking human rights with the trade issue would not help China improve her human rights agenda," 82 percent strongly agreed or agreed.

And to the question, "President Clinton should unconditionally renew China's MFN status," 85 percent strongly agreed or agreed.

These are all students and scholars who left China for the greater promise of this country. I believe that these responses offer very telling commentary to what should happen. This is further expressed by the fact that an overwhelming majority believe that those most adversely affected by a denial of MFN to China would be ordinary Chinese people.

I thank you, Mr. President, and I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. 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.

Mr. PELL. Mr. President, I ask unanimous consent that the time in the quorum call be evenly divided.

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

Mr. PELL. 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.

NOMINATION OF SAM W. BROWN, JR.

The Senate continued with the consideration of the nomination.

Mr. PELL. Mr. President, there was a very interesting editorial in the Washington Post today. I thought I would bring it to the attention of my colleagues by reading it into the RECORD. It is entitled "The Sam Brown Nomination."

The Republicans are making a cause out of opposing the nomination of Sam Brown as ambassador to the Conference on Security

and Cooperation in Europe. They say that he lacks experience in military and national security issues, which is true, and the bureaucratic pedigree of some other countries' CSCE representatives, which is also true. No doubt President Clinton could have nominated someone for this post whose career credentials would have spared the nominee partisan challenge.

That Mr. Brown is a serious choice, however, is evident. A liberal Democrat, he was Jimmy Carter's director of ACTION (which includes the Peace Corps), treasurer of the state of Colorado and most recently a businessman. At his confirmation hearing he demonstrated the qualities of mind to be a quick study. There is something to be said for bringing an energetic outsider into precincts where bureaucratic inertia is a peril.

The CSCE looks to be such a place. Founded in the first instance to raise the human rights banner at a time when the Soviet empire still held sway, it has been given certain military oversight duties and an additional, loosely grasped mandate to prevent and ease disputes among its members, who now number 52. Somebody with Sam Brown's uncaptured outlook and his political pipeline to the White House could help give a useful focus to an organization that certainly needs it.

In the Vietnam period Mr. Brown was indeed an "anti-war activist." This record and reputation underlie much of the Republican disquiet now. Interestingly, during his hearing, a couple of onetime Reagan Democrats reported approvingly that he had undergone, as one of them put it, a "fundamental change of political outlook" and had worked his passage into the American mainstream. A confirmation hearing ought not be a political inquisition. Ironically, had Mr. Brown's been more of one, some Republicans opposing him might have found reason to reconsider.

He's taking the CSCE job anyway. It doesn't require Senate confirmation, and the hearing was only about his nomination to the rank of ambassador. We think he's qualified for the job and he ought to have the title that goes with it.

I think this editorial, which appears today, is worthy of note, and I hope my colleagues will read it.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Thank you, Mr. President.

Mr. President, I appreciate the distinguished chairman reading that editorial into the RECORD. It represents the views of a well recognized editorial board and I think it will be of help to the Members that review it.

My concern, as we proceed with this nomination, is that Members may not have had time to read and digest the material that is here; there is so much. Let me acknowledge that it is an awesome task.

But I hope Members will not simply make their minds up based on partisanship or on thoughts that this position is not terribly important.

The responsibilities of the CSCE are much more significant than those accompanying most U.S. ambassadorial posts in a particular foreign country. Its responsibilities involve oversight of the implementation of military treaties whose effectiveness is enormously important to the future of the security of Europe. In addition, the CSCE will have a direct impact on the future of this country as we try and negotiate arms treaties and grow beyond the cold war conflict between East and West.

Supervising and monitoring the Open Skies Treaty is serious business, one that takes expertise. Supervising and overseeing conventional forces reduction efforts in Europe is serious business and one that takes expertise. Negotiating arms treaties with the Russians is difficult, tricky business.

To dismiss as partisan concerns that the candidate is unqualified is unfortunate. It is especially so because this is not simply an ambassadorial post in which the nominee will report what the feelings of the host government are, or what those of the United States are. It has major responsibilities for monitoring treaties and negotiating new ones.

When looking at the question of supervising the staff and the administrative responsibilities, I hope Members will take a look at the report of the Democratic subcommittee. It is very thorough. Let me just go through a couple of discrepancies noted. I will not attempt to spend a lot of time, but I hope Members will not dismiss these reports out of hand. They go to the very heart of the ability of the nominee to do his job.

Printed in the CONGRESSIONAL RECORD on March 1, 1978 was a note written by Sam Brown as director of ACTION in which he opposed instructions for Peace Corps volunteers to help them understand the philosophical differences between the system espoused by the Soviet Union and that espoused by the United States. In a letter of transmittal regarding the amendment of the Peace Corps Act of 1979, Sam Brown wrote as follows:

The bill also strikes out a provision which requires that the Peace Corps training for volunteers include instructions in the philosophy, strategy, tactics and menace of communism. This is no longer appropriate to carry out the mission of the Peace Corps.

Helping the Peace Corps articulate the difference between a free system and a totalitarian system was the very heart of what the Peace Corps was about. It was designed to help other countries and to send our young people to understand and articulate the differences between our system and the Soviet's Communist system. To eliminate training essential to that understanding is something I believe the vast majority of the Members in this body would oppose—certainly at that time, when the cold war was at its height.

The use of Federal funds for personal vendetta. This is referenced in the Federal Times and the CONGRESSIONAL RECORD and included in the House Appropriations Committee report. The investigators found that volunteers with VISTA, an organization funded by ACTION, were discovered indulging in lobbying, political actions, and union organizing, activities not permitted with Federal funds. Training materials funded by ACTION incited the volunteers to use inflammatory confrontational tactics against enemies or so-called enemies, such as politicians, utilities, and corporations.

This was a clear violation of the guidelines, restrictions, and regulations that the agency is supposed to follow. How can this body turn a blind eye to these infractions?

There are other serious problems of mismanagement during his tenure at ACTION and they are very specific. There are several dozen of them in the report. I will be happy to go into them later, but I see the distinguished Senator from New Hampshire is here on the floor and I inquire if he would like time?

Mr. SMITH. Whenever the Senator is ready.

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

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire [Mr. SMITH].

Mr. SMITH. Mr. President, I thank the Senator from Colorado for yielding, and I commend him on the hard work he has done to bring out the information on Mr. Brown. He has done a great service, I think, in exposing this information.

I rise today in opposition to the nomination of Sam Brown to be the chief of the U.S. delegation to the Conference on Security and Cooperation in Europe. Frankly, I do so with some reluctance. My philosophy in general on nominations that the President makes is that the President ought to have a good deal of latitude in choosing those who serve in his administration, even when there are philosophical differences. However, I also take my constitutional role in the advice-and-consent process very seriously. I do not hesitate to withhold support for a nominee that I believe lacks the experience, and frankly the qualifications, to serve in a sensitive position in Government. I think in this case there is a lack of qualifications. There is a lack of experience, certainly. And I think ideologically Mr. Brown is also unsuited for this position.

Sam Brown possesses neither the experience nor the integrity to represent the United States in the rank of Ambassador before the CSCE. That is a very strong statement and one that I feel very deeply about and am prepared to defend. The chief of our CSCE delegation will be the senior United States representative in all negotiations and security deliberations dealing with conflict prevention, crisis management, and CSCE-mandated peacekeep-

ing operations that could draw on NATO and Western European Union forces. He will exercise full responsibility for the direction, coordination, and supervision of all members of the United States delegation, including representatives from the Departments of State, Defense, the Arms Control and Disarmament Agency, and other executive agencies. He will help prepare U.S. policy and serve as an adviser to the Secretary of State on questions of security. Also on questions of economics, science, the environment, and human rights.

What exactly are Mr. Brown's credentials for this uniquely demanding and important job? He has no military experience. He was a radical antiwar protester and director of the Vietnam War Moratorium Committee. He was the vice president of Brown's Better Shoes. He was the Colorado State treasurer. He was the director of the ACTION agency under President Carter. And he has been a general partner at Centennial Partners, Ltd., a real estate development firm specializing in low-income housing. This is an eclectic professional background but completely irrelevant and unsuited to the position to which he has been nominated.

It troubles me to have to take the floor, time after time, in opposition to President Clinton's national security nominees. I get a chance to see the background on these nominees as a member of the Armed Services Committee. But so many of them appear to be cut from the same cloth. So many of them are either patently unqualified, unabashed antiwar activists, or radical extremists who are simply unsuited to these very sensitive positions in our Government—sensitive positions in national security. Indeed, many of these people—and Mr. Brown is one of them—have no respect for the intelligence community and what they do in these sensitive positions. And I will prove that.

It is not surprising to anyone who has followed the nomination process to find the administration's foreign policy is in a shambles. The President continues to surround himself with the type of people he protested with in the golden years of the antiwar movement. And it is having a devastating effect on the quality and the effectiveness of our national security policy.

You judge a person by the company he keeps. You judge a President by the appointments he makes.

In 1992, candidate Clinton vowed that the foundation of his Presidency would be to establish an administration that was truly reflective of American demography, representing the diverse ethnic, religious, cultural and social factions that are America. That is a worthy statement. Yet 16 months into his Presidency it is apparent that this is one of the many broken promises from Bill Clinton's covenant with the American people. The President has in fact adhered to his promise to nominate more women, more African-Americans, more Hispanics to Government. But he has virtually ignored a very significant group of Americans whose integrity and sacrifice for our Nation are immense and whose wisdom is much needed in the current administration.

I am speaking of our Nation's veterans, Mr. President. President Clinton has failed to nominate to Government a number of veterans proportionate to the total population of this country. And it is clear that this antiveteran bias is having a direct and destructive effect on the quality of the administration's national security policy—a devastating effect.

Mr. Jack Wheeler, a respected veterans' advocate, and the late Lewis Puller, Jr., are two Vietnam veterans who campaigned in support of this President but found themselves betrayed by the President on this issue. Mr. Wheeler, in particular, has been tireless in his efforts to track the status of veterans in this administration and to encourage President Clinton to nominate a more proportionate number of veterans to senior administration positions. Yet, not only has the administration failed to improve its record, the White House has consistently withheld information from Mr. Wheeler in an effort to suppress legitimate inquiry.

In his research through last December, Mr. Wheeler found that of the first 66 men named to the White House staff, only three—only three—had served in Vietnam and only seven had ever been in uniform. In the Pentagon and Veterans Administration, 16 of 34 male appointees to advise-and-consent positions were veterans. Pretty good record on the Pentagon and VA. However, when you look beyond those two departments, Mr. Wheeler could only find two—two—of 213 male appointees who were veterans, and both of them were pre-Vietnam.

Mr. Wheeler's research and dealings with the White House on this issue led him to appropriately state, and I quote:

> The Clinton administration is largely a network clique of people who were antimilitary and antiwar during the 1960's and carry their biases with them still.

Charles Moskos, a respected sociologist from Northwestern University, has researched this issue as well and uncovered some very compelling data.

Using a composite group of men aged 39 to 59 for senior appointments, Mr. Moskos determined that the percentage of veterans in the total population of America is 42.5 percent. Vietnam veterans represent 33 percent of that figure. Although the President's advisers have refused to release the exact administration figures, research on available data puts the number of President Clinton's veteran appointments at a low 18 percent government-wide and a minuscule 8 percent in the White House. Within the Cabinet departments and independent agencies, for the first 330 slots filled, only 18 veterans were appointed, when demographics would suggest that as many as 82 should.

In the Department of Defense, there are no Vietnam veterans serving in the service Secretary position, and there is only one veteran, Defense Secretary Perry, in the top seven DOD policy positions.

I repeat, President Clinton's antiwar activities have carried right to the White House to this day. During December, and under growing pressure from Jack Wheeler, Lewis Puller and others, including columnist Dave Broder, to provide data on this issue, the White House responded that their best estimate was that of the roughly 1,000 male appointments that President Clinton had made, about 100 are veterans, 10 percent. Wheeler and Moskos have accurately pointed out the White House figures are roughly one-third what they should be in an administration that mirrors America.

Mr. President, what this means is that no President—no President—in the history of the United States of America has ever been this antiveteran. No President. It means that our Nation is losing some of the greatest wisdom, the greatest experience, and the unyielding loyalty that our veterans would bring to Government service.

It means that, in many cases, the national security policy team that President Clinton has put in place lacks the expertise and credibility to effectively conduct foreign policy, and it is no wonder that the criticism—which has been coming—is coming, and it is justified.

It means yet again the President has abandoned a fundamental and critically important campaign vow with the American people.

There is a dramatic irony that those who so aggressively protested the Vietnam war and who were so vicious in their criticism of our brave personnel are now molding the policies that are compromising our military effectiveness and undermining our stature in the world.

There is a dramatic irony that someone such as Sam Brown, who has so publicly supported our Communist enemies in Vietnam, could now be nominated to represent the United States on issues of national security in Europe. It is a travesty and one which the Senate must not condone. This is a travesty, Mr. President.

The American Legion, the highly principled and respected veterans organization committed to preserve our national security, in reviewing the position to which Sam Brown has been nominated, the Legion developed a set of criteria that it believed were essen-

tial qualifications for anyone nominated as Ambassador to CSCE.

According to the American Legion, a nominee for this position should possess:

No. 1, diplomatic experience at a senior level and specific experience in working with European foreign ministries and diplomats.

They also said that understanding of national security requirements of Europe and the United States and experience in working with European ministries of defense and total commitment to 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 often interrelated problems certain to confront the CSCE; and, finally,

A practical knowledge of functional issues, such as human rights and arms control.

Mr. President, I totally agree with the American Legion. I think they are right on the money. These criteria are right on the mark. Unfortunately, Sam Brown meets none of them; not a single one. It is not even close.

The Jewish War Veterans of the United States of America is another distinguished veterans organization that has expressed strong concerns on this matter. According to the Jewish war veterans, a review of Sam Brown's background presents inadequate experience in the necessary military, diplomatic and arms control areas required for the position.

As they point out, previous CSCE Ambassadors, such as Max Kampelman, Warren Zimmerman and John Kornblum, were individuals of broad experience and capabilities. Again, Sam Brown comes up short. In fact, it is not even close.

Many of my colleagues have spoken and will speak later regarding the disqualifying aspects of Mr. Brown's background. But I am compelled to review two statements by the nominee—just two—that I believe seriously call into question the nominee's integrity.

There is nothing more insightful or illustrative of an individual's ideological underpinnings than a review of his written and his oral statements. After all, that is how we judge people: By what they say and what they write.

I raise these so that my colleagues can consider them and make their own determination on their relevance to the nomination before us. In this framework of foreign policy problems, in this framework of ignoring the veterans of the United States of America and the contributions they are capable of making, I ask you to think carefully about these statements.

First, there is a matter of an August 1970 interview with Sam Brown in the Washington Monthly in which Mr. Brown states, and let me quote. This is an exact quote:

> On the night of the Cambodian invasion, part of me wanted to blow up buildings, and I decided that those who have waged war really should be treated as war criminals.

Think about that, I say to my colleagues, Mr. President. Think about that. "* * * those who have waged war really should be treated as war criminals." The brave men—many of whom lost their lives in Cambodia and Vietnam and Laos—ought to be treated as war criminals? And this man would be in a sensitive national security position appointed by this President of the United States?

I ask my colleagues, is someone who has harbored terrorist sympathies, who holds our brave men and women in uniform in such disdain that he considers them war criminals the proper choice to represent the United States on issues in security and arms control in Europe? Is that what you want? Is that what we deserve? Is that what the American people elected this President for? I think not. I do not think so.

We have another interview, December 1977, with Mr. Brown. This one was in Penthouse magazine, in which Mr. Brown states—let me quote this one:

> I take second place to no one in my hatred of the intelligence agencies.

> I take second place to no one in my hatred of the intelligence agencies.

Perhaps Mr. Brown has never met Morton Halperin. They certainly share a lot in common in competing for that distinction. Do you remember Morton Halperin when the Senate brought that issue to the floor in great debate, great discussion? The President pulled the nomination and put him on the National Security Council where we could not confirm him. So he is now in a more sensitive position than he would have had had he been confirmed by the Senate.

I ask my colleagues, is that the person to represent the United States before the Conference on Security and Cooperation in Europe? These are the people, the Sam Browns of the world are the people who throughout the cold war opposed what we did to fight communism, opposed the buildup, opposed the actions we took to block communism and eventually defeat it. Those are the people who are now being appointed by this President to deal with the world after the cold war, to deal with the world after communism. That is no small irony.

In the 1992 campaign, Bill Clinton vowed to focus like a laser beam on domestic issues. We agreed with him on the need to address the economy, health care, welfare reform, and crime. But he also pledged to safeguard our Nation's security and to uphold the Constitution of the United States.

Foreign policy is not something that you handle on an ad hoc basis, haphazardly looking—I get up in the morning and look in my "in" basket. I have a crisis in Haiti. Tomorrow morning I have a crisis in Bosnia. Another morning there is a crisis in North Korea, and then Somalia. It requires vision. It requires vigilance and the determination to do what is necessary, what is necessary to promote American security interests.

Not only that, Mr. President; you have to have people at the policy level who respect—who respect—the military that has to do that job for us. We saw the terrible tragedy in Somalia. It was a mistake. It was a mistake in policy and it cost young men their lives. You must have respect for what the military does for you to promote national security. If you do not have that respect, you can send them off to foreign soil to fight and die when the policy does not support that action.

It is an outrage. It is an outrage that we are seeing these kinds of nominees come before this Senate time after time after time. How many times is this President going to do this? How many times is this Senate going to confirm them? The American people are aware of it, and the American people I believe will speak up and speak out in the next election cycle because of it.

It is an outrage that this President continues to nominate people of the caliber of Sam Brown to carry out his constitutional responsibilities for him. The President is a busy man. We all know what it is like in the Senate. We rely heavily on staff. The President relies heavily on staff. You judge a man by the company he keeps. You judge a President by the appointments he makes.

Our foreign policy is in trouble. American stature is in trouble. Our credibility is being challenged throughout the world in Asia, the Middle East, the Adriatic; we are on the verge of a major crisis in Korea. Africa is in turmoil. The Middle East is always a threat. You need a steady hand on the wheel. You need good crew men and women who understand national security and how to protect and promote the United States national security throughout the world. We need leadership. We need resolve. We need people who will support these principles. We need expertise. We need loyalty and integrity from our Government representatives.

Mr. President, in conclusion, I submit to you Sam Brown is not that person. He is not the solution. He is an example of the problem. I urge the Sen-

ate, I urge the Senate to reject this nomination. I urge the Senate to carefully consider the issues that I have raised.

The nomination of Sam Brown is a disaster, pure and simple, both substantively and symbolically. The Senate simply cannot condone the continued erosion of American leadership in foreign policy. This leadership will continue to erode with this kind of support behind this President. I urge my colleagues to reject this nomination. It is the right thing to do. It is the right thing for our country.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Massachusetts.

Mr. KERRY. Madam President, I ask the distinguished manager to yield so much time as I may need.

Mr. PELL. I am happy to do so. I yield the Senator as much time as he may need.

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

Mr. BROWN. Will the Senator yield for just a moment?

Mr. KERRY. Without losing the floor, I would be happy to yield.

Mr. BROWN. I look forward to the Senator's remarks. My understanding was the Senator from Wisconsin wanted a moment.

I apologize. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, this is a disturbing debate for a lot of reasons, but I think it is most disturbing because the character of Sam Brown has been impugned with shorthand criticisms and distortions and incomplete context in ways that I really think are not befitting of this institution's quality of debate.

I know my friend from Colorado approaches this with serious intent as he does all issues. I respect his personal feelings about the qualifications. Those are legitimate. I certainly do not impugn any motive to my friend from Colorado for his legitimate perception that in his mind Sam Brown is not qualified for this job. I think he is incorrect, and I will show why I think he is incorrect and what judgments we as Senators ought to be applying to Sam Brown as we try to determine whether or not he is qualified. That is certainly a legitimate discourse.

But, Madam President, underlying the discourse, as we heard in the most recent speech from the Senator from New Hampshire and from others, is an attack on dissent, a reverse form of political correctness that is not befitting of this institution. And my colleagues on the other side of the aisle who have been always the principal criticizers of political correctness are now coming to the floor and establishing a whole new standard of political correctness with respect to Sam Brown's right to lawfully dissent on a policy of the United States during a period of enormous conflict in this country.

I think it is important for my colleagues to be fair, not just to come to the floor and throw out a little piece of an article and leave that piece of article hanging, on Sam Brown's reputation and character.

This is a book that maybe just came out in time, and I am not here to hawk it. But all you have to do is read the Haldeman diaries to understand what was driving Sam Brown and a lot of other people in this country. And it helps to put this debate in its proper political context.

I am just picking a few select passages. On page 193, Thursday, October 9, Haldeman is writing about their strategy on Vietnam. He talks about how:

> We will sit tight for 2 or 4 weeks and await a reaction, and if they escalate heavily, we will move fast with heavy retaliation, mining, et cetera, with the bad faith as a basis. Could then probably bring United States opinion around to support level of fighting to get military victory in 3 to 5 months.

Military victory—that was different from what the President was saying he was doing, and Sam Brown was perceptive enough to understand that.

On page 193, Saturday, September 12, 1970—this is about the President:

> The President has several plots he wants hatched. One to infiltrate the John Gardner Common Cause deal and needle them and try to push them to the left. Feels we can benefit from a third party to the left. I am not so sure, might push Democrats to the center, better to have them go left. Next a front that sounds like SDS to support the Democratic candidates and praise their liberal records, et cetera, publicize their bad quotes in guise of praise.

Dirty tricks—Sam Brown understood the dirty tricks and had an anger about them, as did a lot of people at that point in time.

Page 221, about the war:

> Kissinger came in and the discussion covered some of the general thinking about Vietnam and the peace, big peace plan for next year, which K later told me he does not favor. He thinks that any pullout next year would be a serious mistake because the adverse reaction to it could well set in before the '72 elections. He favors instead a continued winding down and then a pullout right at the fall of '72 so that if any bad results follow, they will be too late to affect the election.

The point is, Madam President, that a lot of young people in Vietnam were the pawns of the election plan, not the legitimate peace proposal. That is what Sam Brown and other people understood.

Page 239:

> They are planning a major assault in Laos which, if successful, and Henry believes it will be, would in effect end the war because it would totally demolish the enemy's capability.

Madam President, I could go on and on. But this shows what Sam Brown understood: That there was a secret plan; that they were lying to the American people; that the effort was to win, not to get out; that there was a whole scheme going on, and that American soldiers were the pawns in that effort.

I am not here to redebate the war. I am here to ask U.S. Senators to listen and think about the context of the times, and not to hold Sam Brown accountable to some different standard.

One Senator has opposed Sam Brown because he does not like what he did at the Chicago Convention. Madam President, Sam Brown did at the Chicago Convention what delegates to their country have always done at conventions, worked for their nominee. Sam Brown opposed what happened in the streets. He argued against it. He fought to tell people it would hurt Gene McCarthy. Sam Brown was working within the system against radicals, and people have come here to the floor and tried to tie his name to those radicals.

Madam President, another Senator did not like the article in Penthouse about the intelligence committees. Well, let me share with these Senators who are worried about the intelligence committees of the 1960's and 1970's what Nelson Rockefeller said about them.

> After five months of inquiry, Nelson Rockefeller's Commission on the Illicit Domestic Operations of the CIA returned its verdict last week and found the agency guilty of nearly every serious allegation against it. The judgment was plainly a sad business for the * * * men who rendered it, and they were at pains to preface their report to the finding that the great majority of the CIA's actions had been honorable. But the 299 now blue-bound pages that follow were a sorry litany of crimes and improprieties by agency operatives on U.S. soil, a bill of particulars that included opening mail, planting taps and bugs, committing burglaries, infiltrating antiwar and black protest groups, testing dangerous drugs on unsuspecting subjects, and accumulating a veritable mountain of dossiers on Americans.

Madam President, Sam Brown was one of those who was spied on in the United States of America. What is he supposed to do, turn around and celebrate it and say this is what our Constitution supports? Is he supposed to stand up and praise the agency?

There is a short memory in the U.S. Senate about what the Church Commission found and why in fact the Foreign Relations Committee lost jurisdiction over the CIA. We created an Intelligence Committee in order to rein in these kinds of activities. That is all Sam Brown was talking about, Madam President—the fact that they spied on the American Friends Service Committee, the clergy, the Committee of Concerned Asian Students, the National Students Association, and the Vietnam Moratorium Campaign.

Let me read what Sam Brown sent to DENNIS DECONCINI on the subject of this article.

> 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, it is a pretty stupid thing for me to have said, if it 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——

In other words, there were ellipses—

but as it stands, it does not accurately reflect my views then nor now. Nonetheless, I've tried to understand how I might have said something like this, and I hope some understanding of the context will be helpful.

I ask my colleagues to listen to this:

During my confirmation hearings in 1977, I was questioned very closely, primarily by Senator Humphrey, about the Peace Corps and its independence from intelligence activities around the country. I said I understood the legal obligation of separation and would rigidly enforce this requirement. Although I have 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 for me to be able to say to volunteers and foreign governments alike that I would be attentive to this and would resist any breach of this wall. Consequently, I regularly pointed out I had no contact with the CIA. A second contextual issue is that the CIA had shortly before this period in the mid-1970's covertly funded domestic foreign student and intellectual organizations.

Now, let us understand that. The CIA was engaged in illegal activities in America. They had funded illegal foreign student and intellectual organizations. He goes on to say:

There was therefore great skepticism about any assurance that it was not involved with the Peace Corps. The tougher I was, the more credible was my assurance that the Peace Corps was independent and free from interference by the intelligence agencies.

Finally, in the late 1960's and early 1970's, the CIA had apparently engaged in gathering intelligence 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 sixties when I was active in the antiwar 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, and through technology, as well as from people. It requires that the information received from whatever source be integrated fully with the policymaking process which it is designed to serve.

My views about America are more accurately summarized later in the same interview * * *.

Which, I might add, my colleagues do not quote this on the floor; they do not quote the totality of this article in the Washington Monthly, but here is what Sam said in the same article:

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.

Madam President, I want to turn to that article, if I may for a minute, where they have conveniently painted Sam Brown as some kind of monster. Here is the article. They have not read the whole article, and I can surmise why. August 1970 is pre-Cambodian invasion; it is in the middle of the war and the tensions of the war; it is only 1 year after the moratorium, which Sam helped to organize. It is a time when the antiwar movement is questioning, and Sam Brown, one of the leaders, writes an article that caused him enormous upset within the antiwar movement. He writes an article that basically talks about creating a peace movement that embraces Senators, Congressmen, Governors, leaders of the establishment. Let me read it:

The new peace leadership should be composed of Senators, Congressmen, governors, mayors, businessmen, all the straight people who are willing to make a firm and unequivocal commitment against the war. The spokesmen should be those most visible and most attractive to middle America, those who can speak intelligently about the war, with strength, rather than condescension or aloofness.

Is that the voice of a radical? Is that the voice of somebody who does not believe in the United States of America? Is that the voice of somebody back then who somehow deserves to be lumped in with idiots who are out burning the flag? I do not believe so.

I knew Sam Brown back then, and I can tell you that he was as committed to peaceful, nonviolent advocacy and dialog as anybody in the United States of America. And he resisted entreaties from other people who had a small narrow agenda.

In fact, Madam President, in this very same article, Sam Brown criticizes those people with a narrow agenda, the very people that my colleague from New Hampshire criticizes—and I might say rightly criticizes. There were people out there saying some plain horrible, dumb, and stupid things, Madam President. But Sam Brown is not one of them—with a few exceptions where he may have stepped over the bounds by being overzealous. But he was not embracing that approach to the peace movement, and he has clearly apologized for any kind of overzealous indiscretion of youth because of the anger that he had about the war at that time.

He made it very clear that only the peace movement which reaches Richard Nixon's constituency can stop it. He said that you have to find lessons to try to appeal to people in that way. I might add that he was very frank about his own shortcomings.

He said:

Those of us in the peace movement who have worked for years on campuses, and in campaigns, in community activities like the moratorium, bear a large share of the responsibility for our alienation from the potential doves in middle America.

This is a very honest, candid, straightforward assessment of where the peace movement was. It is a criticism of the peace movement, and it is an appeal, as Sam Brown always appealed to middle America, to mainstream, to the electoral process, and that is all he ever worked in.

To come here to the floor of the U.S. Senate and brand him as somehow unfit because of these statements is wrong. Let me read you what Sam Brown says today about those statements. I talked to the Senator from Arizona yesterday, because the Senator from Arizona was concerned, and rightfully concerned—as am I who served in Vietnam—about a statement in this article about war criminals. This statement has been read many times. I want to read it again and put it in its context.

This is what Sam Brown wrote:

I think that everyone who has a moral commitment against the Vietnam war feels some of these drives toward left sectarianism. Certainly I do. 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.

In the context of the Cambodian invasion on that night, that is the decision he said he made. Then he goes on to say in the next paragraph:

But despite past frustrations and failures, I think that political self discipline is precisely what is necessary to end the war.

So in one breath he expresses his frustration and anger over an illegal, secret expansion of the war, but in the next breath—which was not quoted—he takes it back and says, "I think you need political self discipline." The word "war criminals" at that point in time was regrettably thrown around. I ought to point out to my colleagues, if they want to debate it —and I do not want to, as I do not think it belongs in this debate, but they have brought it to this debate—that Professor of Law Telford Taylor was the chief U.S. prosecutor at Nuremberg. I hope my friend from Colorado will listen to this. He was the chief prosecutor at Nuremberg in 1971, and he was respected across this Nation. He opined that General William Westmoreland might be convicted as a war criminal if war crimes standards established during World War II applied to his conduct during the war. So is it any wonder that a young war protester and others began to use the vernacular and talk about it? After all, stories about Viet Cong being thrown out of helicopters had reached America; illegal bombings had taken place; harassment and interdiction fire was taking place; search and

destroy missions were taking place; free firestorms existed where people knew women and children were still in them; the Phoenix program was in place, which was nothing more than an organized assassination program.

I do not think we need to debate that because Sam Brown does not believe they ought to be and that is not what he was trying to say. I want the Senator from Arizona and my other colleagues, respectfully, to listen to what Sam Brown says about that. He wrote me a letter explaining it.

The letter says:

DEAR SENATOR KERRY: I'd like to take this opportunity to respond to many of the charges that have been made about me and my activities in opposition to the war in Vietnam.

I was an early and outspoken opponent of American involvement in the war in Vietnam. My efforts for many years involved organizing peaceful protests designed to influence the political leaders in our country to end the Vietnam War. Like any person, and particularly a young person, my feelings sometimes got the better of my judgement. During the late 1960s and 1970s, there were times during which I was deeply angered at the actions of my government; actions, such as the secret bombing of Cambodia, which I did not think met the high ideals and aspirations of our great nation. In my frustration and anger, I almost certainly on some occasions used language that was intemperate and overreaching. I regret those occasions and apologize to those who were, and are, offended by my language.

As you know, my attitude and actions were designed to broaden the base of opposition to the war—to reach out to those people who may have been against the war but were offended by the more extreme elements of the anti-war movement. The article which I wrote in August 1970 for The Washington Monthly was intended to be an argument against extremism and polarization and for moderation and temperance—for political action and long-term political change both to end the war and bring about national reconciliation. In retrospect and with the advantage of twenty-four years of hindsight, I can see that those who disagreed with me—as well as others—might find the language about "war criminals" to be insensitive and inappropriate. I was, of course, referring to those in our government who ordered and, subsequently attempted to cover-up, the bombing of Cambodia. At no time did I mean to impugn the integrity of patriotism of those courageous individuals—such as yourself—who served in or fought in Vietnam.

I understand that some Senators have also raised questions about my participation in the Democratic National Convention in 1968. As I explained in my answers to the questions submitted to the Senate Foreign Relations Committee, I was there as the National Volunteer Coordinator of the McCarthy for President campaign. I worked most of the time at the Convention Center and stayed with other McCarthy campaign staff at the Hilton Hotel. My job was to win votes for Senator McCarthy; demonstrations were not helpful in this regard and I both discouraged and did not participate in them.

I hope that my work and my thoughts can be read in their context both in time—the turbulent late 60's and early 70's—and in my life, which has been dedicated to nonviolent political expression and change within the American political system.

Thank you for the opportunity to address these charges and for your support. I deeply appreciate it.

Sincerely,

SAM W. BROWN, Jr.

Madam President, I really think we ought to move away in this debate from what Sam Brown said about the intelligence community and what Sam said with respect to the war. Those are not relevant here. Those really are not relevant here.

The U.S. Senate should not lynch a nominee on the basis of his exercise of his constitutional rights. I understand that some of my colleagues bitterly disagree with the views that he held. But that is our system.

The question with respect to his qualifications for this job is not whether or not he expressed views, which I might add turned out to be correct. I mean, if you want to make a test of judgment, Sam Brown's judgment was correct, and ultimately even Richard Nixon adopted his judgment, and even Henry Kissinger adopted his judgment, which was that we had to get out. Only they did it for a lot of wrong reasons. Sam did it for the right reasons.

I would respectfully suggest if you are going to make a judgment about character, make a judgment about this man's character as a young man who gave up time in his life to stand up for something he believed in. How many people in America take the time to do that? How many of my colleagues making judgments on him took the time to do that?

This man had the courage to go out and organize people in America in the best standards of American political activity. He tried to affect elections. And now we are going to come back with a 1994 political correctness standard that somehow holds him accountable for that youthful and, I might add, morally courageous endeavor.

Madam President, you also ought to measure what kind of skill it took to do what he did to balance the extraordinary array of disparate elements of America that were fighting and pushing and pulling, the sectarian interests which he criticized so vociferously that pulled at this process, and somehow he pulled it off. He put together the largest demonstration in the history of this country from city to city to city.

I would say those are the kind of organizational and advocacy skills that you want inside your Government, not outside of it.

It is just that some of my colleagues do not happen to agree with what he stood for, even though it turned out to be the majority position of the United States of America. He was ahead of his time.

As I said, I think he used some language that I do not like, too. I will say to my colleague from Colorado I think Sam Brown said some things that were overzealous. I think they were occasionally intemperate. I think a lot of us did on occasion. I am sure a lot of my colleagues have done that on occasion—said something that it later turned out maybe they regret or think they went a little bit too far.

But what has he done in 24 years? I heard the Senator, I think from South Carolina, talking about how this guy was a Socialist or something. This is absolutely extraordinary to me.

If you look at his curricula and look at what he has done with his life, you will notice that in 1970, right after he finished protesting the war, he did not go off and do some crazy kind of "socialist" things. Do you know what he did? He became a full-fledged American capitalist, I would say to my friend from South Carolina. He became the vice president of a shoe company, and he was an entrepreneur out in the American business world at a time, I might add, when entrepreneurs did not hold a lot of stock amongst young Americans. Sam Brown went out and became part of a company. And then he ran for treasurer of his State, and the citizens of his State made him treasurer. He became involved in more businesses subsequent to that, and he has been successful in those businesses.

Now, let us look for a moment at what we are talking about here, because I hope my colleagues will remain focused on what is really at stake in this debate.

Sam Brown has this job. The vote that we take here does not affect his having the job. It only affects the title with which he will execute this job, another reason to question what is really going on in this debate.

This is a job where in the executive office you have five people: The Ambassador, a deputy chief of mission, the executive officer, two secretaries. He has three political-economic officers, and a political-economic section head. He has five political-military people; a section head, three officers and a secretary. He has an Arms Control and Disarmament Agency chief to advise him with four other officers. He has from the Joint Chiefs of Staff: a brigadier general, four officers and a secretary. He has five from the Office of Secretary of Defense including four officers. He has two public affairs officers.

In other words, if you look at the job, this guy has about as much input directly to him as former President Ronald Reagan, who had no military experience, no experience with arms control, no experience with any of the things on the list that the Senator from Colorado listed had. There was a long list of things, and he said "no qualifications." Ronald Reagan did not meet one of those qualifications, and my friend thought he ought to be commander in chief and the major implementer of policy.

Sam Brown does not come close to that in responsibility. What does CSCE

do? It is involved in preventive missions, sanctions against missions, seminars and meetings, elections monitoring, and with the high commissioner on national minorities, the office for democratic institutions on human rights, and the Minsk group negotiations, and Nagorno-Karabakh.

These are very much what Sam Brown's skills are—advocacy, the electoral process, the promotion of participation in the democratic process. And what is interesting is that, notwithstanding that the Senator from Colorado does not think he is qualified, every one of the people who held the job before him do think he is qualified. And is not that interesting? Is it not interesting that everyone of the people who held the job before, none of them had military experience. Not only did they not have military experience, but Max Kampelman, who was Ronald Reagan's appointee and who distinguished himself, was a conscientious objector. Was there one voice raised on the Republican side of the aisle to suggest that Max Kampelman, conscientious objector, could not negotiate with the Soviets? But he did one hell of a job, one hell of a job, and he had no military experience.

Why do not we listen to what Max Kampelman says since he was Ronald Reagan's appointee? Let me read you what he says in a letter to the chairman of the committee.

I write to endorse the nomination and urge your committee to act favorably and expeditiously on it.

I am going to skip a couple of parts just to try to move along here. He says:

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 1960's 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 1960's as destructive to our society and I considered leaders of the radical youth movement at the time to be immature, irresponsible and shortsighted.

When we talked, I learned from Mr. Brown he had come to conclusions similar to my own during the late sixties and early seventies and had openly and publicly acknowledged a change of direction of his beliefs about the direction American foreign policy should take.

And he goes on in support of Sam Brown.

Let me read what Richard Schifter, special assistant to the President and counselor, says. Richard Schifter was Assistant Secretary of State for Human Rights and Humanitarian Affairs. He also served as President Bush's Ambassador to the CSCE after Max Kampelman and was involved in the negotiations of the 1989 document which concluded the Vienna CSCE meeting. He was appointed by President Bush. So here is what President Bush's own appointee says. I am going to again skip a little.

I have had a number of meetings with Mr. 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.

Let me share with you now what Warren Zimmermann said.

As a former Chief of Delegation to a major CSCE Review Meeting (1986-89), 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.* * * He has impressed me with his quick 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 served 33 years in the U.S. Foreign Service, and have always felt our diplomacy was enriched by qualified ambassadorial appointments from the private sector.* * * I strongly believe he meets the standard of excellence which we should insist on for our diplomats.

So, Madam President, rather than get mired in the partisan politics—and, I might add, ancient ideological politics of the 1960's and the 1970's which really ought to be history in this country because of the issues and problems that we face—rather than get mired in that, let us listen to the experts, not people who have a political ax to grind, but people who have been at the CSCE, people who understand what the responsibilities are, people that President Bush appointed, people that President Reagan appointed, people who have proven their ability to deliver, all of whom say Sam Brown is qualified.

Now, we also hear from my colleagues that somehow what happened at ACTION disqualifies him. But, once again, my colleagues kind of play a fine game here with the truth. Because they hold up a report of the House Appropriations staff and they use what is said in that report as an example, somehow, of shortcomings.

Well, our colleague, Senator PAUL SIMON, whose integrity has never been questioned in this institution, came to the floor yesterday to point out that he sat on that committee. He was there. He sat through those hearings. Here is precisely what he said.

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 as many hearings 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. * * * Everyone was put under oath, somewhat unusual at our hearings. I remember bringing in the auditors and the inspector general, and I 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.

So, Madam President, in point of fact, the committee did not adopt the report that keeps being cited on the floor as the disqualifier of Sam Brown's organizational skills.

What is interesting is, you do not hear people from his companies saying he cannot manage something. You did not hear allegations that he did not manage the Treasurer's Office. You did not hear allegations he was not able to manage the moratorium. Certainly Richard Nixon would not tell you it was not well managed.

So, Madam President, I suggest what you have going on here is a very unfortunate process of a verbal lynching for an event or events and attitudes that existed 25, 30 years ago, which have been explained in their context and, in some instances, apologized for in their context.

What you really ought to measure is the quality of this individual's commitment to our country and his patriotism.

Patriotism comes, I think, in a lot of different forms. Patriotism is not always just marching down the road to whatever the conventional wisdom is. Patriotism sometimes is opposing that conventional wisdom. And sometimes I believe that takes maybe even a little more qualities of courage and moral conviction. And Sam Brown evidenced that.

I believe he is, for that reason, the very kind of person that you want at the CSCE standing up for this country, advocating our moral standards, advocating our interests in human rights, and advocating the qualities of democracy and freedom which he lived by in the course of his opposition to the war.

You cannot come to the floor of the U.S. Senate and find this man having ripped apart the country or torn apart the fundamental goals of this country in any way. You cannot find him having taken part in any of the demonstrations which many of us were opposed to. You cannot find him having engaged in that horrendous excess of rhetoric that governed most of the dia-

log of some of the people of that period of time.

Sam Brown always drove to the center. He always tried to produce a result. And it is perfectly understandable that this man would be upset that he, himself, was spied on in his own country by one of his own institutions of Government. And I think my colleagues ought to be sensitive and understanding and forgiving of any expressions of anger with respect to that.

With respect to the comments in New York and so forth, what he was referring to was the end of the war. A lot of people felt good about that. To twist those comments somehow into support for North Vietnam—which he never, ever evidenced or spoke—does a disservice to the quality of his exercise of his constitutional freedoms.

I hope my colleagues, when we vote, will end this game and will permit the President to appoint a person who is eminently qualified. In the mind of the Senator from Colorado, he does not qualify on the Senator's checklist. That checklist is, in and of itself, a phony construction. No one ever said you needed those qualifications. If those are the qualifications, none of the prior people would have gone. So why do we suddenly hold him to a different standard?

The test here is whether or not he has the qualities of judgment, of character, the commitment to our country, the commitment to principle, a moral conviction, an ability and a skill to be able to move debate and bring people together. And he has evidenced that, Madam President, throughout his life. We should not take that life and now make it into a fiction on the floor of the U.S. Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I commend and congratulate the Senator from Massachusetts on a remarkably effective speech. I recall those years that he is talking about, in the Vietnam days, when there were many who protested—who were early opponents of the war. I count myself as one. I remember the Senator from Massachusetts, who has had a distinguished record in Vietnam, taking the lead in many of the protests, and doing it very effectively and well.

I remember the convention of 1968. I was there in the drafting committee, in the platform committee. Vietnam was a key issue at the convention, and there was a spirit of confrontation on both sides of the issue. There was no desire there for consensus.

Sam Brown's activities at that convention have been a subject of discussion. I would note that I do not recall seeing Sam Brown at that convention.

So I think in making a judgment on Sam Brown, one must think back to what the climate was at that time. As Senator KERRY said, now we are getting into a question of political correctness. If you were an early opponent of the Vietnam war, as Sam Brown was, that was not politically correct. If you were a late opponent, as eventually President Nixon was, then it was OK. I do not believe it fair to make judgments on Sam Brown's suitability for this job based on political correctness.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I know the Senator from Colorado wants the floor.

I just wanted to ask unanimous consent that the full text of the letters I read, the curriculum vitae, and a letter from former Secretary of Defense Robert McNamara be printed in the RECORD.

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

MAY 11, 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 like this. I hope that 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. Although 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 for me 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 tougher I was the more credible was my assurance that the Peace Corps was independent and free from interference by 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.

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.

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

Senator CLAIBORNE PELL,
Chairman, Committee on 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 shortsighted.

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.

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

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

DEAR MR. CHAIRMAN: 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.

BIOGRAPHIC SUMMARY

Name: Samuel W. Brown, Jr.

Position for which considered: Rank of Ambassador during tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE).

Present position: General Partner, Centennial Partners, Ltd., Berkeley, California.

Legal residence: California.

Office address: 2737 Claremont Boulevard, Berkeley, California 94705.

Date/place of birth: July 27, 1943, Council Bluffs, Iowa.

Home address: Berkeley, California.

Marital status: Married.

Name of spouse: Alison Val Teal.

Names of children: Nicholas Teal Brown, Teal Valentine Brown, and Willa Hammitt Brown.

Education: B.A., University of Redlands, 1965, M.A., Rutgers University, 1966, Graduate Study, Harvard University Divinity School, 1966-1968, Fellow—John F. Kennedy Institute of Politics, Harvard University, 1969.

Language ability: None.

Military experience: None.

Work experience:

1981-Present—General Partner, Centennial Partners, Ltd.—Colorado and California.

1977-1981—Director, ACTION Agency, Washington, D.C.

1975-1977—Treasurer, State of Colorado, Denver, Colorado.

1970-1974—Vice President, Brown's Better Shoes, Denver, Colorado.

1972-1973—Consultant FUND for Neighborhood Development, Washington, D.C.

1970-1971—Author, Random House.

1969-1970—Director, Vietnam Moratorium Committee, Washington, D.C.

1968—Consultant, U.S. Peace Corps.

1967-1968—Volunteer Coordinator, McCarthy for President, Washington, D.C.

Awards/honors: Fellow—Eagleton Institute of Politics, Rutgers University, 1965-1966, Rockefeller Fellow—Harvard Divinity School, 1966-1968, Fellow—John F. Kennedy School, Harvard University, 1969, Doctor of Public Administration—University of Redlands, Redlands, California, 1978.

Publications: "Why Are We Still In Vietnam?", Editor, Random House, 1969, "Storefront Organizing", Pyramid Press, 1972, "The Legacy of Vietnam", Contributor, "The Defeat of the Anti-War Movement", New York University Press, 1976, Washington Monthly, "The Politics of Peace", August, 1970, LIFE, "Guest Privilege: Same Old Gang Turns Up in Washington", January 29, 1971, New Republic, "Snow Job in Colorado", January 29, 1972, Public Welfare, "Self-help: An Old Idea Whose Time Has Come", Winter, 1981.

Organizational affiliations: Commonwealth Club, World Affairs Council of Northern California, Global Water, Council Member 1982-1986, East Bay Economic Development Advisory Board, 1990-present, Earth Day 1990, National Board Member, Environmental Defense Fund Advisory Board Member, Sierra Club Life Member, March 1987, KBDI-TV, Public Television, Board Member, 1987-1990, YMCA of Denver, Colorado Legal Services Foundation, 1982-1986, Denver International Film Festival, Board/Chairman, 1981-1990, Signet Society, Harvard University.

WASHINGTON, DC,
April 14, 1994.

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

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 the 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. The 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.

Mr. KERRY. I thank the distinguished chairman for his comments.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, the distinguished Senator from Texas [Mrs. HUTCHISON], is here on the floor and I believe may be willing to share a few thoughts with us about this. I wanted to simply make a couple of comments about the very fine speech we have just heard from the distinguished Senator from Massachusetts. They are meant as clarifying comments.

First of all, the Senator has referred to previous people who had held this position, talking about the qualifications of Sam Brown. My impression is—perhaps the Senator will correct me if I am not correct—but my impression is that Ambassador Kornblum is not among those, the immediate predecessor in this job. At least my understanding is that Ambassador Kornblum has not issued a letter indicating he felt Mr. Brown is qualified.

Second, Madam President, while there is discussion, I think, with regard to the quotes—and I think it is appropriate to look at them in context—at least it is my impression that looking at the quote with regard to intelligence agencies, looking at it in context, far from helping Sam Brown, perhaps hurts his cause. Let me be specific in that.

The quote I was referring to is:

I take second place to no one in hatred of intelligence agencies.

That is from the Penthouse interview of Sam Brown. The question was one with regard to the use of the Peace Corps and the CIA, as posed by Penthouse. Sam Brown's paragraph prior to that says this:

I sent the student association a letter and asked it to send any evidence it might have about the Peace Corps-CIA links in South America. If it was true, I'd go and clean out whoever it was. But it was one of those vague allegations that, stated in the 1960's, are still being made. While there haven't been any instances of CIA involvement that we know of, [then the quote] I take second place to no one in my hatred of the intelligence agencies.

I simply observe this. In this Senator's opinion, the suggestion by one who heads the ACTION agency and has supervisory authority over the Peace Corps, that any Peace Corps volunteer who had shared intelligence information vital to American security with the Central Intelligence Agency should be thrown out of the Peace Corps I believe is a disgrace.

I respect the right of others to disagree, and I can understand how others would disagree. But it seems to me if a Peace Corps volunteer shared information vital to the security of this Nation, that far from being thrown out of the Peace Corps, they should be recognized and rewarded.

Madam President, I also observe that Ambassador Kampelman, far from negotiating the Conventional Forces Treaty, simply undertook monitoring of it after it had been negotiated by Mr. Woolsey, who is now Director of the CIA.

I think it is important to note the CFCE changed dramatically in 1990 and 1992. Thus, the qualifications of people who had that post prior to adding the military responsibility, or military oversight responsibilities, it seems to me appropriately had a different background than those who come when they have responsibilities to enforce the Open Skies Treaty, or at least monitor it, and the Conventional Forces in Europe Treaty.

Mr. KERRY. Will my colleague yield for a question?

Mr. BROWN. I also observe these two people, prior to Ambassador Kornblum, and Ambassador Kornblum himself, did have some national security experience, which I think is the focal point here.

Madam President, my intention is to yield to the Senator from Texas but, in fairness, I suspect the Senator from Massachusetts may wish the floor to respond. I will yield the floor at this point with the intention of then yielding to the Senator from Texas as soon as the Senator from Massachusetts has finished.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I appreciate the courtesy of my friend from Colorado. He and I always have, I think, very civil and respectful discourses in these matters. But I say to my friend from Colorado, really what he is saying about the Peace Corps is to turn fundamentally a blind eye to an assiduously sought after separation of entities.

The Peace Corps is not meant to be an arm of the CIA, nor are any other of our quasi-NGO's. Because the minute they become that, they lose their effectiveness. That is precisely what Sam Brown was trying to preserve—their effectiveness. I am confident that my friend from Colorado remembers well the ways in which a whole bunch of people, and separate entities, were tarnished by virtue of the ability of other countries to point the finger at them and say they are just operatives of the CIA; therefore we cannot trust them or we will not let them in here or we will not let them do this.

So what Sam Brown was trying to do was preserve the integrity of the Peace Corps, not as an instrument of American ideology, but rather as an instrument of our highest principles and moral standards; as a purveyor, if you will, of the notion that America was going to show people by action how we could have an impact on their lives.

I ask my friend if he is not, in fact, assigning an expectation to Sam Brown that would fly right in the face of that kind of separation?

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I appreciate the Senator's observation. Madam President, I yield to myself such time as I may consume.

I might say, I appreciate the Senator's observation. My concern was a Peace Corps volunteer, having seen something vital to national security, far from being dismissed from the Peace Corps when he or she shared that with our intelligence agencies I think should be rewarded. That is quite different, obviously, than using them as a direct intelligence-gathering operation, which obviously is a whole different case and does indeed relate to agreements that we have with other countries.

Mr. KERRY. Madam President, if I may have just 30 seconds?

Mr. BROWN. I yield the floor.

Mr. KERRY. If I may just say to the Senator, I know that Sam Brown did not intend to deny the notion that people should act in the interests of national security. But if you look at the context of the question, as well as the answer, the entire context was about the CIA's cooption of the Peace Corps. And it was in the context of the cooption that he was trying to protect the Peace Corps.

I am absolutely confident that today Sam Brown would not want to deny anybody the ability to protect the vital national security interests of this country.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Colorado.

Mr. BROWN. I now yield to the Senator from Texas [Mrs. HUTCHISON], such time as she may consume.

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

Mrs. HUTCHISON. Thank you, Mr. President. I thank the distinguished Senator from Colorado. Senator BROWN has done an incredible job of educating the Senate on this nominee.

I think he has gone the extra miles to make sure the United States and the

President of our country does not make a mistake in putting someone in a very important and sensitive position who really does not belong in that position. Perhaps he belongs in another position, but not this one.

Let us talk about this job. We have heard eloquent debate from the Senator from Massachusetts, the Senator from New Hampshire, and the Senator from Colorado. But let us focus on what this job is: Ambassador to the Conference on Security and Cooperation in Europe.

The Treaty on Conventional Armed Forces in Europe established the retreat of the Soviet Union from Eastern Europe. In the Wall Street Journal today, there is a quote from then Defense Secretary Richard Cheney in 1991:

With implementation of the CFE Treaty, for the first time since the end of World War II, the Soviets would be denied the ability to mount an offensive threat in Europe.

That is what this treaty is.

Mr. President, this treaty restricts Russia from amassing troops in the flank regions of Europe. Now there are requests pending today from Russia to relax parts of that treaty that may have a long-term impact on the future of those Eastern European countries which are now struggling with democracy and struggling to make it.

So what kind of Ambassador do we want negotiating these points? That is really the question before us.

I want to reiterate some of the quotes that we have heard from Sam Brown.

August 1970:

Most of us who have worked to end the war for some time believe that any semblance of a military victory in Vietnam would be disastrous for the United States.

A quote that you have heard several times.

1977:

I take second place to nobody in my hatred of the intelligence agencies.

1970:

On the night of the Cambodian invasion, part of me wanted to blow up buildings, and I decided that those who have waged war really should be treated as war criminals.

Mr. President, these things were said at a time when the Senator from Massachusetts and the Senator from Colorado and the Senator from New Hampshire were serving in Vietnam. Their lives were in harm's way—they and other men and women from America. We had someone saying those things who now may be an Ambassador who will be negotiating the relaxation of a treaty that we have with our European allies to try to make sure that democracy can make it in Eastern Europe.

Senator KERRY was so eloquent when he said that Mr. Brown stood for his beliefs and he admired him for that. I just want to say I admire the Senator from Massachusetts for standing for his beliefs for going and fighting for our country and doing his duty. I admire him for that. I think he, of all people, should be looking at this ambassadorial rank in the context of someone who will be negotiating on very important matters for our country.

In the Wall Street Journal of May 17, it says that, "A prominent anti-Vietnam war activist of the 1960's, Mr. Brown was a leading student organizer for Senator Eugene McCarthy's 1960 Presidential campaign. Then he backed Jimmy Carter. "During the Democratic Party's platform committee deliberations that year, he organized an effort to have the party endorse unconditional amnesty for Vietnam" antiwar protesters. Even in those days, that proposal was voted down by the Democratic Committee 14 to 1. "Once in office as Mr. Carter's Director of ACTION, Mr. Brown made an early mark by attending a 1977 welcoming reception in honor of the Vietnam delegation to the United Nations. After a rousing speech by Ngo Dien, deputy foreign minister, in which he excoriated the 'American imperialists' and their 'bloody colonial war,' Mr. Brown told a New York Times reporter covering the event that he was 'deeply moved.' "What can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you?"

The Rocky Mountain News on May 20 in an editorial saying this is not the man for this job. The article says:

* * * congressional opposition has been portrayed as just old-guard anxiety that a sixties 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 Mr. Brown's radical past. If the Senate confirms Brown next week as Ambassador to the Conference on Security and Cooperation in Europe, it will place a man with no experience in arms control, military and strategic studies, consular 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 mismanagement, waste and improprieties.

It is relevant, as the Rocky Mountain News says, what this man's position is going to be.

It reminds me of our Armed Services Committee hearing that we had on another nomination with some of the same background and quotes. It was Martin Halperin for Assistant Secretary of Defense. During more than 5 hours of testimony, quote after quote after quote of Mr. Halperin came back, many in the same vein saying that he just did not believe intelligence had a place in a democracy.

These people are good people, I am sure. I am sure they are people who do stand up for their views. They have said they have changed their views, in some instances. Maybe they wish they had not said anything quite so forceful. But as one of my colleagues on the committee said, "If this were a nomination for Assistant Secretary of HUD, perhaps I could support it. But we are talking about Assistant Secretary of Defense."

We are talking about a treaty negotiator who is going to determine whether we are going to relax a treaty provision to allow Russia to amass troops on the borders of Eastern Europe.

So the question really is relevant: What kind of person do you want in this job? Not what kind of person is this, but what kind of person do we want in this job.

Mr. KERRY. Will the Senator yield for a question?

Mrs. HUTCHISON. I will be happy to yield.

Mr. KERRY. Has the Senator read the full article that she quoted from in the Washington Monthly?

Mrs. HUTCHISON. Yes, Mr. President, I would say that I have read most of the article; yes.

Mr. KERRY. Could I ask the Senator what in that article is radical and what particularly is radical about suggesting that the "new peace leadership should be composed of Senators, Congressmen, Governors, mayors, businessmen, all the straight people who are willing to make a firm and unequivocal commitment; the spokesman should be the most visible and attractive to middle America who can speak intelligently about the war with strength rather than condescension?" What is radical about that? What is radical about Sam Brown working within the political system?

Mrs. HUTCHISON. I appreciate the Senator from Massachusetts reading that very tacet part of that article. There is nothing radical at all about what the Senator just read. But I do think we are talking about a job that is going to have very great consequences for the people of this country, the military of this country, and particularly the people of Eastern Europe we are trying to help get their struggling democracies going. I think you have to look in the whole context of what a person says and what that person's background is for this particular job.

Mr. KERRY. Could the Senator help me understand——

Mrs. HUTCHISON. I think the parts of this article that were read by the Senator from Massachusetts are fine, but there are other parts of this article and other articles that show this is not a man who is fit for the job to which he has been nominated.

Mr. KERRY. Will the Senator inform me what part of the article——

Mrs. HUTCHISON. I would just say, if I could finish and then I will yield the

floor, that if the Senate refuses to allow Mr. Brown to hold the ambassadorial rank, I would encourage the President to find someone who can suitably represent America, someone who can go to the conference in Europe with the appropriate stature and with the appropriate backup of the Senate. If you look at the overall background and record of Sam Brown, he is not a person who is qualified or fit for this particular job. I would encourage the President to take that into account and get someone who can serve with the full backing of the Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY addressed the Chair.

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

Mr. KERRY. Mr. President, I would just like to take one moment. I know the Senator from Arizona wants to speak. If I could just have 2 minutes.

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

Mr. KERRY. Thank you, Mr. President.

Mr. President, what has just happened is characteristic of what I said earlier. I appreciate the respect the Senator from Texas has shown me, and I appreciate her comments to me. But to use the word "radical" about Sam Brown is to fall into the trap that I talked about earlier which is simply inaccurate; it is wrong. It is verbal political lynching in this Chamber. There is nothing radical in this article. In fact, Sam Brown says after he makes that comment about feeling how he felt the night of the Cambodia invasion—the quote about war criminals—he says, "But despite past frustrations and failures, I think political self-discipline is precisely what is necessary."

A couple paragraphs further down he says, "You work to state the peace choice persistently in the most acceptable style until you lose that faith permanently. Left sectarianism must be regarded as politically foolish."

This is a man who is calling radicalism politically foolish and yet people are coming to the floor here today to pillory him for having participated in nonviolent peaceful protest and having worked as a McCarthy delegate, as an organizer for the President of the United States and then goes out to become a good entrepreneurial capitalist and run a business, become treasurer of his State. This is extraordinary in 1994.

Mrs. HUTCHISON. Mr. President, if I could just have 30 seconds to respond to the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado controls the time on that side.

Mr. BROWN. Mr. President, I have a previous obligation to the Senator from Oklahoma.

Mr. President, I yield a minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mrs. HUTCHISON. I thank the Senator from Colorado.

I just want to say to the Senator from Massachusetts that I think the quote, "I take second place to nobody in my hatred of the intelligence agencies" is radical. Regardless of what else was said in the article, many parts of which the Senator has quoted, that is radical. Intelligence is a part of this country. It is how we have remained strong. It is one of the very important ways that we are able to be strong within and also to protect the men and women who are supporting our country all over the world. Intelligence is a very important part of that.

I submit to the Senator from Massachusetts that this quote is radical and that the quotes along the same line were radical when Morton Halperin said them and for that reason the President withdrew his nomination. I ask the President once again to withdraw this nomination for this particular job.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Several Senators addressed the Chair.

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

Mr. BROWN. Mr. President, each Senator will make their own mind up as to what they feel is radical or not, but on that subject there is an article I ask unanimous consent to submit for the RECORD. It is from the Wall Street Journal. The headline is simply: "For Sam Brown, There's No Peace At the Peace Corps. Critics say Ex-'Radical' Acts Slowly as Chief of Agency; Brown: 'But I Need Time.'"

The lead is this:

Meet Sam Brown, member of the establishment.

Same fellow who declared a decade ago that "the United States is now the great imperialist-aggressor nation of the world * * *"

Mr. President, every Member will make up their own mind as to what is radical or not but I think Senators can understand how some would think that is radical.

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

FOR SAM BROWN, THERE'S NO PEACE AT THE PEACE CORPS

(By James M. Perry)

WASHINGTON.—Meet Sam Brown, member of the establishment.

Same fellow who declared a decade ago that "the United States is now the great imperialist-aggressor nation of the world" and went on to organize the "children's crusade" for Eugene McCarthy in the Democratic presidential primary in New Hampshire in 1968. His victim then was Lyndon Johnson.

Same fellow, too, who organized and led 500,000 Americans in the Vietnam moratorium march in Washington in 1969. His target then was Richard Nixon.

Sam Brown "was armored with unshakable righteousness," Theodore H. White wrote. "And from thousands of similar young people of his good will and his unconscious arrogance, his purity of spirit and his remarkable ability, stems much of the perplexity of future American politics."

PERPLEXING RESULTS

These days, U.S. Presidents are no longer targets of Sam Brown's, for now, at age 33, he is working for President Jimmy Carter, and his job is to try to make the Peace Corps work. Nine months ago, Mr. Carter appointed Mr. Brown as director of ACTION, the agency that runs the Peace Corps and the domestic volunteer organizations: VISTA, Foster Grandparents and Senior Companions. ACTION supervises 236,000 volunteers in this country and abroad. Its annual budget runs to $190 million.

The Peace Corps is ACTION's highest priority program, and the President hoped that Mr. Brown would use his good will and his ability to restore the prestige that the corps has lost since its glory days in the 1960s. But a look at the Peace Corps—and its critics—shows that the results so far seem to be as perplexing as Mr. White anticipated.

Old Peace Corps hands, members of an alumni association that now numbers 66,000, expected a lot from Sam Brown quickly. But, some of them say, he has been cautious and occasionally uncertain. They were disappointed when he refused to go along with recommendations to pull the Peace Corps out of ACTION and establish it as a public corporation.

They say Mr. Brown hasn't done much about recruiting more volunteers—and better ones. (The corps' strength remains below 6,000, one-third its size a decade ago.) "Where are the Peace Corps recruiting ads?" one critic asks. They say the system is still the same one developed during the Nixon years. Volunteers are matched to specific job openings listed by the host countries. Thus, Fiji wants an agronomist with at least one year's experience with legumes. Peace Corps recruiters try to fill the request. The more highly skilled the person they seek, the more likely they are to turn up empty-handed.

ALL THE RIGHT THINGS

"I like Sam, and he says all the right things," says Charles Peters, editor of Washington Monthly magazine and a Peace Corps member under President Kennedy and the agency's founding director, Sargent Shriver. "But the question is, does he have the drive to overcome the bureaucracy the Republicans left behind and restore a sense of excitement and mission to the Peace Corps?"

Mr. Brown thinks the criticism is unfair.

"People keep saying I'm a radical," he says. "That was my reputation growing out of the McCarthy campaign and the antiwar movement. In fact, though, I'm a very orderly fellow. Whatever reputation I earned, I earned as an organizer. I was the fellow who figured out how many volunteers we needed at each street corner in Nashua, N.H., at an exact time on a certain day."

"Liberals get a bad rap when it comes to administering things. Remember, I was the State Treasurer of Colorado before I came here, and you have to be prudent when you take care of all that money. I want to figure this job out and then get it done. But I need time—time and a fair chance."

Mr. Brown is taking the time. He has traveled around the world looking at Peace Corps

programs and talking to Peace Corps people. He has conferred with leaders in several of the 65 countries in which the Peace Corps operates. When he took over ACTION last February, 20 of the countries were without Peace Corps directors. He has filled the vacancies, almost half of them with women and minority people.

Mr. Brown looked for more than six months for a director of the Peace Corps, a post that had gone vacant during the Nixon-Ford years. The Peace Corps was then administered within ACTION by an associate director for international operations, and the corps didn't even have its own letterhead stationery. Mr. Brown's choice, finally, was Carolyn R. Payton.

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

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I wish to first compliment Senator Brown of Colorado for his leadership in opposing this nomination. I join him in opposing Sam Brown for the post of Ambassador to the Conference on Security and Cooperation in Europe. Senator BROWN, I think, has done a very good job in exposing some serious flaws that the President has made in making this nomination. We do have a responsibility as Senators to give advice and consent, and this is an Ambassador-level position.

I am troubled by Mr. Brown and his past statements and by his past actions, both as an antiwar activist and as Director of the agency ACTION. In my opinion, he should not be promoted or rewarded with a very important position as Ambassador to the Conference on Security and Cooperation in Europe.

I do not think there is any question that he was an antiwar activist, a radical as many people would say. But I might mention a lot of my opposition comes not just out of his antiwar activities and statements. I was prepared to read some of the same quotes Senator HUTCHISON and Senator BROWN have put in the RECORD. But maybe I am more troubled by his postwar activities. When he was Director of ACTION, he also attended a meeting in New York welcoming the Vietnamese delegation to the United Nations. And this has been quoted before, but he says:

> 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 are wrapped up in are suddenly before you?

That not only was an antiwar activist attending a meeting which, according to the press reports—I will just mention what Eric Sevareid said of that meeting. He said:

> One newspaper described the gathering as an antiwar movement come together again. It was, rather, that part of the antiwar movement which was not antiwar at all. It was anti the American role in the war and pro Hanoi. Most of those in 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 the peace movement.

Of this incident Mr. Brown now writes:

> I was walking up Broadway in New York City with my fiancee and saw a marquee advertising a Vietnam-related event. We stopped in very briefly, no more than 5 minutes or so. A New York Times reporter saw me as I was leaving the meeting and asked my feelings.

I am troubled by that statement. I do not think that was totally truthful. I am kind of having a hard time seeing how that coincidental meeting—he just happened to be strolling by Broadway—would be the case. It was the case, he was a Federal employee. It was the case, he was Director of ACTION. It was the case, he was representing our Government and he was at that meeting. To make some kind of statement, well, I just happened to be strolling by, I do not buy that argument.

And then I look at some of the other actions Mr. Brown as Director of ACTION was taking. He headed the Agency. I might mention that Congress was controlled by Democrats, and there was an investigation of ACTION by the House Appropriations Committee in 1978. They reported—and this is in the CONGRESSIONAL RECORD September 21, 1979, beginning on page 25674. They conclude with these points:

> Improprieties, mismanagement in the grant selection process, poor training and supervision of volunteers including instances of involvement in political and lobbying activities; replacement of ACTION's independent Inspector General Office with a new Office of Compliance which reported directly to the Director.

Also quoting:

> Creating the potential for conflict of interest and not in accord with congressional intent. Subsidizing employees' nonofficial travel to Cuba and China. Violations of proper procurement and accounting practices. Faulty hiring and staffing practices, including improper and extensive hirings of consultants and experts. Hiring of personnel at salaries markedly above previous private-sector earnings.

Mr. President, I believe that is a very serious reason not to confirm Mr. Brown to this position.

Finally, let me point out another very significant, maybe the most important, reason why he should not be confirmed as U.S. Ambassador to CSCE. That is the CSCE job itself. It has become pretty clear that the post-cold-war world has become far more complex and, in many cases, uglier and bloodier than almost anyone would have imagined. Former Yugoslavia comes immediately to mind, as well as the former Soviet Union. And who knows what will be next.

CSCE is one of the most important policy instruments in dealing with these challenges, requiring an individual with the highest skills in a variety of military and diplomatic areas. That is why the European nations represented in CSCE invariably send their most highly experienced and capable diplomatic and national security professionals to fill what they see as a key diplomatic post, a practice followed by the United States in the past.

Sam Brown, on the other hand, has virtually no experience in many areas critical to the CSCE post—international conflict resolution, NATO, military forces of the Western European Union, ethnic conflicts in areas such as the former Soviet Union and former Yugoslavia, human rights issues, and arms control. Mr. President, in my opinion, this is just not acceptable. Mr. Brown is plainly inexperienced and unqualified. In these dangerous times, we do not need on-the-job training at CSCE.

Mr. President, in closing, I would like to reiterate my larger point, and that is to question President Clinton for this nomination. I am reminded of President Clinton's letter to the draft board in which he mentioned that he loathed the military. By the statements Mr. Brown made, he obviously loathed the military as well. To put a person of that philosophy, with that reputation, with that reputation being known throughout the international community in this prestigious position, in my opinion, sends the wrong signal.

NATO is at a crisis point. NATO may be in the process of dissolving. A lot of people cannot cut NATO fast enough in terms of dollars, in terms of personnel, in terms of bases. I happen to be one who thinks there are significant military threats, and there have been significant accomplishments that NATO has achieved for the last 40-some years. And I would hate to see that happen. I certainly hate to see it happen with the lack of leadership by the United States. I am afraid that Sam Brown would be the wrong kind of leader at the wrong time.

I urge my colleagues to vote no on his nomination.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Illinois.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senator yield me 2 minutes.

Mr. PELL. Two minutes. And also 2 minutes to the Senator from Illinois.

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

Mr. SIMON. I ask unanimous consent that I have 2 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island, who asked unanimous consent that the Senator from Illinois be granted 2 minutes and the Senator

from Arizona be granted 2 minutes following that. Is there objection?

Mr. BROWN. Reserving the right to object, Mr. President, I am not sure I heard. Is the time to be charged to their side?

Mr. PELL. Unfortunately, to our side.

The PRESIDING OFFICER. The Senator is correct.

Mr. BROWN. I do not object.

The PRESIDING OFFICER. The Chair will advise that the Senator from Rhode Island has 8 minutes remaining and the Senator from Colorado has 27 minutes remaining.

The Senator from Illinois has 2 minutes, following which the Chair will recognize the Senator from Arizona for 2 minutes.

Mr. SIMON. Mr. President, I regret that I have been involved in the health care markup and I have not been able to participate. I spoke yesterday.

But let me say that I just heard the last couple of speeches from the other side. I cannot remember when I heard so much misinformation in one small segment on the floor of the U.S. Senate. The things that Senator NICKLES refers to are the things that took place with VISTA and ACTION prior to Sam Brown 's being there. I chaired the subcommittee. We had 6 days of hearings, 34 hours of hearings, with people under oath.

I point out one thing that was mentioned here about lobbying. Was there lobbying under VISTA? They found five instances of lobbying of 4,300 grants, and VISTA itself stopped it. We brought in and put under oath every witness. We found one instance. We brought in all these people they wanted to bring in. We found one instance where some volunteers in Missouri had taken some senior citizens down to lobby in Jefferson City, MO. That was it; period. You would think that they were massively involved in lobbying as you listen to this.

Sam Brown did a solid job at ACTION. That was the outcome. The House Appropriations Committee report just referred to added 20 percent to its budget after the hearings. Clearly, we are making a mountain out of a mole hill here. We ought to approve Sam Brown for the rank of Ambassador.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

The Chair recognizes the Senator from Arizona for 2 minutes.

Mr. DECONCINI. Mr. President, I have listened to the debate. I am discouraged. I am discouraged because the debate has gotten down to, in my view, a political effort to embarrass Mr. Brown, Sam Brown, and to embarrass this administration. I happen to know a little bit about the CSCE, the Commission on Security Cooperation. I am chairman of the Helsinki commission, the CSCE congressional commission. I have been on that commission for more than 10 years, and have been the cochairman and the chairman before.

I know what this entails, this particular ambassadorial position to the CSCE. We are really confusing things here, and there are red herrings, or whatever you want to throw up here, trying to disrupt the process and to go back to this man, Sam Brown's record of 14 years, of 20 years ago, and try to make him some kind of villain.

With respect to the reference to his opposition to the Vietnam war, it just so happens that my former Congressman, Morris K. Udall, was one of the first leaders in the House of Representatives to come out in opposition, and very strong opposition, to the President of the United States of the same party, Lyndon Johnson, in that war. And he was lambasted in Arizona. He was called all kinds of names. It just so happens in retrospect that he was right because he said we made a mistake, and that there were things happening in that war that should not be happening.

Now, as he lays in the veterans' hospital out here, I cannot help but think of Morris Udall, and if he were the nominee here, would people be standing up and going back about things that he said in the CONGRESSIONAL RECORD and in his newsletters? I read them as a young, budding politician and disagreed with them. But now I realize, and I realized shortly thereafter, just what a strong man he was.

We should confirm this individual. He is someone who can serve well. This is a political mistake and an unfair one. The American public deserves better than gridlock. That is what this is all about.

The PRESIDING OFFICER. The time of the Senator has expired.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

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

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

Mr. MATHEWS. Mr. President, the Senator from Texas, who is departing the Chamber now who just finished speaking, and Sam Brown and I all have a common experience. All of us were privileged to serve as treasurers of our State for a period of time. And it was in the capacity as treasurer of the State of Colorado that I knew Sam Brown. And I knew him as a capable and a committed public official who performed his duties with integrity. His performance in that demanding position gives me confidence in his ability to hold ambassadorial rank with the CSCE.

For more than 6 months, the nomination of Sam W. Brown as ambassador to head the U.S. delegation at the Conference on Security and Cooperation in Europe has been detoured, delayed, and deliberately redirected. I rise today to support his confirmation and to urge the Senate to conclude a nomination that never should have met such unreasonable resistance.

Mr. Brown's ability, Mr. President, is granted even by his detractors. The Senate has seen his proven record of public service and longstanding concern for international affairs. We have noted, as President Clinton did, the caliber of his service as director of ACTION under President Carter. Mr. Brown's subsequent success as a businessman further testifies to his pragmatism, versatility, and organizational ability. One publication summarized his career best by describing Mr. Brown as "a businesslike public servant and public-spirited businessman."

This is the Sam Brown whom we should evaluate for ambassadorial standing. Whoever he may have been as an exceedingly young man our Nation was a deeply embroiled place is not the point.

The point is that Mr. Brown's credentials and abilities are equal to those of his predecessors, three of whom have endorsed his confirmation along with the Members of Congress most familiar with CSCE. He has been thoroughly briefed and prepared for his upcoming duties.

There is no question, Mr. President, that he will assume these duties. The only question is whether he assumes them with the rank of Ambassador. I say that Sam Brown is qualified for the job, and he deserves the standing that goes with it. Let us also consider, Mr. President, who would really be damaged by denying him the standing he deserves.

Mr. Brown certainly would have his self-esteem and perhaps his reputation insulted. But something is more important than that. Denying Sam Brown Ambassador standing would be a declaration that our country does not value this position sufficiently to grant its occupant the same standing that his colleagues enjoy. By denying Sam Brown ambassadorial rank, the greater insult would be to our European allies, and the greater damage would be to the important work in human rights and conflict resolution that CSCE undertakes.

Mr. BROWN addressed the Chair.

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

Mr. BROWN. Mr. President, with regard to whether or not the nominee has the same qualifications as previous Ambassadors, let me take issue with my good friend from Tennessee.

It is very clear that our previous nominees have had extensive experience with regard to national security, and Sam Brown has none. Those are

the facts. It is very clear that many of them have had extensive and significant language abilities beyond just the English language, which is important in that post, and Sam Brown does not. Those are the facts. It is very clear they have extensive and distinguished careers in diplomatic experience, and Sam Brown, while he has supervised the Peace Corps Agency, does not have that experience. There are dramatic differences.

I believe a review of the facts will indicate that far from having the qualifications other Ambassadors have had, the truth is that it is just the opposite, that he stands in stark contrast to their very distinguished backgrounds.

I yield 15 minutes to the distinguished Senator from Pennsylvania, Senator SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized for 15 minutes.

Mr. SPECTER. I thank the Chair and my colleague for reserving 15 minutes for me.

In considering the nomination of Mr. Samuel W. Brown to be the Ambassador to CSCE, I have reflected on the latitude which ought to be accorded the President in making this decision for the ambassadorship, reflecting as well on the constitutional responsibility of the Senate for advice and consent as a check. The nomination of Mr. Brown came up yesterday, at the same time as the nomination of Mr. Derek Shearer to be Ambassador to Finland.

On the cloture vote yesterday as to Mr. Shearer, I had voted against cloture, thinking it was the Brown nomination, when it was the Shearer nomination. That was corrected yesterday by unanimous consent.

I had spoken very briefly on the floor yesterday morning and said that I intended to support Mr. Shearer's nomination and to oppose Mr. Brown's nomination. My intentions were clear even before that error when the vote occurred. I referred to the Shearer nomination because, while there were significant negatives on Mr. Shearer, it seemed to me that in taking the issue in its totality, the President ought to be accorded discretion, and that Mr. Shearer's qualifications outweighed the objections that were raised. The objections were considerable.

When it comes to the nomination of Mr. Brown, it seems to me that the presumption that you give to the President just does not hold sway or dominate. That is because the responsibilities of the Ambassador to the Conference on Security and Cooperation in Europe are just too important, and there are too many negatives on Mr. Brown for this assignment.

I have studied the criticism of Mr. Brown with respect to his attitude on Vietnam, and while that troubles me, I would not weigh that heavily at this time, which is substantially after that period. I have also seen the criticisms leveled at Mr. Brown for his conduct on the ACTION agency. Those are a good bit more troubling but, again, they are not decisive.

When I have reviewed the answers which Mr. Brown has given to the questions about his background on Europe and his background on the specific items which the Ambassador and the chief negotiator on the Conference on Security and Cooperation in Europe must possess, I believe we have passed the point of no return. I also say that it is difficult on a cloture vote, where we are realistically asking for 60 votes on confirmation, in order to get the nomination to the floor.

I say candidly that I am troubled by stopping the nomination at the point of cloture. It may be that Mr. Brown would not get 51 votes on the nomination itself. The vote yesterday was 54 for cloture. I talked to my colleague, Senator BROWN, who tells me it is very close. He might not get the votes even on a 51-vote basis, because some might object to stopping it on cloture. But who would vote against Mr. Brown? I do not know whether that is true or not.

I am troubled by a situation where the only pressure point Republicans have in the U.S. Government is on cloture. Once cloture is obtained, there are more than enough votes on the other side of the aisle to cover the day. While the House is not involved in this matter, the House is overwhelmingly Democratic; there is a Democrat in the White House. The only place Republicans can assert any effective, decisive action is by stopping somebody from coming up. We have 44 votes, and we have more than enough, if there unity among the Republicans, to do that. I think Mr. Brown's nomination and the responsibilities at the Conference on Security and Cooperation in Europe are sufficiently important to preclude his nomination.

Why do I feel that way? I will not go into the entire record, but it is in the report which has been submitted by the Committee on Foreign Relations on the nomination of Sam W. Brown, Jr. I will only take a few of the questions and answers.

Question: What practical experience do you have in working in the former Soviet Union? What educational background do you have on the former Soviet Union?

The answer to both of those questions is:

I have no direct experience.

I infer that it covers educational background, as well.

The answer goes on to talk about the CSCE delegation being strong. Then there are questions as to his background with the Armenians and Azerbaijanis. I am not surprised that there is no experience there, but there is none. Then the question is:

What practical experience have you had working in the former Yugoslavia, and what educational background do you have concerning the former Yugoslavia, a very important area which CSCE deals with?

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

I do not know what his experience is in conflict resolution. I wonder how that bears on this.

Then the comment that he makes in response to question 9, "The war in Bosnia has brought calls for a more decisive role for the CSCE in dealing with conflicts in Europe. Some suggest that CSCE should call upon NATO to conduct peacekeeping operations. Should there be a firm cease-fire reached in Bosnia and then a continuation of the question sending American troops as part of the NATO peacekeeping force in Bosnia is certainly to expose them to specific risks. What recommendations would you make to the President and the CSCE concerning the involvement of American troops?"

"Answer: This particular issue is being dealt with by the U.N. and NATO, and the CSCE has no direct role in the question of a peacekeeping operation in Bosnia."

That answer gives me no comfort. That answer, in my judgment, is totally insufficient.

The question is raised about sending American troops as part of a NATO peacekeeping force into Bosnia, and it is a disclaimer. CSCE has nothing to do with it. I would expect someone who is seeking confirmation as Ambassador to CSCE in these troubled waters to be a good more informative on this kind of a subject.

As part of my consideration, Mr. President, for this nomination is the general status of the Department of State and this administration on foreign policy. I am very concerned about the adequacy of this administration on foreign policy.

We have a situation where the President talks about the use of force in Haiti, which I think is totally unacceptable. The House of Representatives in a nonbinding resolution has voted against the involvement of U.S. force in Haiti. When that issue has been on the floor I have said earlier that I do not think that is a matter for the President alone. There is not an emergency situation. There is no reason for the President to act without coming to Congress. It is a complex question as to what is or is not a war.

I believe we went to war in Korea without a congressional declaration in violation of the Constitution and, in my legal judgment, we did the same thing in Vietnam, although there was the Gulf of Tonkin resolution. Finally, the Congress faced up to the use of

force in Iraq, and the Congress voted for the use of force in a resolution.

I am concerned about an administration which talks about the use of force in Haiti at all, certainly without coming to the Congress.

We have the problems in Bosnia which are overwhelming, and we have had the President make repeated threats as to Bosnia that have made the United States of America look very inept.

I would hope that whoever is our Ambassador to the CSCE would have very substantial experience in that field and would have some views about that matter.

While Somalia is yesterday's news, we had very material risks there with a resolution being offered by the Senator on the other side of the aisle for a precipitous retreat from Somalia. It was the Senators on this side of the aisle which carried the day for a resolution which gave several months for an orderly withdrawal.

So in evaluating Mr. Brown for Ambassador to CSCE, I am mindful as to where this administration stands on foreign policy overall. It is my view that there ought to be someone who is very strong in foreign policy and very knowledgeable.

When my colleague, Senator BROWN, came to me last week and raised his concerns, and Senator HANK BROWN's leadership has been paramount, I suggested to him that we write to the President and raise concerns which we had. That letter was signed by many Senators seeking from the administration some more forceful showing of qualifications by Mr. Brown.

On the totality of the record, Mr. President, it seems to me that it is a role where the Senate ought to step in on its advice an consent function, even considering the general latitude to be allowed to the President. It ought to step in at the level of the cloture vote to deny this nomination.

I inquire, Mr. President, how much of the 15 minutes I have remaining.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, I yield 2 minutes to the distinguished Senator from Wyoming.

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

Mr. SIMPSON. Mr. President, I thank the Chair, and I thank Senator BROWN for his extraordinary effort in bringing this matter to our attention. I think it was important as an educational process.

Mr. President, I rise to speak with reference to the nomination of Sam Brown to be Ambassador to the Conference on Security and Cooperation in Europe.

Mr. President, this is the type of nomination that gives me pause, and causes me to reflect anew about when it is proper to oppose a President's choice for such a post.

We face that issue frequently in this Chamber. We have all seen Presidents nominate individuals who embrace philosophies that we do not agree with, and we allow many of those to be confirmed. I believe that most of us on both sides of the aisle do a pretty good job of upholding the general principle that the President, once elected, is entitled to have his chosen people in positions of importance.

I try to abide by that principle. We're going to see that principle upheld during the consideration of Judge Breyer's nomination to the Supreme Court. We saw it upheld with Ruth Bader Ginsburg, and with Anthony Kennedy. We saw it upheld with Cabinet appointments such as Robert Reich and Ron Brown. I didn't agree with these nominees on every issue, as several of my colleagues did not, but we sent them on through the process in order to help the President get the assistance that he desired.

All of us, however, occasionally confront a nomination which tests that principle. There may be outstanding questions about a nominee's personal character or past behavior, questions of suitability for the post, questions as to whether philosophical differences are too great, too fundamental, to be tolerated. I think of the reaction of some to Judge Robert Bork with that last one. I would defy anyone in this Chamber to demonstrate that there was any thoughtful or honest question challenging his personal ethics, his character, or his professional qualifications. He went down to defeat purely because of his divergence from philosophies held on the other side.

It is against this background that I wish to discuss this nomination. This is a nomination for an individual to be Ambassador to the Conference on Security and Cooperation in Europe, or CSCE. I would remind my colleagues that this differs fundamentally from being appointed Ambassador to a smaller country or to even a major power like China or the United Kingdom. The CSCE is a forum that deals with critical arms control negotiations, most specifically balancing the strategic concerns of European nations and those republics which formerly made up the Soviet Union, especially pertaining to the Treaty on Conventional Armed Forces in Europe.

Certainly I would expect that it would be most appropriate to appoint a noncontroversial individual who is a considered expert in questions of military and strategic balance. The person ought also to have the confidence of the American military as well as our European allies.

The person need not have a military background. We have sent individuals to CSCE in the past who have not. But they must inspire confidence from all quarters.

The personal background of Sam Brown is well known and I see little need to review it in detail here. The nominee himself acknowledges his background as an activist and organizer against the Vietnam war. During that time he generated a more than ample paper trail.

The essential point about this period of his life is not that Sam Brown said or wrote things that embarrass him now—and the essential point is not that he opposed the Vietnam war. It does bear comment, however, that the Washington Monthly would publish Mr. Brown's "The Politics of Peace," and that Mr. Brown's stature as a leading figure in the antiwar movement was sufficient to induce Random House to publish his "Why are we Still in Vietnam?" For he was a major figure in the antiwar movement, and he was treated as such by publishers.

This is not a young Bill Clinton—confused, searching, and uncertain about how to react to Vietnam. Many individuals who are now prominent were once in that most unpleasant position. This is not a case of an individual's private past being resurrected in an embarrassing way. Rather, Sam Brown became a public figure at that time precisely because of his antiwar activities.

I realize that we are only debating whether to confer upon Mr. Brown the title of Ambassador, and that he will be involved in CSCE regardless. Yet I find it entirely appropriate to ask whether it is good judgement to place part of the apparatus of our national security negotiations in the hands of a man who once wrote that ". . . any semblance of a military victory in Vietnam would be disastrous. . . . it would convince many Americans that the war was right." I do not want to characterize such a quotation, but for me that comes uncomfortably close to a willingness to be a party to our military defeat, and although we might be tempted to excuse such an attitude as a youthful indiscretion, we could not be sure that others will do so.

When Sam Brown entered the Carter administration as to head the ACTION agency, he was interviewed by Penthouse magazine. Of course, the nominee can be excused for now wishing that he had not said some of the things he did during this interview and during others, too. What I would point out to my colleagues, however, is that this article appeared precisely because Mr. Brown's accession to a high government post was newsworthy due to the fact that, as they put it, he was the "first person out of the Vietnam antiwar movement to be appointed to a high government position." Again, I would emphasize the view of Mr. Brown as a prominent figure of controversy.

I will not quote from the Penthouse interview at length, but there is one quotation that struck me most strangely: in that interview, Mr. Brown gives his opinion that Max Cleland, a fellow appointee who lost three limbs in the service of his country, was not necessarily a war criminal. This is said in the context of remarks about how well he got along with Max Cleland. He said he meant it in a friendly, not in an accusatory way, but one wonders about how closed and harsh a mind must be to give such faint praise to such a patriotic sacrifice of such a man. I know Max Cleland. He is one splendid man. I am offended by that statement.

I would next note that Mr. Brown's performance as head of ACTION was far from exemplary. He has had to spend a considerable amount of time defending against charges of mismanagement. In 1978 a House Appropriations Committee report identified instances of improper procurement practices, financial mismanagement, grants awarded without competition, improper use of experts and consultants, among other inappropriate management practices.

Mr. Brown in 1977 also received some embarrassing publicity for his attendance of a reception in New York welcoming Vietnam to the United Nations. He now claims that as the gathering degenerated into America-bashing, he became uncomfortable and left. However, he was quoted in the September 26, 1977, New York Times as having a far more enthusiastic reaction to the proceedings.

Again, I repeat that Mr. Brown's previous antiwar activism is not by itself a disqualifying factor. But this appears to me to be a most peculiar and insensitive choice for such a critical post. A number of veteran's groups have come out to express their concerns about Mr. Brown, and former under Secretary of Defense Fred Ikle has written to urge the defeat of this nomination. I have reviewed Mr. Brown's background and this seems to me to be an especially inappropriate placement for him. If the United States is going to retain a position of leadership and guidance in such delicate international security arrangements, we need to have appointees who are appropriate to the task. I would suggest that the nominee's administrative history, as well as his history in relation to security matters, both in terms of controversial and even bizarre behavior and lack of appropriate expertise, surely make him the wrong choice for this position. Let us reserve such an appointment for an individual who commands more widespread confidence and respect.

This is different than other things because you want to hear clearly what Senator BROWN is saying. He is not on some vendetta. He is not interested in some process where this person is destroyed. He is saying simply that this man should not be the Ambassador on the Conference on Security and Cooperation in Europe.

Find him another job, and I will stand here, too, and assist in that process of placing him, but not in this sensitive position, not in the mission he has, not with the things he said in the past.

Call it ideology, call it anything you want, but it is embarrassing when put into its full context. Withdraw this nomination, present Mr. Brown in some other forum with some other task, and this Senator, and I am sure others, depending on what that task is, will support him in that cause.

I received many good recommendations from Democratic friends of mine who are very high on Mr. Brown. I understand that. But I think that is not the position for him.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, will the Chair advise me how much time each side has remaining?

The PRESIDING OFFICER. The Senator from Colorado has 10 minutes remaining, and the Senator from Rhode Island has 1 minute remaining.

Mr. BROWN. Mr. President, I would accede to the chairman's wishes with regard to how he wants to allocate that. We can go ahead and spend our time now.

Mr. PELL. The Senator may go ahead. I have 1 minute which I will use when we get down closer.

Mr. BROWN. So the chairman will have the close on it.

The PRESIDING OFFICER. The Senator from Colorado.

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

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWN. Mr. President, as Members reach a final conclusion on how they will vote on in this measure, I hope they will consider the following four points. They are ones that relate to the importance of this decision and the importance of the future of the CSCE. Some have criticized our foreign policy for its drift. But the truth is foreign policy is a difficult and a challenging area. It is one that any administration, no matter how competent and how good, will have difficult times with because the questions are difficult and because the problems are difficult.

But we as a Senate of the United States have a responsibility in this area. The Constitution defines it. It is to advise and consent. And that is a much heavier responsibility than simply one that says vote for people your party nominates. It demands the best from us because our Nation's foreign policy is not going to end its drift unless all of us do our part.

Our part is clear. It is to advise and consent. We must do more than simply vote in a way that avoids hurting someone's feelings. We must do something more than vote to rubberstamp our President, right or wrong.

We have a responsibility also to judge whether or not Sam Brown is the right person for this job. Honest men and women will differ on that question. But I would ask the Members who would make a decision on that to consider this: First, ask yourself do you believe Sam Brown is qualified for the job?

Mr. President, here is a Washington Post editorial that endorses Sam Brown but listen to what they have to say about his qualifications for the position of CSCE:

> They say that he lacks experience in military and national security issues, which is true, and the bureaucratic pedigree of some other countries' CSCE representatives, which is also true.

In other words, the leading editorial on his behalf acknowledges he does not have the qualifications in national security experience nor experience in diplomacy that will match his counterparts.

I believe most Members will conclude that he is simply not qualified for the job.

Second, I hope Members will ask themselves, do you think Sam Brown is the right one to manage the CSCE, both its operations and its staff?

Members will disagree, but there is objective evidence that is available.

First of all, there is the House Democratic Appropriations Subcommittee staff report. It chronicles dozens and dozens and dozens of violations of the statutes and regulations of this country—some inadvertent, some direct, some conscious.

Now there has been criticism of this House Democratic staff report. Some said it was not voted on. Well, of course it was not voted on. It is a staff report. It was never intended to be voted on.

Another criticism was leveled. It has been said that all the mismanagement that occurred happened prior to Sam Brown's leadership of ACTION.

Mr. President, that is simply not true. I went through in detail more than a dozen specific allegations and violations, as documented in detail in the report, that all occurred during Sam Brown's tenure. I believe, as Members review the RECORD, they will find there is extraordinary documentation of Sam Brown's mismanagement.

For those who have questions about management style, look at the way the head of the Peace Corps was fired—shouting matches, pounding on her door at midnight in a foreign hotel. I have serious difficulty in believing that Members will think this is a management style that ought to be extended to CSCE.

Second, the quote about being second to none in the hatred of intelligence

agencies, perhaps it was a product of youthful enthusiasm. But, Mr. President, a majority of the staff of the CSCE have military portfolios or are military or military intelligence officers. It is the bulk of the staff that he will supervise. Is Sam Brown the right one to supervise and manage that staff? I cannot help but believe that Members will conclude that he is simply not right for the job.

Third, do Members think Sam Brown is the right one to supervise the monitoring of the Open Skies Treaty and the Conventional Forces in Europe Treaty. These treaties are assigned to CSCE for monitoring and follow up. More importantly, CSCE will be the forum in which continuing negotiations on the Conventional Forces Treaty will occur.

Mr. President, one thing is clear: Sam Brown has no national security experience. We are not simply saying he did not serve in the military. We are saying he has no national security experience—something that every Ambassador to CSCE has had—experience in negotiating and dealing with national security questions, issues, handling the material, negotiating on the issues, understanding the forces that are involved. He simply is without experience in that area.

I believe most Members, as they review this question, will come to the conclusion that monitoring and directing negotiations relating to the Open Skies Treaty and the Conventional Forces Treaty are not activities that should be entrusted to someone with no experience. It would be negligent of us to abrogate our responsibility to the Nation by not making our concern clear.

Finally, Mr. President, I believe Members will reflect on whether or not they think Sam Brown is the right one to negotiate the Treaty on Conventional Forces in the future. We expect, and I think all Members hope, that there will be a new agreement with the Russians that will expand the reduction of conventional forces in Europe, that will do even more to reduce the outlays that are wasted on both sides, that will do more to ensure peace and reduce the weapons of war.

Ask yourselves: Will it be helpful to have a treaty negotiated by Sam Brown that proposes significant reductions in European forces, or will that fact make it more difficult to ratify?

This Senator believes that if you send someone who has no background in national security to lead the negotiations on the new Conventional Forces Treaty that, rather than help pass it, it will make it far more difficult to pass.

I am one who has believed in mutual arms reduction. I voted for it. I voted for it at times when my President and much of my party disagreed. I voted for the nuclear freeze. I voted for weapons reductions. I have spoken out against the leadership of my party at times urging agreements that were mutual and verifiable.

As one who believes in mutual reduction of weaponry, I believe having someone with no experience negotiate a weapons reduction treaty would be a tragic mistake. Frankly, Mr. President, I believe it will make such a treaty much more difficult to ratify.

Finally, Mr. President, all of us will cast our vote based on the sense we have about the candidate and the job, whether we like him or not, whether he is qualified or not, whether he stands for what we believe in or not.

While I have spoken out against the confirmation of Sam Brown, let me acknowledge this is a bright person, this is an articulate person, this is an able person in many ways. But, Mr. President, I believe this job demands more. I also believe, in our responsibility and our role to advise and consent, that it would be a tragic mistake to confirm Sam Brown.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, we have heard the arguments pro and con. My own view, and I think the view of many of us, is that Mr. Brown fully matches the qualifications of his predecessors. He has demonstrated a capacity for leadership and for bringing people together. He has a quality of enthusiasm and energy. He will bring to the CSCE a new look and strength and vigor.

I urge my colleagues to vote at least for cloture so that we can get to the vote of the candidate.

The PRESIDING OFFICER. Who seeks recognition?

Who yields time?

Mr. PELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island is out of time.

Mr. BROWN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 1 minute remaining.

Mr. BROWN. Does the distinguished chairman wish more time? I would be glad to share the 1 minute we have left.

Mr. PELL. No. We would both just say the same thing. Let us vote.

Mr. HELMS. Mr. President, Sam Brown's nomination to head of the U.S. Delegation to the Conference on Security and Cooperation in Europe is regarded by veterans groups and countless others as a slap in the face. I commend the able Senator from Colorado [Mr. BROWN] for his thoughtful and well-researched opposition to this nomination. I agree with his remarks and I join in his opposition to Sam Brown.

The differences between my philosophy and that of Sam Brown are as wide as the Grand Canyon. I am offended anew when I read or hear about his past conduct and statements. I resent his callous disregard for his country and I am even more astonished by his utter lack of qualifications for an increasingly important post for the United States in Europe—that of the Vienna post at the CSCE. Mr. Brown's abysmal record during his previous Government service should be of enormous concern to all Members regardless of political affiliation.

The position of U.S. head of delegation to the CSCE in Vienna changed significantly in 1992 and over the last few years, the CSCE position has grown in importance. Military issues addressed in CSCE have been expanded to include confidence and security building measures. Today, CSBM activities include the most important issues of nonproliferation, defense planning and transparency among CSCE member states, monitoring missions and support for U.N. peacekeeping activities. Additionally, negotiations regarding the Conventional Forces in Europe [CFE] Treaty and the Open Skies Treaty are centered in Vienna.

To give you an idea of the importance attached to the military component of the CSCE position, the Russians have asked the United States to revise the flank limits to the CFE Treaty. If approved, this would give Russia the green light to keep Russian forces stationed in the sovereign nations that it considers to be in its sphere of influence. So far, this administration has held firm and opposed any revisions of the flank limits for CFE. This doesn't mean the Russians have given up trying to change United States policy. It will be the job of the head of delegation to CSCE to stand firm. It will require an individual who will be seen as credible and knowledgeable in the eyes of the Russians. As Larry DiRita recently wrote in the Wall Street Journal "given the occasionally confusing and tense nature of exchanges with the Russians on military issues, it is important to have someone with diplomatic or arms control experience in the CSCE job." Mr. Brown is not that person. Mr. President, I ask unanimous consent that a copy of this article be printed in the RECORD at the conclusion of my remarks.

Sam Brown just isn't quite up to Mr. DiRita's standards. It's important to note that U.S. Ambassadors to the CSCE prior to negotiations on the CFE Treaty, were not responsible for such extensive military matters. The military-diplomatic experience has never been more vital than it is today. All of the previous Ambassadors had some form of military or diplomatic related experience prior to being given the CSCE post.

The head of delegation must be able to manage and guide the extensive resources of the United States under his direction. This job involves far more than reception small talk. It requires a knowledge of military and policy matters of much intricacy.

Mr. President, it is clear that Sam Brown has no military experience. From looking at his record, I see that Mr. Brown's only experience with the military involved organizing large protests against United States involvement in Vietnam as head of the Vietnam Moratorium Committee.

What a man says and/or believes reveals a very great deal. Let me share some of Sam Brown's extraordinarily callous statements from his halcyon days as "peace protester extrordinaire." In an article appearing in the August 1970 edition of the Washington Monthly Mr. Brown wrote, "any semblance of a military victory in Vietnam would be disastrous for the United States." It seems that Mr. Brown wanted the United States to lose—to walk away in abject defeat in Vietnam. I imagine that is a deeply troubling statement to many Americans, especially those who lost loved ones in Southeast Asia.

In 1977, when the Vietnamese were admitted into the United Nations, Mr. Brown attended a reception in their honor. Eric Severaid of CBS when reporting on the event characterized this reception as a gathering of those who 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." The New York Times quoted Mr. Brown at the reception as saying, "I am deeply moved, its 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? * * * I believe we ought to aid the Vietnamese in their reconstruction." Mr. Brown was also responsible for proposing that President Carter grant unconditional amnesty to Vietnam war draft resisters.

While Sam Brown had time to deride the United States Government he found no fault with the Communist Government of Vietnam. Sam Brown did not say a word about Communist Vietnam's lack of respect for human rights. He was not offended by the cold blooded murder of thousands of North Vietnamese farmers, the forced exile of thousands of innocent women and children or the religious persecution and murder of thousands of Vietnamese people, verging on religious genocide. Sam Brown did not utter a word on behalf of the true victims. For this reason, I am most troubled that it will be his responsibility at CSCE to decry the same abuses he so readily ignored two decades ago. Will he turn the same blind eye to the issues of human rights abuses, ethnic cleansing, forced exile and the like?

Brown has written "on the night of the Cambodian invasion part of me wanted to blow up buildings, and I decided that those who had waged this war really should be treated as war criminals." Is this the individual the U.S. Senate wants to head a delegation of 40 professionals representing the Joint Chiefs of Staff, ACDA, the Defense Department, the intelligence community, the Agency for International Development, and the State Department? Is this the type of person the U.S. Senate wants directing U.S. policy on nonproliferation issues, defense planning, peacekeeping missions, and negotiating with the Russians on enforcement activities? I think not.

There are plenty of qualified Americans who could serve their country with distinction in Vienna. In a December 1993 Washington Post article, David Broder supported the findings of a report by the late Lewis Puller, Jr. and Jack Wheeler which urged the President to appoint more Vietnam veterans to the administration. Mr. Broder was right when he quoted Mr. Wheeler that, "the Clinton administration is largely a networked clique of people who were antimilitary and antiwar during the 1960's and carry their biases with them still."

Mr. Brown publicly exhibited his complete disdain for the U.S. intelligence community by stating in an interview in 1977, "I take second place to no one in my hatred of the intelligence agencies." I ask again, do we want this man representing the United States in Vienna? If confirmed he would have and need access to the intelligence products of the U.S. Government to carry out his duties. I hope that his previous bias against the intelligence community would not diminish his ability to perform his duties or cause him to disregard the intelligence community as a credible source of information.

Mr. President, it is the role of the Senate to examine the nominees before us. I have always believed that the President should, generally speaking, be entitled to the people he wants surrounding him, but in this case Sam Brown's actions and statements clearly demonstrate that he is not qualified for the position for which he has been nominated to head the U.S. Delegation to the Conference on Security and Cooperation in Europe.

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

[From the Wall Street Journal, May 17, 1994]

WRONG MAN FOR THE JOB

(By Larry Di Rita)

When it was completed in the fall of 1990, the Treaty on Conventional Armed Forces in Europe was no less proof of the West's victory over the Soviet Union than the fall of the Berlin Wall. The treaty enshrined in international law the Soviet retreat from Eastern Europe. As noted by then-Defense Secretary Richard Cheney in July 1991: "With implementation of the CFE treaty, for the first time since the end of World War II" the "Soviets would be denied the ability to mount [an offensive] threat" in Europe.

Thus we ought to be concerned that the Russian successor to the Soviet government has requested that certain treaty limits be relaxed. In particular, 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 obvious Western response to Moscow's request for relaxation should be that that's precisely the point of the treaty, especially as the Russian defense minister and others have cited their intention to remain engaged in what they euphemistically refer to as "the near abroad."

Negotiations over the treaty are taking place in Vienna, at the Conference on Security and Cooperation in Europe. Founded in the mid-1970s, the CSCE accomplished little until the late 1980s when, under the leadership of a series of exceptional U.S. ambassadors, serious negotiations began that eventually led to the CFE treaty. The CSCE is now the treaty's steward, and the Russians have appealed to that body's Joint Consultative Group for changes to the flank limits.

Until recently, the U.S. delegation was in the able hands of Ambassador John Kornblum. Previous assignments as U.S. minister and chief of the political section in the U.S. mission in Berlin, director of the State Department's Office of Central European Affairs and deputy chief of the U.S. mission to NATO gave him a European security pedigree that made it unlikely he would yield anything meaningful to the Russians.

I myself have been no fan of career diplomats per se, but a brief period of service for Ambassador Kornblum in Helsinki made it clear to me that his talents were unique. He was acutely aware, for example, that Europe would soon drift toward chaos without visionary leadership from the U.S.—this at a time when the Yugoslav conflict seemed localized. Unfortunately, his proposed replacement lacks the knowledge and exposure for such vision.

The Senate will soon take up the nomination of Samuel W. Brown Jr. to replace Mr. Kornblum as the U.S. ambassador to the CSCE. A former Colorado state treasurer and Jimmy Carter's director of Action/Peace Corps, Mr. Brown could be the man on whom the stability of this pillar of post-Cold War security will rest. Mr. Brown's qualifications for this sensitive diplomatic post are, at best, well-concealed. But there is much we do know.

A prominent anti-Vietnam War activist in the 1960s, Mr. Brown was a leading student organizer for Sen. Eugene McCarthy's failed 1968 presidential campaign. In 1976, he backed Jimmy Carter. During the Democratic Party's platform committee deliberations that year, he organized an effort to have the party endorse unconditional amnesty to Vietnam War draft resisters. Even in the heady days of the first post-Watergate presidential elections, that proposal was voted down 14 to one in committee.

Once in office as Mr. Carter's director of Action, Mr. Brown made an early mark by attending a September 1977 welcoming reception in honor of the Vietnam delegation to the United Nations. After a rousing speech by Ngo Dien, deputy foreign minister, in which he excoriated the "American impe-

rialists" and their "bloody colonial war," Mr. Brown told a New York Times reporter covering the event that he was "deeply moved." "What can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you?"

One senator voting on the current Brown nomination may wish to explore this theme further. The day after the Times article, the Congressional Record cited the objections of Sen. Daniel Patrick Moynihan (D., N.Y.), who called the New York gathering and the attendance by U.S. government officials "repugnant to American principles and to common decency generally."

Little he said during his nomination hearings suggests Mr. Brown regrets his earlier, youthful views. As we've seen with Mr. Clinton's own election, though, active opposition to the Vietnam War is no barrier to high public office these days. But how about mismanagement, waste and cronyism? In 1978, Mr. Brown's agency was the subject of an investigation by the House Appropriations Committee. Among its findings, quaintly understated in the bureaucratic language of official reports: "ACTION procurement practices often conflict with regulatory and statutory requirements." "The . . . staff found an accounting system in need of further refinement . . . and travel irregularities." "ACTION staff, including high-level officials, have been submitting improper expense vouchers for official travel."

In one interesting irony, investigators learned that Volunteers in Service to America, a high-visibility "domestic Peace Corps," was using volunteers in its Community Organization Research Action Project for political purposes "in the Arkansas primary election," the election in question being the one in which then state Attorney General Bill Clinton won his first term as governor.

The House Appropriations Committee staff report 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 tenure. Former Sen. Gordon Humphrey (R., N.H.) connected the findings to Mr. Brown's future in government when he noted on the Senate floor that "the summary of findings . . . reveals such instances of mismanagement, waste, apparent featherbedding, and favoritism that it is ridiculous to reward him with a new position." (At the time, Mr. Brown was being considered for a confirmable position on the Consumer Cooperation Bank Board.)

Mr. Humphrey administered the coup de grace moments later: "This record of failure to properly administer ACTION in and of itself disqualifies Sam Brown from further Presidential appointments."

But that was then; this is now. As supporters of the president have been quick to remind us regarding the rapids of Whitewater, what happened so many years ago isn't supposed to matter today.

But perhaps it should. In any case, there are obvious grounds for concern about someone with such dubious qualifications. Given the occasional confusing and tense nature of exchanges with the Russians on military issues, it is important to have someone with diplomatic or arms control experience in the CSCE job.

Perhaps Mr. Clinton should heed Mr. Brown's own perspectives on foreign affairs and the presidency. Before the invasion of Afghanistan, President Carter's contribution to U.S. arms-control policy included canceling the B-1 bomber and beginning the negotiations that would lead to the SALT II Treaty, which locked the Soviet ability to destroy U.S. strategic retaliatory power in place. Yet in a December 1977 interview, Mr. Brown allowed that he was "startled that [Mr. Carter] has turned out to be as much a foreign-policy president as he's been—and by and large I'm very happy with what he's done overseas." Mr. Brown, the Russian delegation in Vienna awaits your arrival.

PUBLISHED STATEMENTS OF SAM BROWN

* * * most of us who have worked to end the war for some time believe that any semblance of a military victory in Vietnam would be disastrous for the United States.—The Washington Monthly, August 1970.

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.—The Washington Monthly, August 1970.

I am deeply moved, it's 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? * * * I believe we ought to aid the Vietnamese in their reconstruction.—The New York Times, Sept. 26, 1977.

I take second place to no one in my hatred of the intelligence agencies.—Penthouse Interview, December 1977.

The PRESIDING OFFICER. Does the Senator from Colorado yield back the remainder of his time?

Mr. BROWN. I yield to the superior wisdom of the distinguished chairman.

The PRESIDING OFFICER. The Senator from Colorado, I understand, yields back his time?

Mr. BROWN. Yes.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

The PRESIDING OFFICER. If there is no objection, under the previous order, the clerk will report the cloture motion.

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 debate on 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, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I further announce that if present and voting, the Senator from North Carolina [Mr. FAIRCLOTH] would vote "nay."

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

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 132 Ex.]

YEAS—56

Akaka	Ford	Mathews
Baucus	Glenn	Metzenbaum
Biden	Graham	Mikulski
Bingaman	Grassley	Mitchell
Boren	Harkin	Moseley-Braun
Boxer	Hatfield	Moynihan
Bradley	Heflin	Murray
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
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
Feinstein	Lieberman	

NAYS—42

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

NOT VOTING—2

Faircloth	Shelby

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

LEAD EXPOSURE REDUCTION ACT OF 1994

The Senate resumed consideration of the bill.

Mr. LEAHY. Mr. President, I rise in support of S. 729, the Lead Exposure Reduction Act of 1994. I have cosponsored this bill for several years, and I

am very pleased to see it finally considered on the Senate floor.

The measures in S. 729 are overdue. Fifteen percent of Vermont's 2-year-olds receiving Medicaid have lead blood levels exceeding safe levels, and 9 percent of Vermont's 2-year-olds overall have lead levels equal to or above the safe level. According to Gregg Small of the Alliance to End Childhood Lead Poisoning in Burlington, VT, lead poisoning is the No. 1 environmental health hazard facing American children today.

This amount of lead exposure is intolerable. We need to take direct and immediate steps to reduce exposure to lead and clean up the environment where our children are growing up. This bill provides for the clean-up of older day care centers and schools where lead exposure risks run highest. The State of Vermont, through several State agencies, has worked to address the lead problem in several ways, and this bill will lend additional support. The bill also provides for better health protection from lead exposure through National Centers for the Prevention of Lead Poisoning.

One of my chief interests in this legislation, and in other bills we have considered recently in the Senate, is the public's right to know. The American people have the right to know if a manufactured product presents a risk to their health. One of the economic principles that guides our free-market system is the assumption that consumers have the opportunity to make informed decisions. S. 729 simultaneously perfects our free-market economy and our environment by improving consumers' ability to make decisions based on environmental and health effects.

Vermonters use many products that have traditionally been manufactured with lead. Gasoline, paint, batteries, cans, ceramic glazes, fertilizers, plumbing fixtures, television tubes, computer screens, x-rays shields, light bulbs, ammunition, and fishing weights are just a few of the products that Vermonters are exposed to in every day life. We learned just this month that the brass pumps that some Vermonters use in their wells leach lead into their drinking water. This legislation speeds up the incorporation of alternatives to lead where alternatives exist.

The recycling provision is another noteworthy part of this bill. It guarantees that there will be less lead going into landfills, less lead being incinerated and released to the atmosphere, and less lead coming from mines that exact a significant toll on our limited natural resources. If we are to maintain our standard of living without compromising our environment, we must learn to use our limited resources carefully and efficiently. The recycling provision will take us in this direction.

I have worked hard on legislation to protect tomorrow's generations—from school lunches in local schools to landmines abroad. I have voted for numerous other bills such as the Clean Air Act, the Federal Food, Drug and Cosmetic Act, and the Housing and Community Development Act of 1992 which also address the grave problems of lead exposure. I am proud to lend my strong support to the bill that is before us now.

Finally, this bill is a testament to Senator REID's tireless dedication on this issue. He has worked hard to get the Senate to this point and I want to thank him for his long-standing leadership on this measure. His efforts will have a profound impact on the health of the American people and on the environment of that our children inherit.

This bill is good for Vermont, and good for the Nation. I want to thank the people of Vermont and groups like GreenCorps, Vermont Public Interest Research Group, and the Alliance to End Childhood Lead Poisoning for bringing this issue to the forefront of the Senate's agenda. I urge my colleagues to support this bill.

Mr. WELLSTONE. Mr. President, I am proud to support S. 729, the Lead Exposure Reduction Act. I joined the long list of Senators cosponsoring this legislation last year because I believe it is a good bill that addresses a long-neglected threat to a precious resource: our Nation's children.

Lead poisoning in children is now considered to be a national epidemic, according to the Environmental Protection Agency. A recent EPA study in six upper Midwestern States—including Minnesota—recognized that lead exposures from exterior and interior residential paint, as well as exposures from contaminated soils and dust in urban areas, drinking water, air emissions, food, workplaces, and playgrounds, result in multiple pathways of exposure. Children are particularly vulnerable because lead is most wicked to little bodies that are still developing.

The damage this insidious toxin works on children is as silent as it is irreversible. Even at levels too low for a child to display obvious symptoms, exposure to small doses of lead has been linked to hearing loss, slower reaction time, reduced attentiveness, delays in the age at which children learn to walk and problems with balance. Most alarmingly, studies have shown that the amount of lead in a child's bloodstream can have a measurable effect on his or her intelligence.

This is a problem that did not go away when we stopped using leaded gasoline, or when we quit repairing the plumbing in our homes with leadbased solder, or when we told our kids not to eat the paint chips flaking off the walls of old houses. No, according to the Alliance to End Childhood Lead Poisoning, an estimated two million to three million preschoolers nationwide suffer from elevated blood-lead levels annually. Childhood lead poisoning has been officially declared by EPA to be the No. 1 environmental health hazard facing America's children.

While lead poisoning strikes at the health of our children across all racial, geographic and socio-economic lines, the blow is dealt hardest to poor, minority children, the ones whose families have the least economic or political means to do anything about it.

The numbers are staggering. A 1988 study by the U.S. Agency for Toxic Substances and Disease Registry found that 68 percent of the poorest of black children had blood-lead levels high enough to cause serious, irreparable harm. That's 7 out of every 10 kids, Mr. President. And since the study was done, the Centers for Disease Control and Prevention lowered the standard for unacceptable blood-lead levels, so even more children are now at risk.

The same disproportionate effect appears to be true of Hispanic children. A survey of Hispanic health indicated that Mexican-American and Puerto Rican preschoolers are more likely than non-Hispanic white children to have elevated blood-lead levels, with three times as many Puerto Rican as white children having higher levels of lead in their bloodstreams.

These poor and minority children are at greater risk to lead poisoning because they tend to live in more densely populated urban areas where the soil remains heavily tainted from leaded-gas auto emissions of long ago. Also, many cities with aging drinking water systems still have pipes and plumbing fixtures made of lead.

The largest reason for the disparate exposure of poor and minority children to lead is that they are the most likely occupants of low-income housing built before 1980, when residential use of lead-based paint was banned. The Department of Housing and Urban Development estimated in 1991 that there were 3.8 million homes with peeling lead paint or lead dust inhabited by children under the age of 7. Fifty-two percent of these families had annual incomes of less than $30,000.

The prevention of childhood lead poisoning is a matter of environmental justice. This legislation that we are considering would do many great things to reduce the overall exposure to lead in our environment. It would restrict the use of lead in hundreds of products; ban lead-contaminated food packaging; mandate lead-acid battery recycling; and authorize grants for lead inspections of elementary schools and day care centers.

But we need to make sure that as we do these things, we don't continue to overlook the often unseen and unheard people in poor and minority communities who bear the greatest burden of lead exposure.

Unlike many other toxic substances, lead has been shown to have a direct

cause-and-effect link to adverse health effects in humans. Still the poisoning continues. In particular, say environmental justice advocates, the poor and minority communities who have the greatest exposure to lead have been paid too little attention in EPA's antilead efforts.

In April 1992 comments on the EPA Environmental Equity Workgroup Report, some of the most eminent figures in the environmental justice movement—including Professors Bunyan Bryant and Paul Mohai of the University of Michigan's School of Natural Resources; the Rev. Benjamin Chavis, head of the NAACP; and Charles Lee of the United Church of Christ—lamented the agency's progress against entirely preventable lead poisoning of poor minority children:

[E]ven in the face of conclusive data we feel the agency has been less than helpful," they wrote. "In ameliorating the impacts of lead on black children—we feel that the agency has not been able to respond in any meaningful way. We feel the decisions for less-than-adequate action may be related to political and economic decisions. Meanwhile, millions of black and inner-city children will pay for the price of [lead] production for the rest of their lives, and there will be millions more joining the ranks.

This bill is a step in the right direction to correct those problems. What it seeks to accomplish is tightly interwoven with the goals of a bill I introduced in February, S. 1841, the Public Health Equity Act. That bill would give traditionally unempowered communities the tools they need to fight the same environmental battles that more affluent neighborhoods have waged so successfully over the past two decades.

Both of these measures are important not just to our generation, but to our children and the generations beyond them. I urge Senators to support these bills.

Mr. DODD. Mr. President, I rise in strong support of S. 729, the Lead Exposure Reduction Act, of which I am a cosponsor.

I believe this measure is long overdue. We have known about the dangers associated with exposure to lead, particularly with regard to children, for some time now. And yet our Nation lacks a comprehensive, coordinated approach to address the lead problem. Although I am pleased that the Federal Government has already devoted significant resources to lead abatement efforts, what is needed is a program that attacks the problem on several fronts: prevention, abatement, phaseouts, and enforcement.

I am particularly gratified that much of the legislation targets our Nation's children. It is shameful that an estimated one-in-six children is lead poisoned. Of course, poor children are disproportionately affected by this hazard, with African-American children more than twice as likely than white children to be poisoned—as if these kids did not have enough working against them.

The evidence about the effects of lead exposure on children, even at low levels, is alarming. We know that lead causes lowered IQ, learning disabilities, hyperactivity and attention deficit, and other cognitive and behavioral problems. Make no mistake. Society pays a heavy price—to say nothing of the individual—for these disorders. And again, when we consider that lead disproportionately affects a population that is particularly vulnerable to dangers such as violence, drug abuse, and neglect, we cannot fail to recognize the critical role lead prevention must play in our efforts to help children at risk.

This legislation strengthens our ability to attack lead in the classroom and day care center in several ways. It directs the Environmental Protection Agency to issue regulations to require States to inspect schools and child care facilities for elevated levels of lead and to make recommendations as to how a lead hazard should be remediated. For those who would raise the specter of unfunded mandates, it is important to note that this legislation provides grants to States for inspections and reports. Moreover, it does not require owners or operators of facilities to abate lead hazards.

However, the bill wisely requires that parents be informed of lead hazards present in their children's schools and day care facilities. I believe strongly that parents have a right to know when their children are being exposed to environmental risks. In this way, they can make informed decisions about where to place their children, and, alternatively, about what steps need to be taken to ensure that their children are protected.

There are several other important provisions within this legislation, including phaseouts of lead in manufacturing, product labeling, recycling of lead-acid batteries, and additional studies. Together, these reports will go a long way toward reducing exposure to this very real and present hazard. We owe it to ourselves and our children to enact the Lead Exposure Reduction Act this year. Senate passage brings us one step closer to this goal, and I know that the managers of this bill will work diligently to see that this reaches the President's desk.

Mr. President, in this regard, I want to commend the managers of this bill, in particular Senator REID, for his tireless work on this legislation. He deserves a great deal of credit, and, on behalf of the citizens of my State and children nationwide. I thank him.

Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, I rise in strong support of S. 729, the Lead Exposure Reduction Act. The bill is an important response to the use of lead in instances where an unreasonable risk of lead exposure and subsequent risk to human health exists.

We all know the adverse health effects associated with lead exposure. Particularly alarming is the impact of lead exposure on our young people. A 1990 study by the Office of Technology Assessment [OTA] cited several critical reasons why the effects of lead on children are so severe. According to the study, 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. Furthermore, the primary target for lead toxicity, the central nervous system, is less developed in children, thus exacerbating the adverse effects of lead exposure.

Adults are also at risk from lead exposure. In fact, senior adults may be at particular risk, as lead stored in an older person's bones may be mobilized during osteoporosis or in the normal demineralization of the skeleton with aging. As one witness stated before the Environmental Committee's Toxic Substances Subcommittee, "We may indeed have senior citizen populations who are going to receive their life-time exposure of lead coming back to them a second time." Such a release of lead in older individuals may be a cause of reduced mental function.

I am pleased to note that these risks have not gone unnoticed. Congress has specifically addressed the lead problem in gasoline, paint, drinking water, and solid waste. Most recently, Congress debated the lead issue in the context of the Housing and Community Development Act of 1992. Title X of the act tackled what the Environmental Protection Agency considers to be one of the major exposure concerns in the environment, lead-based housing paint. Title X 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 in the market. Some may present a serious risk to human health and the environment and some others may not. That is the focus of S. 729—on lead in consumer products. Unlike the bill as originally reported, the legislation before us does not address the issues of lead exposure during manufacturing and processing. The aim here is to deal with adverse exposures through the marketplace, where our children are most susceptible.

The bill is straightforward, calling on the Administrator of EPA to:

First, develop an inventory of all lead-containing products sold or distributed in commerce;

Second, establish 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; and

Third, provide for the labeling of products included on the exposure concern list.

In addition, the bill restricts the use of lead in paint, plumbing fittings, and 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 disposal of batteries would be prohibited. Rather, such batteries would be managed through a reverse distribution system—from battery retailers to smelters for recycling. Finally, the bill includes several important provisions with respect to research into lead abatement and health protection from exposure to lead.

Mr. President, I would like to touch on just one point before I close. Section 107 of the bill includes comprehensive provisions of lead testing and inspection of schools and day-care centers constructed prior to 1980—continent upon the availability of Federal funding. It is imperative that we do all we can to locate potential lead exposure hazards, especially those hazards in our children's every day environment.

I might add, however, that this bill does not mandate cleanup of these facilities. Now, it may be the case that there is not a lead problem in our schools or day-care centers. We do not know the extent of the problem, or even if there is one at this point. This bill will help make that determination. I do know, however, that the bill does not provide funding for lead abatement. So, I want to make it clear that we may have to revisit this issue at a later date. There is certainly no intention on this Senator's part to create some sort of unfunded mandate. The purpose here is only to establish a program for testing and inspection.

Mr. President, S. 729 represents a bold attempt to deal with one of the most vexing health issues for our young people, exposure to lead. I thank the chief sponsor of the bill, Senator REID, for his work on this legislation, and I urge my colleagues to support the bill.

The PRESIDING OFFICER. Under the previous order, the question now occurs on final passage of S. 729, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] 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 result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—97

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

NAYS—1

Helms

NOT VOTING—2

Kennedy Shelby

So the bill (S. 729), as amended, was passed, as follows:

S. 729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "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.
Sec. 205. Sense of the Senate concerning lead fishing sinkers.

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 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 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 reasonable 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 sub-

section (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 re-

quirement 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).

SEC. 205. 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 1,600,000 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) SENSE OF SENATE.—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.

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, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I want to take a few minutes to thank my colleagues for their resounding support of this lead reduction legislation. It is extremely important legislation for the country.

There are many people I want to thank for helping this bill pass the Senate, not the least of which is the chairman of the committee, Senator BAUCUS. He has been very patient and understanding, and this has been a difficult issue for western Senators because it involves a mineral, lead, which is produced in Nevada and in Montana. But I do say—and I want this spread across the RECORD—that Senator BAUCUS has always been willing to listen, and he has been a great arbiter of some very difficult situations we have had, and the people of Montana, and the people of this country are well served with his being chairman of this committee. And Senator BAUCUS' staff member, Cliff Rothenstein, has been extremely helpful.

I thank Sheila Humke, who was on my personal staff many years. In fact, in the House she worked for me. She worked 8 years for Congressman Santini before. Even though she was born and raised in the DC area, she has a great knowledge of Nevada-related matters. She served on the staff helping me on the Environment Committee for 2 years. She is still with my personal staff. Even though she was not here this past year to work on this legislation, because she recently had a baby, I express publicly my appreciation to Sheila for the countless hours she has spent on this legislation.

Mr. President, this legislation has taken 4 years. We have gone through a number of professional staff that were assigned by different Government agencies, who were here doing internships and other Government programs, such as Mimi Guernica, Stephanie Clough, and Bob Kenney, and they did a wonderful job for me. So many others have worked on this bill that I will not take the time to mention their names, other than that they have been a significant help, coming from different governmental agencies to work on this legislation.

Christine Russell, from the staff of Senator BOB SMITH, the ranking member of the subcommittee, has been extremely helpful in allowing us to get over procedural hurdles so we could legislate here, as we have in the last couple of days.

Senator CHAFEE and his staff have been extremely important. This is an issue he believes in personally, as has

been indicated by his work on this issue. But, also, John Grzebien from his office, played a key role in moving this legislation forward. Also Senator DANFORTH, who I talked about briefly yesterday, has significant interest in the lead issue, because most of the lead mined in the United States is mined in his State, and we have worked, especially the past week or so, with him; and particularly Marc Solomon of his staff, who has been very cordial and understanding and helped us work through two very difficult issues this past week or two.

Jerry Reynoldson, who works on the Environment staff, has worked on this bill now for a year and a half and has worked extremely hard. I want to acknowledge publicly his good work on this issue.

There are others who I want to commend from the business community. I read a number of names yesterday. I will not do that today, other than to say we have spent days, weeks and months with people from the business community trying to work things out with them.

From the environmental community, we have had a lot of input, especially from the Environmental Defense Fund. This an issue that they believe strongly in. They testified before the subcommittee on more than one occasion on this issue and TSCA in general, and I want to express my appreciation to that entity for the work that they have done.

As to the battery entities, a couple of those have worked hard, because though a lot of people are impacted by this legislation, no one is more directly impacted more than the battery industry because 80 percent of the lead that is mined in this country goes into battery use.

The electronics industry and the plumbing industry have also been integral to allowing us to get to the point where we have.

I again express my appreciation to my colleagues both on this side of the aisle and the other and staff members that I have not mentioned and do so with anticipation that we are going to get a bill out of the House and hopefully bring back the approval of the conference report in the near future.

I yield the floor and yield back the remainder of whatever time I have.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, first I want to compliment the Senator from Nevada [Mr. REID], and thank him for his compliments with respect to the lead bill.

Everyone who is involved in this issue knows, however, that the primary credit for the passage of the lead bill, in working out all of the various complexities—on the one hand, environmental problems with lead and how it adversely affects people, especially the young children; and, on the other hand, setting up regulations and standards in a reasonable way—the primary credit goes to the Senator from Nevada. He worked very, very hard, much more than anyone else in this body, to help secure a proper balance. The citizens of Nevada should be very proud of his efforts.

Mr. JEFFORDS. Mr. President, I would like to commend the Senator from Nevada and the Senator from New Hampshire for their tireless efforts to complete this important legislation. In addition, I applaud their willingness to work with a variety of parties affected by this legislation and their ability to draft a bill which will go a long way towards reducing levels of lead in the environment.

Mr. President, this bill reflects many hours of work on behalf of the members and staff of the Environment and Public Works Committee. I recall in July 1990 spending time as a member of this committee negotiating pieces of the pending legislation. I cannot emphasize enough the important of such legislation and urge my colleagues to support passage.

All across this country children suffer from ingestion and exposure to lead. Lead is a toxic substance and can cause significant problems when it contributes to elevated blood-lead levels—especially in children. The detrimental effects of lead contamination go beyond the affected individuals; we pay a social cost as well. This lead reduction initiative will reduce children's exposure to lead, decreasing adverse health effects. The bill will ask manufacturers of certain products to reduce the lead they use, will require States to reduce lead hazards in schools, increase lead battery recycling and will spur the reporting of blood lead levels.

Mr. President, this bill represents clear evidence that the Senate cares about the health of this Nation's children. I commend all the Senators that have worked on this legislation throughout the years, and especially Senators REID and SMITH. I hope the Senate will overwhelming pass this important bill.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

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

RAY JOHNSEN

Mr. SIMON. Madam President, we are all heavily dependent on our staffs and the support people around here. We are dependent on the pages and the people who take down our words and the people who tell us what is pending, the people who guard this establishment and the elevator operators and many others. Each of us who is a Member of the Senate, we are heavily dependent on our staff. We may get the publicity, but we know who has done the work.

I have been fortunate in having a superb staff, really dedicated people. One of the people I have had with me for a long time, with whom I have worked, is Ray Johnsen.

I went to college with Ray Johnsen, a small liberal arts college in Nebraska, a very fine school, Dana College, in Blair, NE. After I left the school, I got into the newspaper business and asked Ray Johnsen to join me there. He did. Then when I got into government he joined me in my government work. He has just been a superb public servant. He has not received the attention that we receive as Members of the Senate, but he has been a public servant just as much as those of us who serve in the Senate.

A friend of mine who worked for me at one point, who later became chief of staff for Senator Alan Dixon and is now Assistant Baseball Commissioner, Gene Callaghan, said he has never known anyone as good as Ray Johnsen on moving on things quickly. He has been great that way.

He has handled all the books in our office, and he is someone I trust completely. The people of Illinois and the people of the Nation can trust him completely. I have never had any question about what he is doing and whether things are going well.

He is retiring at the end of this month, and that is a loss for me personally. It is a loss for my office. It is a loss for the Senate. He is as fine an individual as I have ever known. I hate to lose him. But I wish him well. He deserves the very best in his retirement. And, again, it is not just that he has served and worked with PAUL SIMON—that is tough enough, to work with PAUL SIMON all these years—but he has served the people of our State and of our Nation well, and I am very proud of Ray Johnsen, as I am of the other members of my staff.

CONGRATULATING THE 16 RECIPIENTS OF THE FBI DIRECTOR'S ANNUAL AWARDS FOR EXCELLENCE

Mr. LEAHY. Mr. President, yesterday the four defendants convicted in the bombing of the World Trade Center were sentenced to life terms of imprisonment, bringing to a close one chapter in this terrifying tale of terrorism on American soil. As a former prosecutor, I recognize that successful prosecutions such as this one are based on painstaking work by law enforcement officers. Long before a case reaches court, law enforcement officers spend many long hours away from their fami-

lies, oftentimes at great personal risk, out in the field collecting the evidence necessary to provide a defendant's guilt.

Last Monday, the Federal Bureau of Investigation held its annual awards ceremony to recognize the outstanding achievement of 15 agents from the premier law enforcement agency, and of a private citizen who displayed exceptional courage and commitment while cooperating with the FBI. Their achievements include unraveling an elaborate scheme by a defense contractor to defraud the Government of millions of dollars; uncovering significant financial institution fraud; using special equipment to detect smuggled cocaine in Colombian soft drinks and a fiberglass dog kennel; and catching corrupt State officials.

These are only a few examples of the excellent work of FBI agents from around the country. The achievements of these agents did not receive the same massive media attention as the World Trade Center bombing, but their successes are significant nonetheless.

Director Freeh said at the awards ceremony, "If it could, the public would thank you." He is right. I want to offer my congratulations and thanks to Director Freeh and to these law enforcement agents for dedicating their professional lives to making this country a safer, better place to live.

The three recipients of the FBI Director's First Tier Annual Awards for Excellence are: Dale W. Anderson; Stephen P. Kosky II; and David Fathauer. I have attached to my statement the descriptions of the impressive achievements of these three agents. The recipients of the FBI Director's Second Tier Awards for Excellence are: Anthony J. Pinizzotto; Brian Donnelly; James J. Wedick, Jr.; Bruce E. Carlson; George P. Noble; Raymond E. Bendig, Jr., J. Michael di Pretoro; Roderick D. Huff; Arlene D. Highfield; Jacquelyn Z. Estok; Kyle E. Stevens. Mrs. Minnie Ann Lane received the Director's Award for Exceptional Public Service, and Chris R. Hoehle received the Thomas E. Duhadway Humanitarian Award.

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

"THE DIRECTOR'S AWARD FOR EXCELLENCE IN MANAGEMENT"—DALE W. ANDERSON, SUPERVISORY SENIOR RESIDENT AGENT, BUFFALO FIELD OFFICE

Presented to Mr. Anderson for his exemplary managerial skills and outstanding leadership in the Rochester Resident Agency (RA) since July 1984. As a result of his effective management during this time, the RA successfully developed and concluded the investigative phases of a number of major priority cases which required a major commitment of resources and personnel. At the same time, other investigative matters placed a great demand on the remaining limited resources and personnel within the RA. Mr. Anderson ensured all of these issues were addressed in an exceptional manner and in the highest professional standards of the FBI. One effective management tool used by Mr. Anderson was to augment his severely taxed investigative resources and personnel through the employment of joint/multiple agency investigations. Also, as a direct result of his outstanding leadership, employees assigned to the RA continually performed at exceedingly high levels, resulting in major accomplishments. In discharging his management obligations, Mr. Anderson leads by example, and in doing so, instills a "can-do" attitude in the personnel assigned to the RA, both Agent and support. His ability to successfully overcome numerous obstacles throughout this time period is indicative of his dedication and commitment to the success of the FBI.

THE DIRECTOR'S AWARD FOR EXCELLENCE IN INVESTIGATIONS—STEPHEN P. KOSKY II, SPECIAL AGENT, CINCINNATI FIELD OFFICE

Presented to Mr. Kosky for his exemplary performance during the Fraud Against the Government investigation involving the General Electric Aircraft Engine Business Group (GEAE). Utilizing a cooperating witness, Mr. Kosky developed information concerning the corrupt activities of a GEAE program manager and an Israeli Air Force General who in 1984 initiated a scheme to divert funds from F-16 fighter plane jet engine contracts. The scheme progressed, and the Israeli Ministry of Defense was reimbursed by the United States Department of Defense, Foreign Military Sales Program, for payments to GEAE for uncompleted and unstarted projects. Based on information from the cooperating witness, Mr. Kosky interviewed three managers and seized a roomful of hidden records. As a result of his in-depth knowledge of this case, he participated in a meeting with other involved agencies and Israeli Government representatives to present the allegations and the evidence. Mr. Kosky also traveled to Washington, D.C., on a regular basis over a period of several months, to challenge inaccuracies presented by GEAE's legal counsel. He eventually traveled to Israel to gather additional evidence and conduct key interviews. Mr. Kosky's investigative expertise led to the unraveling of this elaborate scheme to defraud the government of millions and resulted in a corporate plea of guilty by General Electric and a settlement of $69,000,800, one of the largest settlements ever granted under the "Whistleblowers" Statute.

THE DIRECTOR'S AWARD FOR EXCELLENCE IN INVESTIGATIVE SUPPORT—DAVID FATHAUER, FINANCIAL ANALYST, MIAMI FIELD OFFICE

Presented to Mr. Fathauer for his exceptional performance in a Financial Institution Fraud case entitled CENTRUST. Upon being assigned to this case, Mr. Fathauer provided a meticulous review and analysis of financial records which identified millions of dollars in misapplied CENTRUST funds. After summarizing and indexing thousands of documents, Mr. Fathauer utilized ingenuity, innovation, and hard work to create flow charts, graphs, and schedules to simplify the case and put events and complex transactions into a clear perspective for the investigators, U.S. Attorneys, and jurors. He also designed and customized databases which specifically related to each area of the CENTRUST investigation so information could be accessed with little or no assistance. During trial preparation and the course of the trial, Mr. Fathauer continued to contribute to this case by designing graphs that reduced convoluted testimony from various witnesses to a one-page graph that went unchallenged by the defense attorneys. Mr. Fathauer's tireless efforts, commitment, and determination certainly were major factors which contributed to the high degree of success achieved in this case which resulted in the indictment and conviction or guilty pleas of the defendants. His performance is in keeping with the finest traditions of the FBI and its employees.

TRIBUTE TO ALFONSO JAMISON

Mr. LEVIN. Mr. President, I rise today to honor and pay tribute to a friend from Michigan, Alfonso Jamison, who retired from the Saginaw Police Force on March 24, 1994 after 23 years of distinguished service. Officer Jamison began his career as a Saginaw police officer on March 24, 1971.

Officer Jamison was not just a law enforcement official, but also a role model for community members in general and area youth in particular. Officer Jamison was active in the Community Relations/Crime Prevention Program and was instrumental in starting 102 Neighborhood Watch Groups. These groups are all still active today, largely because of Officer Jamison's continued support and interest, including attending meetings and block picnics.

In addition to aiding in the prevention of area crime, Officer Jamison volunteered to help area youth overcome violence. He helped at-risk youth including resolving conflicts between gangs. Officer Jamison was also concerned with the youth drug problem and helped to organize "just say no" drug prevention rallies for students as well as the Houghton-Jones Area Task Force and the "Dribble Against Drugs" program.

Officer Jamison was promoted a number of times during his career and earned many more certificates for special training and educational achievement. He was a member of the board of the National Black Police Officers Association, and was singled out for meritorious service within the Saginaw Police Department for special recognition by community organizations.

United Saginaw Against Crime is sponsoring a community-wide dinner to honor and show their appreciation to Officer Jamison for all of his achievements. The Saginaw Police Force and the people it serves will surely miss him, and I wish him all the best in his retirement.

TEENAGE PREGNANCY

Mr. SPECTER. Mr. President, I would like to make a very brief comment on a very important hearing which was held this morning in the Subcommittee on Education, Health, Human Services and Labor with Chairman Senator HARKIN and myself on the issue of teenage pregnancy.

In the course of that hearing we heard from the Surgeon General, Dr.

Elders, and others, about the scope of that problem. It has been characterized by our colleague, Senator MOYNIHAN, as a central problem in America today. It may well be the most important problem as we grapple with teenage pregnancy where we have a family coming into existence without any family structure at all. It has ramifications on very substantial costs in welfare. It has ramifications on the ability of the child to learn. It has ramifications on cost control.

We see a pattern involving children giving birth to children. Children from teenage parents become teenage parents themselves.

I commend to my colleagues the testimony of Dr. Elders and the testimony of three teenagers who came in, two of whom were teenage pregnant.

I shall have more to say about that subject, but in the limited amount of time I had remaining I did want to bring this subject up.

RESOLUTION COMMENDING ROBERT C. LOUTHIAN, JR.

Mr. BYRD. Mr. President, I ask unanimous consent that the text of a resolution commending Robert C. Louthian, Jr. be printed in the RECORD.

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

S. RES. —

Whereas Robert C. Louthian, Jr., Senior Counsel in the Office of the Legislative Counsel of the United States Senate, has retired after more than 40 years of distinguished service in the Office of the Legislative Counsel of the Senate;

Whereas Robert C. Louthian was appointed as law assistant in the Office of the Legislative Counsel of the United States Senate on July 14, 1952;

Whereas Robert C. Louthian has served in the Office of the Legislative Counsel longer than any other individual in the history of the Office;

Whereas Robert C. Louthian has made major contributions in the drafting of legislation relating to the District of Columbia government, commerce, energy, environment, shipping, communications, and Indian affairs and has served as a legal adviser to other Senate offices; and

Whereas Robert C. Louthian has unfailingly met the legislative drafting needs of the United States Senate with dedication, professionalism, and skill: Now, therefore, be it

Resolved, That the United States Senate—

(1) expresses its gratitude to Robert C. Louthian, Jr., for his over 40 years of faithful and exemplary service as an attorney in the Office of the Legislative Counsel of the Senate; and

(2) commends Robert C. Louthian for the superlative quality of his service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Robert C. Louthian.

CONGRATULATING MARCA BRISTO ON HER CONFIRMATION AS THE CHAIR OF THE NATIONAL COUNCIL ON DISABILITY

Mr. HARKIN. Mr. President, I would like to congratulate Marca Bristo on her confirmation by the U.S. Senate on May 12, 1994 to serve as the Chair of the National Council on Disability.

In my capacity as Chair of the Subcommittee on Disability Policy, I have known Marca for almost 6 years. She is a trusted adviser on matters relating to national disability policy.

Marca has taught me that disability is a natural part of the human experience that in no way diminishes the fundamental right of individuals with disabilities to live independently, enjoy self-determination, make choices, contribute to society, and enjoy full inclusion and integration in all aspects of American society.

Marca has also taught me that independent living, including consumer control, self-determination, self-help, peer support, and advocacy must be at the core of our Nation's disability policy.

I believe that Marca's national leadership experience and proven ability to work with and motivate a wide mix of individuals, her managerial skills, experienced and lauded speaking style, and her standing in the disability community make her uniquely qualified for this role.

Marca is the president and chief executive officer of Access Living, a center for independent living in Chicago, IL. Marca is the recipient of numerous awards and honors, including the Distinguished Service Award of the President of the United States. Most recently, she received the highest award in the disability field, the Henry B. Betts Award.

Again, I extend congratulations to my friend, Marca. I look forward to working with her as we continue our efforts to make the promises of the ADA realities for millions of people with disabilities in this country and around the world.

TRIBUTE TO NANCY N. CAMPBELL

Mr. LIEBERMAN. Mr. President, I rise today to say a few words about Nancy N. Campbell, who will be honored in my home State of Connecticut for her outstanding contributions to historic preservation.

On May 26 at the Wadsworth Atheneum in Hartford, Nancy Campbell will receive the Harlan H. Griswold Award, the highest tribute which can be given in Connecticut for work in support of the cause of historic preservation.

Ms. Campbell is being honored for her leadership in local and State preservation in Connecticut and for her effectiveness in promoting preservation at the highest levels of national awareness.

As a resident of Middletown, CT, Ms. Campbell helped found the Greater Middletown Preservation Trust and served as a member of the Landmarks Advisory Board of Wesleyan University. She joined the board of the Connecticut Trust for Historic Preservation, where she served a term as chairman. For 6 years, she served as a member of the Connecticut Historical Commission.

She continued in her commitment to preservation activities after establishing a second home in New York, where she now serves as vice chairman of the Preservation League of New York. While maintaining homes both in Connecticut and New York, she was asked to serve on an advisory committee to Connecticut's Department of Transportation, whose goal was to create a set of design standards for Connecticut's beloved and historic Merritt Parkway. This important document has been completed and is being instituted.

Ms. Campbell now serves as vice president of the board of the National Trust for Historic Preservation.

The landscape of Connecticut and indeed of the entire United States will be the richer for her dedicated efforts to historic preservation.

A CARING INDIVIDUAL

Mr. DOLE. Mr. President, I continue to hear from hundreds of Americans who want to express their respect and admiration of former President Richard Nixon.

One of the most eloquent memories of President Nixon was one that was printed in the Washington Post on May 1. It was written by Harold Bell, who is a sports talk show host and president of "Kids in Trouble" here in Washington, DC.

Mr. Bell paints a memorable picture of a caring individual, and I ask unanimous consent that his article be printed in the CONGRESSIONAL RECORD.

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

HE WASN'T A GREAT GOLFER BUT * * *

I met Richard Nixon in 1957 at the Burning Tree Golf Course in Bethesda. Burning Tree was a whites-only, all-male, private golf club for the movers and shakers of world politics. Mr. Nixon, at the time was vice president, and I was a student-athlete attending Spingarn High School in Northeast Washington.

I carried golf clubs on the weekend to help my mother make ends meet for my brothers and me. One Saturday evening after caddying one round and finishing early, I decided to double or at least increase my earnings of the day. I joined a group of older guys, which included Petey Green (who went on to become a legendary radio and TV personality in Washington), in a game of cards in the caddy shack. Big mistake. I was broke within an hour.

Now I had to figure out how I was going to explain to my mother that I had been at the golf course all day (I would usually leave the

house at 7 a.m. and return around 7 p.m) and had nothing to show for it. I borrowed two dollars from Petey Green for the bus fare and hamburgers at Little Tavern. I headed for the parking lot to hitch a ride to Westmoreland Circle to catch the bus home to my housing project, Parkside, in Northeast. As I emerged from the woods with my head hanging down. I heard the voice of club pro Max Elbin calling me. Mr. Elbin wanted me to take two bags out for another round. Before he could finish the sentence, I had the bag on my shoulder, and I was standing on the first tee waiting for my two saviors. I would never forget how these men saved me from having to explain to my mother how irresponsible I had been that day.

I had no idea who these men would be, but at this point I didn't care. Ten minutes later, out of the club house walks Vice President Nixon and Attorney General William Rogers. They both greeted me with a smile and handshakes. Mr. Nixon asked if I was ready for an adventure around the Burning Tree Golf Course, and I smiled and said "Yes, sir." I had not fully understood what he meant when he said "adventure," but after three holes, I understood the remark. Mr. Nixon's golf balls spent more time in the trees than most squirrels. On the other hand, Mr. Rogers was a pretty decent golfer.

I thought that since it was so late in the evening, along with the bad golf of Mr. Nixon, they would only play nine holes, but this would turn out to be an 18-hole adventure. As we approached the 18th hole, I noticed the lights were on in the clubhouse, and my homeboys had probably left for the long ride back to the projects. This was my first time at the golf course this late without a ride.

It was now after 7 p.m. and it was the dark of night. There were few cars in the members' parking lot. The few members who remained were more than likely involved in a high-stakes gin rummy game. The likelihood of my getting a ride to town before 10 p.m. did not look good. I would probably end up catching a ride with the help (cooks or locker-room men).

The two gentlemen who had rescued me from going home broke three hours earlier came to my rescue again. The vice president and the attorney general came bouncing out of the clubhouse, and before I could say, "Good night," the vice president had offered me a ride into town. It had never crossed my mind to ask for a ride, even though members routinely gave caddies rides into town to catch the bus.

The "adventure" became many more adventures and the development of a lasting friendship with then-Vice President Nixon. I have been amazed over the years as I read or heard people say how aloof, withdrawn and noncaring this great man was.

During the evening of golf and the ride to the bus, Mr. Nixon wanted to know where I lived, how many brothers and sisters I had, what school I attended, what sports I played and what kind of student I was. I was caught completely off guard: Here was the vice president of the United States taking an interest in a poor little black kid from a housing project in Northeast Washington.

The one thing that I wanted to brag about was how great an athlete I was. I bragged about how I played three sports and was a starter in all three. The vice president turned from the front seat and looked at me in the eye and said, "That's great, but how are your grades?" And I saw Attorney General Rogers peering in the rearview mirror waiting for my response. All I could say was that my grades were "okay." Mr. Nixon's response was, "Harold, you have got to do better."

Before letting me out at the bus stop, the vice president let me know that they were weekend warriors and late Saturdays were the best time for them. Two weeks later, I had their bags again.

It was more than 10 years later that I observed Mr. Nixon touring the riot-scarred corridor in the Shaw neighborhood of Northwest Washington, but on this occasion he was being called Mr. President. I was assigned to the Shaw community as a roving leader for the department of recreation, working with troubled youth. Many black residents in the community were shocked to see him in the "hood" and questioned his motives. But I knew that he was concerned about his black neighbors north of the White House.

Two weeks later there was a letter from President Nixon. After that Mr. Nixon extended an invitation to me and my wife, Hattie, to join him and then-Secretary of State William Rogers at the White House to break bread and talk about the early years at Burning Tree Golf Course.

In 1969 I received a presidential appointment to become the first civilian to head a Domestic Actions Program on a military facility in the United States. I don't even remember Mr. Nixon ever asking me if I was a Republican or a Democrat or making me feel uncomfortable because of my color or the fact I was his caddy.

IRRESPONSIBLE CONGRESS? TAKE A LOOK AT THIS

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Tuesday, May 24, at the close of business, the Federal debt stood—down to the penny—at exactly $4,591,881,334,308.86. This debt, mind you, was run up by the Congress of the United States, because the big spenders in the U.S. Government cannot spend a dime that has not first been authorized and appropriated by Congress. The U.S. Constitution is quite specific about that.

And pay no attention to the nonsense from politicians that the Federal debt was run up by Ronald Reagan or George Bush. The Congress is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Alaska [Mr. MURKOWSKI] as a member of the Senate delegation to the North Atlantic Assembly spring meeting during the second session of the 103d Congress, to be held in Oslo, Norway, May 26–30, 1994.

The Senator from Iowa.

PRESIDENTIAL IMMUNITY FOR ACTS OCCURRING BEFORE ASSUMING OFFICE

Mr. GRASSLEY. Mr. President, for the first time, a President of the United States has been sued for acts occurring before he assumed office.

Press accounts suggest that when he responds to the lawsuit, the President will argue that he is immune from suit. Not being a lawyer, I cannot say whether the law grants the President immunity in this situation. I do know that two lawyers will, no doubt, have two different opinions in this matter, even after reading the same case law.

Whatever the President may legally be able to claim, I hope that he will not rely on an immunity argument. No one, including the President, is above the law. Consider the hypothetical situation that Prof. Charles Fried has raised. Suppose that George Bush, before he was President, had run over a swimmer in his speedboat.

What would be the reaction if the swimmer's widow could not bring suit to recover for the injuries and loss of support? Even if her suit were delayed until the President left office, the personal suffering would be terrible.

It would be inappropriate to delay the lawsuit until an undetermined time.

Statutes of limitations exist to make sure that the memories of witnesses are fresh. Delaying the case would only serve to diminish the memories of the parties, and harm the ability to determine the truth.

Although the President's efforts to perform his job might be harmed by the lawsuit going forward, all other civil litigants face that prospect as a matter of course.

Moreover, press reports indicate that the White House is considering arguing that while immunity should apply to this case, it would not apply to, for instance, a zoning dispute involving property the Clintons owned. Does anyone think that zoning is more important than sexual harassment?

So far, women's groups have stood on the sidelines in the Jones versus Clinton case. They have been criticized in some quarters for their hypocrisy. After all, they embraced Anita Hill without question or reservation. There are many differences between Professor Hill's and Ms. Jones's allegations.

One major difference is that Ms. Jones sought to bring her charges before a Federal judge. Professor Hill chose not to pursue her claims at the time. By the time she did bring them out in public, it was too late to file them in court.

Ms. Jones is entitled to her day in court.

She will have the burden of proving her case, and the civil justice system will resolve her claims in accordance with standard procedures. But if the President relies on an immunity defense that is certainly available to no one else, then Ms. Jones will not have her day in court.

And that would mean that the issues in her case may not receive the serious treatment that all such allegations deserve.

I know that institutional reasons are offered to justify immunity. It is claimed that the President cannot take time away from his important duties to give deposition testimony.

I agree that the danger of subjecting the President to potentially frivolous lawsuits should be avoided. But I believe that all potential civil litigants are in the same position as the President, even if not to the same degree. Accordingly, I have strongly supported an effective rule 11 of the Federal Rules of Civil Procedure.

Rule 11 allows courts to sanction attorneys who file frivolous cases without having checked into the legal and factual validity of their claims. The rule benefits all potential defendants, including the President, by staving off the flood of frivolous suits the White House fears would be unleashed in the absence of immunity.

The more than two centuries in which no such suits were brought, combined with rule 11, make me believe that these fears are groundless.

Mr. President, the President may be within his rights to seek to dismiss the case based on immunity.

But I hope that he will share my belief that everyone deserves his or her day in court. And I hope also that he shares my beliefs that no one is above the law, and that everyone deserves strong protection from frivolous lawsuits.

Mr. President, I ask unanimous consent that there be printed in the RECORD an editorial from the New York Times of May 25, 1994, entitled "Dubious Immunity for a President."

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

[From the New York Times, May 25, 1994]

DUBIOUS IMMUNITY FOR A PRESIDENT

President Clinton's private attorneys are considering asking a Federal court in Little Rock to spare Mr. Clinton—at least while he occupies the White House—the duty to defend a civil lawsuit based on alleged sexual misconduct when he was Governor of Arkansas.

That would be a highly dubious claim of Presidential privilege, one the courts would be unwise to adopt. Presidents are immune from civil liability for their official acts while in office. But extending that immunity to pre-Presidential conduct is not justified. Presidents are, in the first instance, citizens, no more above the law than other citizens. Granting them immunity to civil litigation would deny aggrieved litigants a timely chance at justice.

Paula Jones, a former Arkansas state employee, has accused Mr. Clinton of making uninvited sexual advances to her in 1991, and then, as punishment for rejecting them, causing her to be denied job promotions and conspiring with others to defame her. That would be a serious abuse of official position and a violation of her rights against sexual discrimination and harassment.

Robert Bennett, Mr. Clinton's personal attorney, is unlikely to contend seriously that Bill Clinton, citizen or Governor, can indefinitely avoid answering such charges. But he says: "Think of the consequences. There could be thousands of lawsuits" if the courts entertain this one at this time. He hints that he may ask the courts to stay any legal action until his client is out of the White House, whether that comes in 1997 or 2001. Justice delayed? He notes that Ms. Jones waited three years to file her suit.

The Justice Department is researching the immunity question, but it ought to weigh in only on the institutional issue of whether any sitting President can be sued for civil damages. The Department needs to stay clear of the merits of the lawsuit, which is the turf of Mr. Clinton's hired private attorney and an area where there is no reason for spending public money.

Whatever the department's views, courts and the public are entitled to discount them as the work of Presidential subordinates or the product of institutional bias against suing the Government.

The President's supporters say the case should be dismissed or postponed because Ms. Jones's sponsorship by a group of political enemies undermines her credibility. They also claim that evidence may show she received salary increases rather than workplace penalties after the alleged encounter. But those are not reasons to delay the suit; they are disputed issues to be adjudicated at trial.

When the Supreme Court in 1982 recognized civil immunity for former President Nixon for firing a respected Pentagon whistle-blower, it was protecting the President for suits involving his official acts. The Court held that the chief executive, with his unique duties under the Constitution, must not be shackled with potential civil liability if he is to perform his Presidential duties with the requisite courage and directness.

The Court also suggested, in language Mr. Clinton's lawyers could be expected to cite, that subjecting the President to the toils of litigation would unduly burden a President. "Diversion of his energies by concern with private lawsuits would raise unique risks to the effective functioning of government," the Court said.

Such concerns ought not to be exaggerated. Legal immunity, even for official acts, can be costly. It can deny abused citizens the very kind of accountability that democracy and justice seem to demand. Four dissenters in the 1982 case complained that the President was being placed "above the law."

Presumably, President Clinton has weighed the political risks of asking the courts for a stay of this lawsuit. Many neutral observers might join his enemies in cries of "above the law" that could echo through 1996. But for the nation to create a Presidential right to delay civil justice would grant a privilege even Richard Nixon did not seek.

There is no mountain of litigation now or on the horizon that would justify this odd form of immunity. If Mr. Bennett's prediction about a mass of intrusive lawsuits proves correct, Congress can remedy that with legislation. Until then, the broad principles of equal justice and equal access to the courts cannot be sacrificed simply because of the unseemly nature of this case.

GANG CRIME

Mr. GRASSLEY. Mr. President, last Wednesday, the New York Times ran a lengthy article on the growing number of crimes committed by gangs of white youths.

The article focused on the brutal and senseless murder last August of 17-year-old Michelle Jensen in my own State on Iowa. Miss Jensen was killed because she would not turn over her car keys so that the gang members could rob a convenience store.

Three youths, aged 17, 18, and 19, were convicted of murder for their role in the crime, and three other gang member were convicted of lesser offenses.

For many years, Iowa was spared the ravages of gang activity that have plagued other States.

Although rural crime is growing at a rapid rate, Iowa still has a crime rate much below the national average. In recent years, gangs have begun to be formed in my State. In the quad cities, at least 23 gangs roam the streets.

As tragic as this crime was, I can at least praise the State of Iowa for its response.

Suspects were taken into custody quickly, and have been convicted less than 9 months later. The trigger man was convicted of first degree murder and robbery, and the others present at the scene were convicted of second degree murder and robbery. In Iowa, our criminal laws are more enlightened than three strikes and you're out if someone commits violent offenses.

Iowa's tough criminal justice system will sentence all three of these individuals, despite their ages, to life without parole. I deeply appreciate the outstanding efforts of Iowa law enforcement personnel and prosecutors in bringing these criminals to justice.

I believe that swift, certain, and tough law enforcement is the most important weapon we have to contain gang activity.

Mr. President, the article also mentioned that only one of the gang members came from a two-parent family.

A criminologist quoted in the article maintained that gang activity grew in the quad cities as a result of corporate downsizing there over the years. There are some important points to note in response to the article.

First, we all agree that two-parent families are more likely to instill the moral training helpful to producing law-abiding citizens.

But an individual is not less culpable for the crimes he commits merely because he comes from a single-parent family. And, second, corporate downsizing and its accompanying unemployment also cannot be used to excuse gangs or murders. Moreover, the corporate downsizing in the quad cities took place quite a few years ago.

Today, unemployment in Iowa is under 4 percent, so the state government's economic policies are working well. Nonetheless, significant reductions in the unemployment rate have not led to lessened gang activity or fewer brutal murders.

The Senate crime bill conferees may want to think about this when considering how much so-called crime prevention money should be included in the bill, and whether it is likely to really have any effect on crime.

We need to focus on the growing problem of gangs.

We need to punish strictly those gang members who commit violent crimes. And we must stop looking for explanations of crime that focus entirely on societal factors and not on the moral decisions that individuals choose to make, and for which they must be held accountable.

Mr. President, I ask unanimous consent that the New York Times 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, May 18, 1994]

KILLED BY HER FRIENDS IN AN ALL-WHITE GANG

(By Don Terry)

DAVENPORT, IA, May 13.—In the middle of a silent country night last August, 17-year-old Michelle Jensen was shot to death. Her body was left along a dusty rural road, near a cornfield not far from the center of the city.

Three teen-age gang members murdered her, a jury ruled on Friday, for the keys to her Ford Escort. The killing by the youths, all from Davenport's blue-collar West end, rocked the eastern edge of the state, not only because of the cold-blooded brutality of the crime but because Iowa boys are supposed to join the Scouts, not gangs; they are supposed to be committing pranks, not murder.

Three other young men arrested in the case pleaded guilty to lesser charges and testified against the fellow gang members they had vowed to die for. But what seemed to shock people even more than the big-city style of the gang violence were the suspects themselves: six white sons of the heartland.

"People were amazed when they saw them on TV and found out all six of them were white," said Michelle's mother, Cheryl Jensen. "For some reason, that blew people's minds."

Seeing the suspects shuffle into the courtroom in handcuffs forced people here to question beliefs about race and crime and the boys down the block. When many people here used to talk of gang violence, they were referring to black and hispanic youngsters in big city ghettos, not young people in Iowa cities like Davenport, which has fewer than 100,000 residents.

Dan Wulff, coordinator of a neighborhood youth program here, said, "I think the Jensen case made a dent in those stereo types, but I'm afraid they're still alive and unwell."

Davenport, along with Bettendorf, Iowa, and Rock Island and Moline, Ill., make up the Quad Cities, clustered on the banks of the Mississippi River. The police say there are 2,000 to 2,500 gang members of all races in the Quad Cities, which have a total population of about 200,000. asian, black and Hispanic residents make up about 9 percent of that number.

About a third of the gang members are white, a percentage that some criminologist and sociologists say is high compared with the rest of the country. Nationally, experts say, more whites are turning to gangs for the same reason that black and Hispanic youngsters do: family, esteem and fast money.

Youth workers here say that before Michelle was killed, white gang members were ignored in a way that black and hispanic gang members were not, even though some of the whites were conspicuous with multiple gang tattoos and clothing adorned with gang insignias. One worker said, for example, that white and black gang members would go shoplifting together, then split up by race, knowing that the shopkeeper would follow the blacks and not pay attention to the whites.

"I see white kids running around here with gang colors and flashing gang signs and nobody pays them that much attention," said Prof. James Houston, who teaches criminal justice at St. Ambrose University here and is an expert on street gangs. "But if you're black and you do it, then everybody's radar goes off."

THE BACKGROUND—COPYCAT GANGS, A GIRL WITH A CAR

Michelle Jensen's body was discovered on Chapel Hill Road shortly before 2 a.m. on Aug. 29. Within hours, according to her sister, Veronica, 14, the police had rounded up six members of an all-white chapter of the Vice Lords street gang.

One of Chicago's oldest black street gangs, the Vice Lords have haunted that city for 30 years and spawned chapters or copycats around the Midwest. The authorities here said gang members from Chicago and St. Louis often come to Davenport on weekends to sell drugs, recruit members and escape the heat from the hometown police. Chicago is a three-hour drive from here.

Cpl. Henry Hawkins of the Davenport Police Department grew up in Chicago and never imagined that so much of the mean streets would follow him to Iowa. Now he spends a lot of his time talking to school and neighborhood groups about street gangs.

'THE SADDEST PART OF ALL'

One thing Corporal Hawkins tells the groups is that white and black teen-agers join street gangs for basically the same reasons. Some are lured by money, others by the rush that comes with a gang fight or trying to outrun the police. A lot of them do it for love. Being in a gang provides them with a sense of family they have not found anywhere else. "That's the saddest part of all," Corporal Hawkins says.

Lieut. Phil Yerington of the Police Department said: "A lot of these kids don't have much to cling to. I think these guys were closer as a gang than they were in their own homes."

Only one of the six involved in Michelle's killing lived with both birth parents, and he provided the gun for the killing. Fathers, for most of them, were only faded memories. All six had dropped out of school, although one earned a high school equivalency degree.

Michelle was not a member of the gang. But she was friendly with several members, and close enough to one, Jason Means, 17, that he accompanied Michelle and her family on a camping trip last July.

The night Michelle died, the Vice Lords wanted to borrow her 11-year-old Escort to use in the robbery of a convenience store, according to court testimony. They had high hopes for the stolen cash. They planned to start a drug ring, so they could jump into the major leagues of the gang world, the police said.

ONLY BLOCKS APART

The evening began with a party at the home of Anthony Hoeck, 19, a high school dropout and would-be gang leader. He lived with his father, Lavern, a former steel foundry worker who had been disabled, and his mother, Marsha.

Michelle lived a few blocks away. Her mother, Cheryl, works at a gift shop, and her father, Mark, is an electrician. A good student, Michelle loved drama and music and helped out at the Zion Lutheran Church preschool on Sundays. She also worked at a summer camp for disabled children, where she had met a new boyfriend, a college freshman her parents were crazy about.

"I said, 'Thank, God, finally, Michelle has met a decent boy,'" her mother recalled. "She was so happy."

Michelle and her mother had the usual conflicts, Mrs. Jensen said, and one particularly bitter battle, when she thought her daughter might be sniffing glue. But Mrs. Jensen said Michelle could not resist the badboy charms of the Vice Lords; they looked so cool with their tattoos and red gang bandanas. Michelle had dated a gang member who was in jail the night she was killed. She considered the Vice Lords her friends.

"They put up a good front when they were around us," Mrs. Jensen said. "We never realized they were a threat. Michelle never thought they would hurt her."

Before going to the party, Michelle cleaned up her family's house. Then she lied to her parents. She told them she was going baby sitting. She gave her sister $5 not to tell where she was really going.

"She had her troubles, but we got through them; at least I thought we did," Mrs. Jensen said. "She was on the right track. I could trust her again. I did everything in my power to protect my kids. I thought I had it under control."

THE NIGHT OF THE KILLING—A DEMAND FOR KEYS AT A PARTY

At the party, everyone was drinking gin and malt liquor, said Christopher Felgenhauer, 19, who pleaded guilty to robbery and kidnapping. Also at the party were the other two who pleaded guilty, Shawn Shewmake, 18, the leader of the gang, and Joe Hager, 20, who lived with the Hoecks.

Their plan was to rob a convenience store that night, and they needed a car. They chose Michelle's. But when Michelle refused to turn over her keys, Chris Felgenhauer testified, Tony Hoeck told him to hit her in the head with an electric fan to knock her out. When he hesitated, Chris said, Tony threatened to kill him if he did not carry out his order. Chris then hit Michelle once in the face, knocking her onto the bed but not un-

conscious. When he tried to take her keys, he said, Michelle got angrier and louder.

Hearing the noise, Mrs. Hoeck came up stairs and told her son to get Michelle out of the house because she was drunk, Joe Hager testified.

Chris testified that Michelle had complained to Mrs. Hoeck that he had struck her, but he said he had denied it.

Chris said Tony then gave Jason Means and Justin Voelkers, 19, another gang member, a sawed-off shotgun that he kept under his bed and called "Bud." The gun had been stolen and the barrel sawed off, a prosecutor said. Tony told Jason and Justin to take Michelle outside and to get her car, according to court testimony. The witnesses, including the three suspects who pleaded guilty, provided this account of the slaying:

The boys convinced Michelle that she was too drunk to drive and promised to take her home. They drove away with no destination in mind, turning down Chapel Hill Road. Justin had to urinate. He got out of the car with the shotgun. Michelle got out and walked down the road. Justin ran after her, hiding the gun behind his leg, and ordered her to sit down in the road. She refused. He gave her until the count of five. When she continued walking, he shot her. The blast tore away part of her head.

Justin, in a videotaped confession, never said why he pulled the trigger. He said he had been drunk and has been told "to take care of the bitch" because she knew too much. "I didn't look," He said. "All I saw was a big flame, a big flash.

Justin and Jason went back to the house and picked up the other boys and headed for the convenience store. But they decided against robbing it because it was too crowded. Instead they drove to a Hardee's for hamburgers before driving back out to Chapel Hill Road to prove to the other gang members that they had had the nerve to kill someone. The police were already there, so they went back to Davenport.

The police woke most of them up a few hours later.

Jason, who also gave a videotaped confession, was asked by a sheriff's deputy if it had been hard for him to eat after Michelle was shot. He replied: "No, not really. I was hungry. I wasn't even thinking about it."

A "WRONG PLACE" DEFENSE

Tony, Justin and Jason all pleaded not guilty. Tony's lawyer said his client, with an I.Q. of 77, was not smart enough to be the leader of the plot, as the prosecution contended. The lawyers for Justin and Jason said their confessions had been manipulated. Justin's lawyer said the killing had been an accident. Jason's lawyer said his client had simply been in the wrong place at the wrong time. The three did not testify.

The Scott County District Court convicted Justin of first-degree murder and Jason and Tony of second-degree murder. All three were convicted of kidnapping and robbery and under Iowa law will be sentenced to life in prison without parole. The sentencing is scheduled for May 31. There is no capital punishment in Iowa.

[Shawn Shewmake and Joe Hager were each sentenced on Tuesday to two 25-year terms to run consecutively. Chris Felgenhauer is expected to receive about the same term when he is sentenced on Thursday. They will have to serve at least a quarter of their sentences before being eligible for parole.]

THE PERSONALITIES—2 TEEN-AGERS ON DIFFERENT PATHS

Earlier in August, Michelle had been so excited about starting her senior year at Davenport Central High School that she had loaded her school locker with new notebooks and decorated the gray metal door with photographs of her new boyfriend.

She also had some photographs taken of herself. Her mother said she had never looked better. She had dark hair and an easy smile, though she still worried about her weight and chewed her nails constantly.

In the morgue, her mother said, the only way she was sure it was Michelle was by looking at her fingernails.

Justin Voelkers, who was 18 at the time he killed Michelle, had been in and out of trouble at school and with the police.

His background is not that of the stereotyped gang member. He grew up about 45 minutes from Davenport, just outside of Calamus, population 450, on a 250-acre farm owned by his stepgrandparents, Clara and Robert Wilhelm. There is a rope swing at the farm and a yardful of cats and dogs.

His mother, Dorinda Voelkers, commutes to Davenport to tend bar.

Justin was shifted from one school to another in Calamus and Davenport for students with behavioral or learning problems.

Niki Soto, who drives a school bus in Calamus and developed a close relationship with Justin, said: "I'd have him into my house. I just wouldn't trust him. There's a difference."

She said Justin had a lightning-fast temper and a short attention span. "He's not a kid with a bad heart," she said. "I've had others that you could actually fear."

In his videotaped confession, Justin said the gang was after money and power when Michelle was killed.

"Money will get you power," he said. "Power and money are everything."

Justin said he did not feel too bad about the dead girl because he did not know her well.

"I ain't worried about going to jail," he said between sobs. "I'm worried about my mom. She might kill me."

THE GANGS—SUBSTITUTES FOR A FAMILY

Street gangs began showing up in Davenport in the 1980's, about when the hard times hit. From 1980 to 1987, the Quad Cities area lost 17,000 jobs when large farm-implement and construction concerns trimmed their payrolls, according to the Quad City Development Group, which tries to attract business to the area.

The jobs had kept families and dreams together for decades, but in 1983 the unemployment rate for the area was 14.8 percent. It was fertile ground for gangs. Then, in 1987, crack came to town and the sound of gunfire in the night became more common.

The unemployment rate is down to 5.5 percent but Malcolm W. Klein, director of the Social Science Research Institute at the University of Southern California, who has been studying street gangs since the 1960's, said once gangs come to town they are hard to get rid of. "There are almost no ex-gang cities," he said.

Today, the police say there are at least 23 street gangs in the Quad Cities. "We're a real melting pot," said Lieutenant Yerington of the Police Department. "We have black Asian Tigers and white Black Gangster Disciples." It has been that way here almost from the birth of the gangs, and in that respect, at least, Davenport is different, when so much of life in other places remains segregated.

'YOU GOT TO BE THERE WITH US'

"Black, white, Mexican, gook, it don't matter to us," said Hershey McFarland, 19, of the Imperial Gangsters, another largely white gang and the main rival of the Vice Lords. "What matters is, 'Is you down?' When we go out and mob somebody, you got to be out there with us, throwing blows, pulling the trigger."

Lieutenant Yerington said the average gang member in the Quad Cities is a "wannabe tough guy." For these gang members, bricks, bats and bottles are still the most common weapons.

Elliott Currie, a criminologist and the author of "Confronting Crime" (Pantheon Books, 1986), said one reason white gang members are not studied more is that they blend into the American mainstream more easily than their black or brown counterparts.

Mr. Currie said white gang members, especially in Midwestern cities like Davenport, are the bitter fruit of years of corporate cutbacks. "The white kids and their families are going through what black kids in ghettos have gone through for generations," he said. "For black kids, it's worse."

A total of 2,829 people under 18 were arrested for murder and nonnegligent manslaughter in 1992, the last year for which the Federal Bureau of Investigation has records. More than 40 percent of them, 1,162, were white. The same year 63,683 young people were arrested for aggravated assault; 56 percent of them, 35,865, were white.

INVESTIGATION AND TRIAL—"A LOT I DIDN'T KNOW"

An early break in Michelle's slaying came when the police learned that the last person she had been seen with was a skinny youngster called "Opie," because of his resemblance to the son of the sheriff on the old "Andy Griffith" television show. That was Jason, the only one of the six who is not tattooed.

His mother, Cheryl Means, is a 40-year-old single mother and a housekeeper at a nursing home. Five years ago, her oldest boy died of heart failure, at 16. Now her 16-year-old daughter is in a home for troubled children.

Mrs. Means said she had her put there "so she wouldn't end up dead on the street."

The weekend Michelle was killed, Jason was supposed to be driving with his mother to visit his sister, who lives 160 miles away. They were going to leave the day before Michelle was killed, but Jason left home that Tuesday, and Mrs. Means says she did not see him again until he was under arrest in the slaying. She said she had not been concerned about his absence because it was summertime and he was 17.

"There's a lot of things I have to admit that Jason did that I didn't know about," she said. "I didn't even know he knew Michelle. Later, I heard he went camping with her."

Mrs. Means says Jason's father left the family when his youngest boy was 5 years old and was not around when Jason, a shy boy, fell in love with baseball and football. But sports was not enough to keep the streets away.

Jason had been in trouble before for shoplifting, his mother said. Jason hated school and dropped out when he was 16, as soon as the system allowed it, his mother said.

"I tried a good two years to get help for Jason," she said. "I would call the truant officer on my own son. I did that four times. 'Hey, do your job,' I'd say. 'I want my son to grow up and be someone.' But when he turned 16, it was like nobody cared anymore. It was like everybody stopped trying."

In July, five weeks before he took Michelle to her death, Jason accompanied her and her

family on a camping trip to celebrate her parents' 20th wedding anniversary. For six days, he tried his best to please, Mrs. Jensen said. He washed dishes, he gathered wood, he helped with the cooking. And he followed the Jensens everywhere, like a lost child.

"It was almost impossible for me and Mark to get a bike ride alone," Mrs. Jensen said. "I don't understand it. We treated him decent and he turned around and got involved in this."

The trial lasted a week and a half. The jury reached its verdicts in a few hours. Guilty, guilty, guilty, the foreman said, looking as sad as Tony Hoeck's father, who put his head down and began to sob.

Across the aisle, Michelle Jensen's father was also crying. "Let's go," he said to his wife. "No, wait," she said.

She wanted to watch as the deputies put each boy-turned-killer into leg irons and handcuffs and led them away.

"We're pleased with the verdict," Mr. Jensen said later, his eyes filled with hurt. "But we don't like to see these teen-agers waste their lives like this. We just hope other teen-agers will look at this and think twice."

I yield the floor and yield back the remainder of whatever time I have.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. (Mr. AKAKA). The Senator from Montana.

THE CLEAN WATER ACT

Mr. BAUCUS. Mr. President, 22 years ago, under the leadership of Senator Edmund Muskie, the Environment and Public Works Committee met to address a national crisis: the crisis of water pollution.

The headlines of that era told of lakes so polluted they could support only algae blooms. The Cuyahoga River, which runs through Cleveland, was so contaminated with industrial waste that it caught fire. Lake Erie was considered biologically dead.

The response was the Clean Water Act of 1972. Since its passage, the act has been a pillar of our country's environmental and public health policies.

The Clean Water Act of 1972 set three ambitious goals: fishable and swimmable waters; zero discharge of pollutants; and no discharges of toxic pollutants in toxic amounts. Today, 22 years later, we have come a long way toward those goals:

Eighty-five percent of municipal discharges and 87 percent of industrial sources now comply with the act's requirements on water quality and conventional pollutants.

The quality of our waters—the Cuyahoga River, Lake Erie, and hundreds of other lakes and rivers—is immeasurably improved.

The Clean Water Act has done a great deal of good. But when we consider its three original goals it is clear that we still have significant water pollution problems.

The chart on my right indicates that the quality of almost 40 percent of assessed river miles are impaired and 6 percent are threatened with impairment. Thirty two percent of coastal waters are impaired as are 44 percent of lakes. In both cases, over 10 percent of these waters are threatened with impairment. And, fully 97 percent of the shoreline miles of the Great Lakes are impaired.

Stated differently, it is the red and the yellow which are impaired or threatened to be impaired and it is only the blue which meets the clean water standards. So, effectively, about half of our water is impaired and with the Great Lakes almost all of it is impaired.

The Clean Water Act has done a good job. When we consider its goals, as I said, we have a lot more to do. And this chart indicates that.

In addition, the second chart indicates the reported number of both beach closings and fish consumption advisories have increased in recent years. This is evidence that some water quality problem are getting worse rather than better.

This top line—that is the blue line—lists the total number of ocean and bay beach closings and advisories in 22 coastal States from 1988 to 1992. In 1988, 484 beach closings or advisories against swimming were issued. That is the lower left. That is the blue line. As you can see, this upward trend has continued. In 1992, a mere 6 years later, beaches were closed, or advisories were issued against swimming, on 2619 occasions. This is more than a five-fold increase. From 1988 to 1992.

The second line on the chart—the red line—shows the trend in fish consumption advisories. According to EPA, advisories to the public about possible fish contamination have also shown a steady increase, about 2½ times over the same period.

So we have made a great deal of progress in improving water quality. But, as the charts show, water pollution is still very much with us.

If we ignore those problems, they will not go away. They will be passed along to the next generation. That is just not acceptable. It is up to us to pass a strong and revitalized Clean Water Act.

I am pleased that the Senate will begin consideration of legislation to reauthorize the Clean Water Act after the Memorial Day recess. This bill, S. 2093, was reported by the Environment and Public Works Committee last February by a vote of 14–3.

We will have plenty of time to discuss the bill's provisions when the bill comes to the floor. Today, I want to review the key elements of the legislation and the benefits to the country of a new Clean Water Act.

HELPING COMMUNITIES WITH WATER POLLUTION CONTROL

Communities across the country today face significant problems implementing the Clean Water Act.

EPA estimates that funding required for sewage treatment over the next 20 years is over $100 billion. The bill provides funding of at least $2.5 billion per year to help finance sewage treatment projects.

Perhaps as importantly, every billion dollars we invest in water pollution control generates over 50,000 jobs in the construction and related industries.

Even with substantially increased funding, the current requirements of the Act—that is, under current law—with respect to municipalities, pose a significant burden for many communities. The bill will reduce requirements for control of combined sewer overflows and for treatment of discharges of stormwater.

The EPA estimates that the overall savings to municipalities of the proposed changes to the combined sewer overflow and stormwater provisions of the act will save communities almost $12 billion.

EFFECTIVE PROGRAMS FOR NONPOINT POLLUTION CONTROL

As industrial and municipal discharges have achieved compliance with the act, rainfall runoff from diffuse or nonpoint sources has come to represent the Nation's largest remaining surface water problem. Nonpoint source pollution affects 75 percent of river miles assessed by States and about 20 percent of the Nation's lake acreage.

Nonpoint pollution comes from a variety of sources: agricultural and forestry practices, urban runoff from roofs and paved areas, and return flows from irrigated agricultural lands, construction sites, mining sites, and land disposal sites.

The bill increases funding for the program from just over $100 million to as much as $600 million. More importantly, the bill authorizes States to make grants to individual pollution sources, such as farms, for implementation of pollution control measures.

I understand that some Senators are concerned about the nonpoint pollution program. I am from the State of Montana. Agriculture is the major industry in my State. It is the primary industry.

I have worked very hard to come up with an effective program that meets the needs of agriculture. That is why the bill provides for a flexible, targeted, nonpoint program that works for farmers and ranchers.

CONTINUING CONTROL OF TOXIC WATER POLLUTION

While there has been dramatic progress in reducing the discharges of toxic pollutants to waters, the amount of toxics entering our waters still remains high.

The bill expands existing authority for development of technology-based controls over industrial dischargers to give greater attention to pollution prevention.

The bill also improves the process for developing water quality criteria and standards for toxic and other pollutants. And, the bill responds to the

growing evidence that some toxic pollutants may have very serious, long-term effects on the development and reproduction of aquatic species, wildlife and humans.

IMPROVING WETLANDS PROTECTION

While the United States once contained some 220 million acres of wetlands, today the country has only about 104 million acres of wetlands. Wetlands losses continue at a rate of 100,000 to nearly 300,000 acres annually. Efforts to conserve wetlands, however, have been a major source of controversy in recent years.

Some point to the ecological and economic values of wetlands and argue that wetlands conservation requirements need strengthening. Others argue that the wetlands regulatory program is difficult and confusing, fails to adequately involve the States, and unduly restricts the use of private property.

The wetlands provisions contained in the bill attempt to resolve these conflicting concerns.

The bill enhances wetlands conservation by setting a national goal of no net loss of wetlands, regulating previously unregulated causes of wetlands losses, and improving wetlands planning on a watershed basis.

It, however, simplifies compliance with wetlands requirements by setting permit decision deadlines, authorizing appeals of wetlands regulatory decisions, clarifying agricultural exemptions from permit requirements, and providing financial assistance to small landowners for wetlands conservation. The bill also encourages greater State involvement in wetlands programs.

POLLUTION PREVENTION AND INNOVATION

As the water quality program has matured, it has become increasingly clear that there is a need for new, innovative approaches to reduce water pollution. New, innovative approaches have the potential to reduce costs while increasing environmental benefits.

The bill includes several new approaches to water pollution control. For example, States are encouraged to manage water quality on a watershed basis. And, new authority is provided to demonstrate environmental benefits by allowing facilities to manage environmental control programs on a flexible multimedia basis.

That is just a long way of saying that the air and water and waste programs can all be put together, and managed in a flexible way, not each run separately. Because if they are run together, a plant manager, a person with a farm or ranch or what not, can then deal much more easily with the EPA, or the State, whichever is appropriately involved.

CONCRETE BENEFITS

It is hard—in fact, pointless—to put a price on clean water, but the act has dollar and job benefits that are as solid as concrete. The craft behind me lists several of the benefits or reauthorizing the act.

A major benefit of the bill is that we will be able to put at least 125,000 Americans to work on wastewater treatment projects.

Cities all across the country will be relieved of at least $12 billion in costs of controlling combined sewer overflows and stormwater—very important. That is the second one.

The bill will improve water quality in urban areas. It will increase swimming and fishing and opportunities and reduce human health impacts of water pollution. The estimated value of these benefits is between $1 and $6 billion. That is the third section.

In rural areas, such as my home State of Montana, improved controls over nonpoint sources of pollution included in the bill are expected to result in measurable improvements in 156,200 river miles and 7.1 million lake acres.

Finally, the new authority in the bill for watershed programs is estimated to have a potential value of as much as $7 billion.

THE AMERICAN PEOPLE WANT A GOOD CLEAN WATER BILL

Let me conclude by reminding my colleagues that water pollution is the top environmental concern of the American people.

Ninety-six percent of the public considers water quality the most important environmental issue, ahead of toxic waste, air pollution and everything else. And, the American people want us to pass tough practical legislation to protect water quality.

Last year, my committee heard testimony from Dr. Theo Colburn concerning the effects of some toxic pollutants on wildlife and humans. Dr. Colburn examined babies born to women who ate two to three meals of Lake Michigan fish a month for 6 years before getting pregnant. She found that the babies were on average lighter in weight, had smaller skulls, and were born earlier than the babies of mothers who did not eat fish.

That is what water pollution means. It is the legacy of a thoughtless, irresponsible past. It is not a legacy we can pass on to the next generation with a clear conscience. We owe America a strong Clean Water Act. We owe America's children a strong Clean Water Act.

I hope all my colleagues will work with me and other members of the committee as we prepare to bring this important legislation to the Senate floor.

AMERICA'S RELATIONSHIP WITH CHINA

Mr. BAUCUS. Mr. President, on another matter, I see my colleague, the senior Senator from Oklahoma, standing, about to seek recognition. I believe he is going to speak on a matter which is extremely important to this country, and to this country's long-term interests not only for the rest of this decade but into the next century and that is our relationship with Asia and America's relationship with China.

I join my colleague from Oklahoma in the statement he is about to make. I agree with the points he is going to make.

In addition, he is, I understand, to be followed by the chairman of the Armed Services Committee, the senior Senator from Georgia, who will make a similar statement on the same subject. I strongly endorse and commend them for their leadership, the Senator from Georgia and the Senator from Oklahoma. It is a matter I have worked assiduously on for the last 2 years. I am very heartened by the vision of the Senators from Georgia and the Senator from Oklahoma, for their positions they are about to announce, and I commend them for those statements.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. BOREN].

Mr. BOREN. Mr. President, I thank my colleague from Montana. I salute him for his leadership on this very important foreign policy issue, which is soon to confront the President of the United States for decision.

CHINA'S MOST-FAVORED-NATION TRADE STATUS

Mr. BOREN. Mr. President, very soon and no later than June 3, President Clinton will make a decision on China's most-favored-nation [MFN] trade status with the United States. Last year, the President issued an Executive order extending MFN to China for 1 year and conditioning its renewal in 1994 on progress in the area of human rights. At the time, I had expressed reservations about conditionality. I believed that conditioned MFN was an inappropriate tool to promote human rights and could harm our relationship with China—and harm that very cause. Now after an annual review, we are faced with the same dilemma as last year. Inevitably, we will be confronted with the same problem next year if we continue the present course.

The dilemma we, in America, face is this: How do we effectively encourage democratic principles and basic individual rights in a country that has often ignored these values? Do we recognize the great complexities of the task with a policy that appreciates the breadth of the Sino-American relationship? Or do we resort to rhetoric and hollow policies that marginalize our influence and endanger the progress currently taking place in China?

The answer is clear. In my view, this is the time for the President to embark on a new relationship with China, rec-

ognizing that as we take the long view, looking towards the next century, there is no bilateral relationship more important to us, as well as to the rest of the world, than the relationship between the United States and China.

There is a natural warmth and friendship between the peoples of the United States and China that presents an opportunity for positive, natural relationships. On the other hand, a souring of relations between the United States and China could present a greater threat to the world than that ever presented by the cold war between the former U.S.S.R. and the democratic nations. We must immediately lay the groundwork for a dialog that appreciates the realities of today with challenges of tomorrow. We should not take the first steps toward a fuller relationship by re-extending MFN and delinking human rights from the MFN debate.

For too long, American policy toward China has been one-sided. After World War II, our policy was to isolate the Communist mandarins from the community of nations. During detente, our goal was to exploit the rivalry between Beijing and Moscow. Now, with a new, yet undefined global order, we must pursue a course that neither ignores our many common interests we have with China nor exaggerates one consideration over another.

By now, we are all aware of the increasing economic ties between the two countries. Over 550 U.S. companies have wisely entered the fastest growing market in the world. With over a billion potential consumers and a growth rate in 1993 of 13 percent, China is poised to become the largest global economy, our entrepreneurs and workers cannot afford to ignore this country.

Yet, trade between our countries does more than enrich businesses. For China to succeed in today's economic arena, it must carefully study its largest market: the United States. They must know our business practices and understand the way of life of our consumers. As they learn about our business culture, they are exposed to our political ideas and our democratic values. As the Chinese try to maintain their economic growth, they allow foreign firms to establish a presence in previously closed communities.

The link between economic reform and democratic progress is not an illusory one as I saw in my own visits to China and to the Republic of China or Taiwan a couple of years ago. China is following the same successful models of the Republic of China and South Korea. Both the ROC and South Korea once had authoritarian governments which pursued economic development as a way to gain global prominence. While their GNP increased and the standard of living improved, a middle class was created that demanded political freedom along with its new purchasing power. These countries could not continue their economic growth without responding to the wishes of the people who were vital to the economy's success. Today, democracy is increasingly a reality in these countries.

Key to their progress toward democracy was America's unfailing support of their economic programs. We did not revoke MFN or condition it with human rights. Rather, we encouraged trade, diplomatic ties and educational exchanges. We helped create a socioeconomic environment that allowed political reforms not only to take hold but to succeed. We must now apply the lessons we learned in South Korea and in Taiwan to China.

This is not to say that the transition will be immediate. Instead, we must realize that China's transformation to a market economy is related to democratic change, and the forces against trade liberalization are the same forces against a pluralistic society. Make no mistake. China is about to enter one of the most tumultuous times in its history since the cultural revolution. When China's 90-year-old leader, Deng Xiaoping, can no longer lead his country, it will experience an event it has rarely handled peacefully: the transfer of power. Already, factions with conflicting views of China's role in the world are maneuvering to capture control of the Government.

If we wish to prevent the return of a Maoist society and an oppressive regime, we must side with the forces of reform. These forces include the student leaders who boldly opposed the oncoming tanks in Tiananman Square and who now work in multinational companies. They are even the generals in the People's Liberation Army who are the silent partners in joint ventures with foreign companies. They are the people who would be most hurt by the rejection of MFN. These leaders for economic reform would blame the United States for the recession that would surely follow in their country.

The ones who would benefit most from a contentious Sino-American rivalry are the forces of oppression and totalitarianism. They are the party bosses who falsely dream that they can export to the West without importing Western ideas. They are the PLA officers that wish to return to the old days when they oppressed the workers. Empowering these forces impedes economic reform and stops democratic changes.

More importantly, the political and social upheaval that would follow a denial of MFN would have immediate consequences in America's diplomatic and security efforts in that region.

For example, China has particular influence over North Korea. As Defense Secretary Perry has stated, North Korea's nuclear development program represents the most immediate threat to regional stability, American interests and the lives of the 36,000 American troops stationed in Korea. Its nuclear capability is frightening; its threat to attack the South is, we must assume, real. If we wish to solve the North Korean problem peacefully, we must have the cooperation of the Chinese. No other country has the influence that China has with North Korea. They are historic allies and active trading partners. Yet, if we revoke MFN, we invite China to use its Security Council position to veto any U.N. action and block any multilateral efforts to stop North Korea's nuclear buildup. This is too high a price.

Revoking MFN threatens a variety of our national interests. Our work to stop China from selling arms to rogue countries and testing its own nuclear weapons could be threatened. With its permanent seat in the U.N. Security Council, China could menace America's multilateral initiatives in Bosnia, Haiti, and Rwanda. Our expertise in environmental cleanup is vital to averting the ecological disaster afflicting the most populous country. The fate of Hong Kong, long an entrepot for American and foreign businesses to the mainland, would become uncertain once it reverts to China in 1997. We cannot expect their cooperation in any of these areas if we destroy our economic relations with them.

If we extend MFN unconditionally, I have no illusions that China will instantly convert to our positions and cooperate fully in these efforts. Many of these issues will continue to be points of disagreement between two sovereign nations. Yet, we can remove MFN as a potentially debilitating source of conflict. As much as possible, we need China to be a partner, rather than a radicalized adversary.

Some argue that we can protect our interest while promoting human rights by conditioning MFN through some modified policy. They believe that we can target sanctions against goods from state-owned or PLA industries, while allowing products from private industries to come into our market unrestricted. This suggestion would not work. First, China could always reclassify every product as privately made without truly changing the structure of its economy. Second, customs officials who would be responsible for administering this policy have already conceded that enforcing such a program would be impossible. Finally, it would be seen as a thinly veiled attempt by this country to continue a policy that is fundamentally ineffective.

Further, as appealing as it sounds to strike against state owned or military goods, let us consider this. China's economic system is a complex one, unlike any Western structure. The Government and the PLA own hotels, truck and shipping companies and shoe fac-

tories. However, they employ and involve in these enterprises not just soldiers and bureaucrats, but factory workers and company executives as well. It is not practical to try to separate artificially the specific roles played by those leading China's transition to a market economy.

Instead, we should look to the many proposals offered by my colleagues in Congress and elsewhere. These proposals promote human rights without destroying our relations. We should create a special bilateral or multilateral human rights commission. Western and Asian societies have different understandings and expectations of human rights. We need to create a meaningful dialog to understand better each other's values. Our efforts to help the International Red Cross need to continue. Often it is the most effective group in defending the rights of political prisoners. Unilaterally, we can place more human rights officers in our Chinese Embassies and consulates. Doing so would send an important signal about our continued vigilance.

We need to ensure that Voice of America and Radio Free Asia—one of the nonmandatory areas of progress in the Executive order—are transmitted without interference. These were important tools in the cold war and can be useful now, allowing Chinese in urban and remote areas to tune into the larger world.

We should also strengthen existing international exchange programs and create new ones to send Americans abroad and Chinese here. Just recently, the newly created National Security Education Program [NSEP], a program I originally proposed, announced that 43 American undergraduates and graduates will study in China. The NSEP will augment venerable program such as the Fulbright and the Marshall scholarships. Similarly, we need to encourage Chinese students to study here.

Removing MFN as an issue would allow the United States to push the Chinese to open their markets and enforce their intellectual piracy laws which are costing American businesses an estimated $800 million a year. Earlier this month, the USTR ignored the Special 301 trade law and delayed citing China as a violator of intellectual property rights laws because the timing was too close to the MFN decision. Some in the administration feared that China would retaliate by imprisoning political opponents and thereby damage the administration's attempts to gain more human rights concessions before June 3. Special 301 is an effective tool that has worked in the past. We should be using it instead of the heavy-handed tool of MFN.

We should also continue to press the Chinese to adhere to nonproliferation treaties which they have signed. We were right to impose sanctions last year when they were found to have sold missiles to Pakistan. We should be ready to do so again, if they continue this unacceptable behavior.

Should the President delink human rights from MFN, both countries must be certain of the message of this action. To China, let them know our country will continue to press for human rights and internal reforms. Our goals have not changed, only our means. To the United States, let us understand that we can promote our values and ideals without destroying our interests or disrespecting a proud culture. Our responsibilities have not ended; they have only begun.

Now is not the time to isolate China, politically or economically. Instead we should take this historic opportunity to build a lasting peace and a thriving partnership. If we do not, then we are simply asking for unforeseen economic and foreign policy problems. As I said, the Chinese-American relationship will be the most crucial bilateral relationship the United States will have in the 21st century. We should now construct a policy worthy of both nations.

I thank the Chair.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. NUNN].

Mr. NUNN. I thank the Chair.

CHINA'S MOST-FAVORED-NATION STATUS

Mr. NUNN. First, Mr. President, let me congratulate the Senator from Oklahoma on I think a very thorough and very logical presentation on the important subject of renewing MFN for China. I particularly believe he is correct in saying we must continue to promote our ideals without forfeiting our strategic interests. That applies to economic interests as well as national security interests.

Mr. President, I know the Senator from South Carolina has been in the Chamber and others are waiting to speak. I am going to abbreviate my remarks today, but I do want to hit on one aspect while identifying myself with the other aspects that Senator BOREN laid out so clearly.

Senator BOREN correctly pointed out that several of our interests in China and Asia would be harmed by linking our trade relations with China through MFN denial to its human rights practices. I would like to discuss just one aspect of those broader interests and that is maintaining stability on the Korean peninsula and also in northeast Asia and preventing the proliferation of nuclear weapons.

The United States and its allies face a determined effort by Korea to acquire nuclear weapons—a totalitarian regime that is isolated, that is heavily armed, that is facing a leadership crisis inevitably at some point in the coming months, or at least in the coming year or two and also deteriorating from within. The President and other senior officials in the Clinton administration have tried to explain the serious consequences of this nuclear program, and they have done so repeatedly. I think they are correct.

On May 3, 1994, Secretary of Defense Perry stated in a speech to the Asia Society that "North Korea threatens the peace and stability of northeast Asia." Secretary Perry went on to describe the situation in the following terms. Again I quote him.

> How the United States and its allies and the international community respond to the challenge posed by the North Korean nuclear program will be very important not only for the future of Asia but, indeed, for the entire world. Our response to this challenge now will be a benchmark for responding to possible similar challenges in the future.

Mr. President, if Secretary Perry has accurately characterized the risks of North Korea's nuclear program—and I believe he has—we must make our policies correspond to our statements. If North Korea does, indeed, threaten the peace and stability of northeast Asia, we must make that concern our highest priority in our relations with China.

China is the country that has the most influence with the isolated leadership of North Korea. China and Japan are very influential, but China is the country that has the closest relationship and has had for a long number of years.

Mr. President, while we are concerned about every political prisoner in China—and we must continue to be—I think we have to put front and center in our policies in Northeast Asia our strategic and vital interests.

Mr. President, we have 38,000 Americans who are now stationed in South Korea. We have two goals regarding that peninsula. One is to provide stability and help prevent a war; and, second, to avoid North Korea becoming a nuclear force in that part of the world. We cannot afford to sacrifice either of those goals. We must pursue them both. And that is why we need all the assistance we can get from China and Japan and other countries.

In January of this year, Senator LUGAR and I visited South Korea and Japan. Since then, I have supported the President's overall approach to North Korea of combining vigorous diplomatic efforts with prudent military precautions. However, I am concerned that linking our trade through denial of MFN and our human rights interests with China would overlook China's tremendous potential contribution to resolving the North Korean problem without an all-out conflict.

How can China help? First, it is North Korea's only significant friend in the world. China and North Korea are among the few Communist regimes left. Moreover, they retain especially

among their military leaders some of the emotional solidarity they formed while fighting together during the Korean war. On a more practical level, China is North Korea's major trading partner, primary source of oil and steelmaking coke, and main overland link to the rest of Asia. All of these ties make China virtually the primary country that could persuade North Korea to live up to its international obligations and gradually persuade North Korea to join the family of nations.

Second, if our diplomatic efforts should fail and sanctions against North Korea should become necessary, they would be most effective if they are sponsored by the United Nations. With its veto power in the U.N. Security Council, China could obviously prevent this U.N. action.

Third, even if China does allow the United Nations to impose sanctions, through either voting for the sanctions or through abstaining, the effectiveness of the sanctions will largely depend upon the extent to which China enforces these sanctions.

North Korea's trade with other countries is fairly limited, so the significance of China's supply of oil, coke, and even food is heightened in comparison.

All of these realities have implications for our relations with Beijing. In the most extreme case, we cannot expect a China that is the object of United States economic sanctions if we deny MFN to participate in any kind of meaningful way in sanctions against North Korea. We hope that sanctions against North Korea will not be necessary, but it is entirely possible they may be our only recourse in the coming days or weeks ahead.

Mr. President, United States relations with a major country like China must balance several United States interests, as Senator BOREN has pointed out, including the important matter of human rights. We must not neglect that interest and we must not be shy about giving our forthright view on that subject.

However, like Senator BOREN, Senator BAUCUS and others, I believe that we can successfully pursue these interests with other vehicles and mechanisms and make our voice heard clearly on human rights. But we can do it much better in the context of a normal, stable relationship with China. Withdrawing MFN from China will thoroughly disrupt that relationship and make it virtually impossible to advance our objectives, whether they are political, economic, security, educational, social or particularly national security interests.

At the same time that we try to pursue several goals with China, I think we must also be aware of the relative importance of each of these goals and give them each their appropriate weight. If we consider all of our goals in terms of our relationship with China to be equally important, we are unlikely to achieve any of them. Some interests are certainly more important than others.

Given the dangers of North Korea's nuclear program and China's role in potentially helping to solve this dangerous situation, I am convinced the United States relations with China should be oriented to emphasize this strategic priority.

Mr. President, that requires the United States to continue China's MFN status by separating trade from human rights while continuing to emphasize our overall feeling on human rights and our own value system.

Mr. President, I thank the Chair and I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia yields the floor.

The Chair recognizes the Senator from South Carolina [Mr. THURMOND].

IN REMEMBRANCE OF THE NORMANDY INVASION

Mr. THURMOND. Mr. President, some of our colleagues will depart soon to attend the ceremonies in France, to commemorate the 50th anniversary of the allied attack across the English Channel which we have come to call D-day. It is appropriate that we commemorate this day which marks a critical turning point in the largest armed conflict in the history of mankind. Most importantly, it is fitting and right that we honor the memory of those who fell.

The Normandy invasion is a well-documented military action. The scale of the operation—the sheer numbers of people, ships, and planes involved, as well as the effort to coordinate their movement in secret from ports and airfields, and to synchronize their arrival at a place which was defended by a determined enemy—surely defies description. Historians tell us that the largest fleet ever assembled, almost 5,000 ships, crewed by more than 200,000 men, steamed across the choppy English Channel to bring 58,000 soldiers to the invasion beaches. More than 800 planes delivered 13,000 men by glider or parachute. The magnitude of the operation was staggering; we are hard-pressed to appreciate the complexity, and the difficulties which the participants faced.

There were 6,600 American casualties on the first day of the invasion, that 6th day of June, 1944. Among the American airborne units alone, 2,500 men were killed or wounded. Just on that one "Longest Day," the Allies suffered over 10,000 casualties, and 1,465 American men lost their lives. By the end of the Normandy campaign, American casualties exceeded 63,000.

The assault had been planned in detail, but much of what happened did not proceed according to plan. Gliders broke their tow ropes over the channel and others crashed on landing. Parachutists were dropped in the wrong place, boats landed men at the wrong beach, and needed equipment could not be found. Casualties were high, the weather was poor, and in the early dawn hours it looked as if the assault would fail. It would have been easy to give up by saying the mission was too hard.

But in places all over Normandy small groups of airborne soldiers had assembled in the dark. With little or no contact with higher level commanders, the senior person on the scene took charge of the situation. The airborne troops had been dropped by parachute and glider behind the main enemy lines. In fact, some landed among the enemy, right in the middle of their positions. The primary mission of the 82nd and 101st Airborne Divisions was to keep enemy reinforcements from the invasion beaches. One fifth of the American airborne soldiers were killed or wounded that day, but we succeeded in accomplishing our mission.

The first assault waves took heavy casualties at Omaha Beach, and exhausted men tried to find cover behind a seawall. Company A of the 116th Regiment lost 96 percent of their men before any man came close enough to fire his weapon. It was clear very quickly that the meticulous plan for Omaha was not going to work. But without waiting for orders or instructions, the surviving leaders—many of them sergeants and junior officers—improvised, took the initiative, and personally led men off the beach and up the bluff. That had not been the original plan, but it worked.

General Eisenhower had developed and executed the strategy brilliantly, but the operation succeeded because brave men came forward and persevered in the face of terrible odds. The history of D-day is replete with maps, with broad arrows showing the movement of units, but we would always remember that the real story D-day is beneath those arrows, with the thousands of individual soldiers, sailors, aviators, coastguardsmen and merchant mariners who earned the victory.

Those were not the good old days, and no one who served at Normandy longs for that simpler time when our enemies were clearly defined. I listen to people carry on about how tough we have it today because the world situation is so vague. I listen to some of the debate in the Congress about problems and issues which are almost trivial. Our problems pale in comparison to those of the men who fought and died at Normandy.

Fifty years have gone by since that day. Now we look at the invasion in retrospect, and we read about it in the ordered clarity of well-written books. In an age where technology advances

at lightning speed, we watch in the comfort of our homes as film actors attempt to portray the chaos of the combat, the horror of seeing men die in agony, and the courage of brave men who overcame numbing terror. Some former soldiers may write accounts of their experiences that day in newspapers and magazines, or speak in public places. Now, someone who was present that day, and participated in that action, stands on the floor of the Senate of the United States, to offer a few humble words of respect for all who sacrificed so much.

Mr. President, when people visit Normandy they look out across the invasion beaches to the sea. They wonder how anyone could have survived coming across those beaches onto the heights above. Some pause to reflect on the courage of those who sacrificed there, and come away more appreciative of freedom.

But behind the invasion beaches, Mr. President, on the bluffs and in the hills, are the cemeteries where most of the invasion dead are buried. The cemeteries of American dead stretch across Europe from there, marking the path Americans took in a war against unspeakable tyranny.

I encourage my colleagues to visit the cemeteries at Normandy, and to spend some time in that setting. They will find the graves marked by white marble crosses and Stars of David, arranged in precise rows which seem to stretch as far as the eye can see. I encourage my colleagues to read the names on those markers, and those which say simply, "Here Rests in Honored Glory a Comrade in Arms Known But to God." I know of no better way to honor those fine men, or to measure the price of our freedom.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO] is recognized.

(The remarks of Mr. D'AMATO pertaining to the submission of S. R. 217 are printed in today's RECORD under Submission of Concurrent and Senate Resolutions.)

Mr. DOLE. Mr. President, I want to thank the Senator from New York and other of my colleagues who will be speaking.

The Senator from New York just made, I think, a statement that I hope my colleagues on both sides of the aisle will agree with, and that is, we have been very restrained on this matter—some would say too restrained. We have been trying in good faith, and certainly the majority leader has been trying in good faith, to come to terms on some type of a forum, some type of committee. If I had my way, I would have a select committee, where the leaders could each appoint members, so we would be sure we had all of the jurisdiction covered.

The majority leader agreed that the Banking Committee should have broadened jurisdiction for this purpose, and that we could somehow put it together by adding members to the committee, others from other committees, whether it may be Agriculture on the commodities question, or maybe something else in the jurisdiction of the Finance Committee, or maybe something on the Judiciary Committee. But in the Banking Committee, the ratio is 11-to-8. It seems to me that it ought to be even. There ought to be an even number of Republicans and Democrats.

So we have suggested, and the Senator from New York has outlined, what we think is the fair way to approach it: Have a special subcommittee in the Banking Committee. Let the ranking Republican, Senator D'AMATO, select 5, let the chairman select 5, and let the leaders select 3 each, and then we would be able to proceed.

So let me suggest that we had the vote of 98–0, and the Senate in effect directed the two leaders to come up with something to try to determine the scope and timetable and forum for hearings into the so-called Whitewater affair. We have had meetings in the past 2 months, and we have exchanged letters, and we have kept our letters private. We have not been trying to get press, neither I or the majority leader. We have exchanged correspondence privately. We have not reached an agreement yet.

I have written the majority leader as recently as yesterday. It is my understanding that he will be back in touch with me tomorrow after a meeting which is going to occur between the Speaker and the Republican leader in the House. Congressman MICHEL and Speaker FOLEY are going to meet with Mr. Fiske. Throughout this process, the majority leader has acted in good faith and even today we are continuing our efforts to trying to settle this issue.

As I say, I think we will get another response tomorrow. But the point I want to make is this: That does not mean we should not try to jump-start the negotiating process, and that is where Senator D'AMATO's resolution comes in.

As I said, the resolution, which reflects our latest proposal to the majority leader, would create a 16-member special subcommittee of the Banking Committee. The special subcommittee would be charged with conducting all aspects of the Whitewater hearings. Throughout our negotiations, Senator MITCHELL has insisted the hearings be held within the Banking Committee, despite the clear jurisdictional interest of other committees—Judiciary, Small Business, Finance, Agriculture, the Subcommittee on Parks, Public Lands and Forests, and the Permanent Subcommittee on Investigations.

So this resolution accommodates Senator MITCHELL's desire, but it also gives Senators from other committees the opportunity to participate in the hearings as well. It does not set a specific timetable for hearings. Instead, it establishes a form for hearings, the scope of the hearings, and then directs the chairman and the ranking member of the special committee—that would be Senator D'AMATO, I assume, and Senator RIEGLE—to consult with Robert Fiske about scheduling.

The hearing on one aspect of Whitewater could begin next month. A hearing on another subject could begin next year. The Senate does not have to play scheduling secretary with the hearings. But we do need to get the ball rolling.

Again, as I said, I prefer a select committee. If we are going to go this way, I think maybe a special subcommittee will meet most of the concerns.

Let me say a word about the special counsel. We have heard a lot about Robert Fiske. No doubt he is a very able lawyer. More impressive, I think, are his skills as a bureaucrat. Somehow, for some reason, he has the entire Congress fawning with deference, tiptoeing around the investigation as if we cannot do anything without checking with him first.

That is where we are making our mistake, as far as I am concerned. So much for our own constitutional obligation and so much for the Legislative Reorganization Act of 1946, the Intergovernmental Cooperation Act of 1968, the Legislative Reorganization Act of 1970, the Federal Advisory Committee Act of 1972, and the Congressional Budget Impoundment Act of 1974—five key laws that assign oversight duties to congressional committees. So we have had our oversight responsibility defined by statute. It is implied in the Constitution.

I can understand the unique demands of Mr. Fiske's job, but Mr. Fiske and those of us in the Senate should also understand that Congress has its own job to do as well.

Mr. Fiske's responsibility is criminal and civil prosecution. Our job, Congress' job, is full public disclosure. Mr. Fiske was appointed by the Attorney General. We were elected by the people of the United States, by the citizens of the United States. Mr. Fiske gets his mandate from the Department of Justice regulation. Our mandate, the Senate mandate, comes from the Constitution itself.

Yes, we should try not to interfere with Mr. Fiske's investigation. Yes, we should be sensitive to the unique needs of his investigation. That is why we have given Mr. Fiske in this case a 4-month head start, and that is why the Senate has also agreed not to grant immunity to any hearing witness over his objection because we understand the concern he has.

But, Mr. President, it is one thing to be differential and something quite dif-

ferent when deference is used as an excuse to shirk our own constitutionally mandated oversight obligation.

If we continue to drag our feet on hearings, a new term no doubt will enter the American political vocabulary and the phrase "taking the Fiske"—that is in effect what we are doing; everybody is taking the Fiske; we cannot do it because Mr. Fiske will not let us do it—will soon replace "passing the buck."

As my colleagues know, during the Reagan and Bush administrations, Congress was not shy in examining the peccadilloes of those in the executive branch. More than 20 congressional investigations were initiated to examine such high crimes and misdemeanors as the so-called irregularities in Ed Meese's 1985 financial report. We had a hearing on that alleged misuse of a gift fund by President Reagan's Ambassador to Switzerland. And, of course, who can forget the mother of all conspiracies, the "October surprise."

There is also plenty of precedent for conducting oversight hearings while criminal and civil investigations are pending. Michael Deaver, BNL, and BCCI all come to mind.

Finally, let us not forget that I think these hearings, as I said so before—in fact last December and January when it is pretty lonely around here—that hearings are in the best interests of the President and Mrs. Clinton. I made the statement then; I make the same statement now.

If there has been no wrongdoing, there is nothing to hide. Let us get this behind us. And it seems to me that we need a full public hearing. I think there will be a full public hearing.

Let me again stress—and I know my friend from New York, Senator D'AMATO, like all of my colleagues, I assume, have confidence in Mr. Fiske—but he cannot have a veto on what we do in Congress. We are the Congress of the United States. We are elected by the people in this country. We have certain responsibilities.

I cited five statutes. It is also implied in the Constitution. We have oversight responsibilities.

The very same laws that were invoked to have 20-some hearings during the Reagan and Bush years have not been repealed. They are still there.

So I suggest that there is another reason for wanting to get this forum put together. The Senator from New York will tell us it is going to take a while to do all the things you need to do to get ready for a hearing. It is going to take 30 days at least. I say we will agree on some sort of a forum. Then we cannot tell you about the hearing until we clear it with Mr. Fiske. Then, if he finally does clear it, we have to wait 30 days to be prepared.

My view is let us cooperate where we can with the special counsel, but let us get ready so when he says, if there is some agreement or we decide as Congress should decide on its own, let us start phase one. We are ready to start phase one instead of saying we can start but we are not ready; we have to wait 30 days.

Mr. WALLOP. Mr. President, will the leader yield for a question?

Mr. DOLE. I am happy to yield.

Mr. WALLOP. The Senator from Wyoming wanted to reach the inescapable conclusion that, by refusing to come to grips with this, we are, in fact, indulging in an organized coverup of something. Whether or not that is true, the public impression of it has to be growing that there is an unwillingness on the part of the majority party to come to grips in ways in which they have come to grips as the leader points out with Republicans. So the only inescapable conclusion is that there must be something to hide; otherwise, the hearings would do a lot to alleviate the President's Presidency from this overhanging cloud. Is that a fair assumption?

Mr. DOLE. I think it is a fair assumption. I also think it is a fair assumption to point out, as the Senator from New York did, we are not slowing down anything around here except slowing down the hearing. That is the only thing slowed down. We have not slowed down any legislation. We have not stonewalled any hearings. We have not slowed them down. There have not been any.

It seems to this Senator—in fact I was down in Kentucky when that vote went Republican. The vote went Republican for the first time since the Civil War last Friday.

A lot of people asked about hearings. When are you going to have hearings? I do not know. Democrats or Republicans, there is a lot of frustration in the countryside.

There are other factors involved in that particular election. They wanted to send a message to all of us—all of us, the President, the Congress, and everyone else that they were tired of all this Government, all this health care stuff, and a lot of other things. Maybe that may not be the reason the Republican won for the first time in 119 or 129 years. But I think it was.

I think there is just a lot of frustration.

Is this a big, big issue? If you took a poll today, Whitewater hearings, well, probably not as much as it was for a while, but once we start I think the American people will understand that we have a responsibility. Nobody is after anybody. No one as I know on this floor or this side ever accused anybody of anything—nothing. We made no allegation. We do have a responsibility.

Mr. LOTT. Mr. President, let me just ask. I know you have been working closely with the majority leader to try to nail down how this will proceed and when, and I note that that goes on in private and a lot of confidences are involved. But the status, as I understand it, is that you are exchanging some correspondence, you feel like you are moving forward and are you of the impression that in June some hearings will begin to occur or get ready for it. What is the status as best you can tell us at this time?

Mr. DOLE. We are not lurching forward you know, but we are moving a little bit. And it seems to me that, again, as I said, I think the majority leader has been in good faith. I think he feels strongly we should not move without Mr. Fiske. There will be a meeting tomorrow, as I said, with Speaker FOLEY and BOB MICHEL and I understand Mr. Fiske or his representative so Mr. Fiske can tell Congress we can go ahead and do our job. It seems to me it is kind of strange. We ought to do our job and tell Mr. Fiske he should do his job and not interfere with him.

The Senator from New York has made it very clear we are about to do that.

But I would guess—and I have indicated this to the majority leader directly and I think indirectly—that if we cannot come to some agreement, we are just going to have to offer amendments here and have votes. I know they can second degree anything we offer. But we did have a vote, as I said, of 98 to zero a couple months ago that we were going to go ahead and do these things.

I think the Senator from Mississippi and all of our colleagues who are here today and others have been very restrained. We have not been out here beating on everybody every day, saying: Why do we not do this? Why do we not do this? Why we do not do this? We think, collectively, it is about time.

I want to thank, again, the Senator from New York for his dogged determination and for the preparation he has already made. I have had an opportunity to look over the volumes of information, information the Senator from New York has already compiled. I think he has enough right now to start responsible hearings in a responsible manner, whether it is RTC or whatever it might be.

So I hope we can start very quickly.

I yield to the Senator from Kentucky.

Mr. MCCONNELL. The Republican leader referred to the congressional race in Kentucky just last Friday. He and I were there together.

I would say, Mr. President, in further elaboration of what the leader has indicated, there was one issue in that race, and only one, and that was the Clinton administration.

And so there would be a temptation, I suppose, to interpret the proposal that the distinguished Senator from New York has offered as an effort to bash or pile on the Clinton administration.

But I would say I think the Republican leader was absolutely correct when he made the point that it is actually to the advantage of the administration, unless it has something to hide, to go on and get this out, get it over with, get it behind him.

If I were sitting in the White House, having looked at the results in Kentucky, I think I would say that the last thing I would want to participate in as a part of the Clinton administration would be any effort to impede what is a perfectly legitimate line of congressional inquiry.

As the leader has pointed out, in the previous administrations, we had hearings on everything; did we not, Mr. Leader?

Mr. DOLE. Nearly everything.

Mr. MCCONNELL. Nearly everything.

And here we have a matter of obvious importance that the distinguished Senator from New York has clearly outlined for us here today and yet we cannot even get a schedule to go forward.

So I just want to thank the leader for his effort in this regard. I want to thank Senator D'AMATO for his leadership.

And I would say to the Clinton administration, if there is nothing to hide, why not go forward? Let us just go ahead and have the hearings and get it before the American public. If there is nothing to be ashamed of, it would exonerate them.

I thank the leader.

Mr. DOLE. Let me just underscore what the Senator from Kentucky has said.

Again, I think we started initially this last December 21, so here it has been January, February, March, April, and we are about to go on a recess and be back on June 7.

So I think any fair judgment would say, "Jiminy, you Republicans are pretty timid."

We offered one amendment a couple of months ago. We tried to negotiate. We are making some progress.

So I hope everybody will understand that if we do not work it out when we come to the floor and offer an amendment, it is not that we just rushed out here the day after somebody made some allegation.

In my view, we have tried to be cooperative. We have tried to listen to the views to respect the authority that Mr. Fiske has, but we also have some responsibility. And it is in the law and it is in the Constitution and we are in the U.S. Senate and it is our responsibility, too.

If we cannot work it out, we will just have to do what we have to do. And if the Democrats want to vote it down the next 2 months, let them vote it down 4, 5, 6, 7, 8, 9 times. Let them vote it down. Then I think we will get a better understanding.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I join with my leader and the Senator from New York in cosponsoring the resolution that has just been brought to the desk to urge the Senate to move forward in developing a timeframe and a specific process by which we could begin hearings on the Whitewater affair.

I, like many of my colleagues around me this afternoon, have remained silent for a period of nearly 3 months, since March 17, when this Senate voted 98 to zero that we would agree to move forward with a responsible approach towards reviewing, in our oversight authority and capacity, the issue of Whitewater.

We remained what I believed to be called respectable as a special investigator was selected. And he went forward and it was argued that we should not interfere in the processes of his investigation.

But the Republican leader this afternoon, in my opinion, made it very clear that our responsibility goes well beyond that of what a special investigator would suggest. And I say that because of a concern that is now seeping—and I use that word "seeping"—from the mail and the correspondence that I have received from the citizens of the State of Idaho.

And that correspondence is bipartisan in nature, Mr. President. And it does something like what I believe is critically important and why we stand here this afternoon. It does not talk about Bill Clinton. It does not talk about any of the allegations that might be out there. It talks about the Presidency. It talks about the integrity of the Office of the President of the United States and that it is being eroded every day, as this controversy is allowed to remain the subject of public speculation and the butt of late-night talk show jokes.

I hide nothing when I say that I have been opposed to this President's policies on more than one occasion. But let me tell you, I do deplore the damage that this matter is doing to him and to our Nation's highest office.

Press conferences and spin control are not the same as a full and fair inquiry. And the Senator from New York this afternoon has laid before the Senate a resolution that would establish just that—a balanced, if you will, bipartisan approach toward a full and fair inquiry.

It does not enhance the President's reputation and authority either personally or institutionally to leave legitimate questions unanswered. Instead, it breeds disrespect. And we are now beginning to hear that. No matter where we turn in this country, the citizens are beginning to ask: When are you going to respond with the kind of oversight responsibility that is clearly that of the U.S. Senate?

Most important, Mr. President, we all have a stake in honoring the commitment of the Senate, which voted, as I mentioned, in March to organize hearings on Whitewater.

We have heard from the leader today that both of our leaders have been in a slow but what appears to be a progressive approach toward resolving this issue and bringing before the Senate an approach to get us to hearings.

The American people expect the Senate to act on that commitment. They have heard too many empty promises issuing out of the Washington Beltway. Until we set a date, until we decide a forum, until we establish a nonpartisan procedure for those hearings, we are not honoring the commitment that we have made to ourselves, to our Constitution, but more importantly to the people of this country.

We voted bipartisanly 98 to 0 to move ahead months ago. The American people are now asking us to do so.

I felt it was incumbent on my part today to begin to speak out on this issue, as I have chosen not to do before. And I will tell you that, following the Memorial Day recess, I will come back to this floor, as many of my colleagues will, day after day to ask of our leadership and to ask of this Senate that in a respectable, a bipartisan, a responsible and a constitutional way we proceed with the business of the people in a fair and open forum to ensure the integrity of the Office of the Presidency of the United States of America.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I understand that my name was mentioned, and my hometown was mentioned a moment ago by the minority leader of the Senate, that he was visiting Kentucky last week and that he visited my hometown. He said that he was in Senator FORD's hometown last week and they were all asking him about Whitewater.

Mr. President, we talked about the message that was sent from that race.

Mr. D'AMATO. May I make an inquiry to the distinguished senior Senator from Kentucky—or just an observation for 10 seconds?

Senator, I do not believe that the Republican leader mentioned your name. I heard it—I think——

Mr. FORD. What about my hometown, then?

Mr. D'AMATO. That may have been. I just wanted you to have the facts.

Mr. FORD. I got the facts—I got enough of them. I am getting fed up with them. I have the floor.

Mr. D'AMATO. I guess you——

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

Mr. FORD. I have the floor and I am going to keep it for awhile.

Mr. D'AMATO. Good.

Mr. FORD. You can do what you want to.

But they talked about the questions that were being asked in my hometown. That is fine.

You be there 15 minutes, you know more about my hometown than I do and I have lived there for 70 years. I do not see anybody lining up in my front yard or at my office, asking and begging for Whitewater committees to come up here and investigate.

They talk about the campaign in the Second Congressional District yesterday. I will tell you what it was. It was distortion. It was distraction. And it was an avalanche of money. Even the Republican Senatorial Campaign Committee put $10,000 in a congressional race.

Now, is that what you have been out raising money for? To elect a Congressman? I thought you were going to have the Senate, get a majority in the Senate. We got money from all over the country. Every Congressman who had a campaign fund sent $1,000. Hundreds of thousands of dollars poured in there in a couple of weeks. So it was not a question about, as Speaker Tip O'Neil would say, "All politics is local." This in my opinion was far from a local election. When it came in there, you talked about guns, gays—that was part of it—guns, gays, and term limits. Wanted you to sign an affidavit—all these things to tie your hands for months and years to come.

Then talk about crime—did not talk about crime at all. That is on the minds of my constituents. I do not know what is on the minds of yours.

They did not talk about health care, except this fellow is going to vote against it all. That is the only part of health care they made any statement about. Did not talk about welfare reform—that was not in the conversation. But when they say my hometown, and he is there for 15 minutes and knows more about it than I do after 70 years, I have to come and take exception to that.

If you do not take my name, did not use my name—I understand he did—but if that is not true, he still used my hometown.

So I just want my colleagues to know that that was not the message. That was not the message. There will be another race in November. And I do not believe you are going to put $400,000 into that congressional race again. Lightning does not strike in the same place twice normally. But it may.

But I want to tell you, my phone is ringing off the wall. People are upset. We have lost a seat held for 129 years by Democrats. Only in 1865 did we have something other than a Democrat elected and that was a Conservative.

I understand what is going on. I understand the phone calls representing a candidate when you were not representing that candidate, you were representing another one. I can see all the handbills, and one of these days we are going to put the handbills out here and let you look at them and see how you like what was done in the Second Congressional District. I want you to look at the ads and how you defamed a man and his character. That was part of the campaign. There were no issues relevant to the Second Congressional District. It was just distortion, distraction, and a rush of money.

I think I know my constituency, and particularly my hometown. I want to tell you, when I go back home I am going to say what they said here. When you have 100 people at the airport, and in 15 minutes you know more about it than I do, then something is wrong. I just do not believe that what was said here on the floor earlier was correct.

Mr. DOLE. Will the Senator yield?

Mr. FORD. I will be glad to yield.

Mr. DOLE. I just wanted to straighten the Senator out.

Mr. FORD. That will be fine.

Mr. DOLE. I did not mention either your name or your hometown. I said I was in the district—I think it is a free country.

Mr. FORD. Yes, I understand that. What towns did you visit? Did you tell them what towns you visited?

Mr. DOLE. I did not mention that in my statement on the floor, so I did not mention your hometown.

Mr. FORD. Have you mentioned it earlier today?

Mr. DOLE. Not that I know of, not on the floor.

Mr. FORD. Have not mentioned it at all? Then my information is wrong and I apologize to the Senator.

Mr. DOLE. The only time I mentioned it was just recently, in the last 10 minutes.

Mr. FORD. What did the Senator reference to then?

Mr. DOLE. I said the election in Kentucky where Republicans won a seat they haven't held since the Civil War, or 100-and——

Mr. FORD. Since 1865.

Mr. DOLE. "It's time for a"——

Mr. FORD. See, I know about the district, Senator.

Mr. DOLE. "It's time for a change."

Mr. FORD. I am not sure.

Mr. DOLE. I would not do that, as I told the Senator before. I did not go down there to campaign against him. Never mentioned your name while I was there. If I did, it would have been mentioned favorably. But I did not, in the debate today, mention either the Senator by name, or his hometown—or even the Second Congressional District.

Mr. FORD. Well, I apologize to the Senator. I took that—I want the RECORD to reflect that you did not mention my hometown, you did not mention my name, and you have not done so in any press conference or anything today——

Mr. DOLE. I have not had any press conferences.

Mr. FORD. To the press? You have not mentioned my name to the press, and my hometown?

Mr. DOLE. No.

Mr. FORD. I said—I was told you had been in Senator FORD's hometown and mentioned Whitewater.

Mr. DOLE. I said when I was down there in that district I talked about Whitewater. I did not say they were lining up, but said they asked about it. I know the Senator's hometown because he was gracious enough to meet me there in 1987.

Mr. FORD. No, see—it was Lexington.

Mr. DOLE. What is your hometown?

Mr. FORD. Owensboro. But not during the campaign.

Mr. DOLE. Then I was not in your hometown.

I did not know where you were from.

Mr. FORD. Could we have order in the gallery? This is not a funny thing, when we talk about hometowns.

I did meet the Senator. It was in Lexington, when you were running for President. I have not met you any other time.

Mr. DOLE. Well, whatever. I appreciate your meeting me wherever it was.

Mr. FORD. You needed all the help you could get at the time.

Mr. DOLE. I needed more than I could get at the time, as I recall.

But the point is, I want the Senator to know that I know the rules and I would not come to the Senate floor and disparage in any way or make any comments that might in any way reflect upon any of my colleagues on either side, even by mentioning where they might be from. Because I am very proud of where I am from. You are very proud of where you are from. And that is sort of the way the RECORD should read.

Mr. FORD. All right, that is fine.

Then we talk about the message that was sent from the Second Congressional District in Kentucky. That, the message was not sent in a manner of which I think we all want the message to be couched. The message was a distortion, distraction and rush of money.

As I said, the Senatorial Campaign Committee, the Republican Senatorial Campaign Committee put $10,000 into that congressional race. I do not see anybody rushing from most senatorial campaigns to put it into a congressional race. And that, Mr. President, I think, was one of the items, the rush of money was—the stealth approach that was reported in our papers in Kentucky today. Sure it was. And I understand it. And I understand what happened there. I have no illusions. I know the polls. I have seen the polls of the district and I know why you went in there. But the day is not over and there will be another race in that district.

Mr. DOLE. There will be races——

Mr. FORD. I hope you will come back and I hope you will bring several hundred thousand dollars again. We need it. We like it. And when you fly in by corporate jet and we try to get along in

a bunny jumper—maybe we will catch up with you one of these days. We are going to try.

Mr. MCCONNELL. Will my friend yield?

Mr. FORD. Sure, I will be glad to yield. I was informed—one thing—I take my friend's word for it. But just to say they were asking you about Whitewater, I travel that district almost every weekend and they are not beating down my door about Whitewater. I will assure you of that.

Mr. MCCONNELL. I just wanted to reassure my colleague from Kentucky I was on the floor when the Senate Republican leader spoke. He neither mentioned your name, nor your hometown. There was discussion by both the Republican leader and myself about the meaning of the race in the Second District yesterday.

Mr. FORD. May I say to my colleague that somewhere, somehow, my name was mentioned and my hometown was mentioned.

Mr. MCCONNELL. Not on the floor.

Mr. FORD. But it has been mentioned, or that is the information I got from the individual, that is, in my opinion, honest as he can be. So whether it was said on the floor or not, my name has been mentioned today and my hometown has been mentioned.

Mr. DOLE. Will the Senator yield to me?

Mr. FORD. I will be glad to.

Mr. DOLE. I want to put in the RECORD, the only statement I made I made last night when we went out last night about the "GOP Winning Streak, the Republicans 9-for-9 In Big Elections with Lewis Win in Kentucky, Winning Streak Sends Powerful Message to White House."

I ask unanimous consent that the entire statement be printed in the RECORD.

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

GOP WINNING STREAK

REPUBLICANS 9-FOR-9 IN BIG ELECTIONS WITH LEWIS WIN IN KENTUCKY: WINNING STREAK SENDS POWERFUL MESSAGE TO WHITE HOUSE

WASHINGTON.—Senate Republican Leader Bob Dole tonight issued the following statement regarding Ron Lewis's election to the U.S. House of Representatives in Kentucky's special election:

"The tidal wave of Republican victories continues. With Ron Lewis breaking the 129-year Democrat lock on the U.S. House seat in Kentucky's 2nd district, the Republican party has won all nine of the most important elections since President Clinton took the White House.

"No doubt about it, this election sends a powerful message to the White House: on issue after issue, the American people aren't swallowing this Administration's big government medicine."

Mr. DOLE. Again, in that statement, I do not mention any name.

Mr. FORD. Senator, I am going back and check it through again and find out where the information came from, because if you did not say that, then it has made me look a little silly. But still the question in the Second Congressional District was not on Clinton. The distortion and the distraction and the dollars, that is what happened in the Second Congressional District.

Mr. DOLE. If the Senator will yield, that may have been true somewhere, but it was not true where I stopped. We did talk to people. We were about an hour at each stop. We had a chance to meet with people. I generally try to listen to people. I got a lot of messages, for Congress as well. As I said—we can go back and read the RECORD—I said the message to Congress as well as the President. So that includes us.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, I will be glad to yield to my colleague for a question, not a statement.

Mr. MCCONNELL. I do not have a question. At the appropriate time, I want to make an observation just about the dollar issue, I will say to my colleague from Kentucky. As he knows, the dollars spent relatively even in the race. I will just wait until he finishes.

Mr. FORD. Mr. President, relatively even, but an individual can spend his own personal money.

Mr. MCCONNELL. Yes.

Mr. FORD. About $50,000. That does not compare to several hundred thousand that was put in by outside sources. $58,600 by—I am not sure if it was Republican National Committee or the House Republican CCC, but that was one purchase that was made at one time.

Mr. MCCONNELL. My colleague, I am sure knows, the spending in the race was relatively even, the big difference being the candidate of the Democratic Party basically chose to finance a good portion of it out of his own pocket. The Republican candidate was a man of modest means who simply was unable to do that and unwilling to go into debt. So the amount of money spent in the race was relatively even. It was not determined because either candidate dramatically outspent the other.

Mr. FORD. Mr. President, I retain the floor. The question here is not the amount of money but where the money came from and how the money was spent. The preacher that won the race is a nice fellow, but he is foreign to what went on in the last 2 weeks of his campaign. It is foreign to him as an individual. People moved in and took over, and he became the pawn rather than the candidate. All of the phone calls, phone banks, all the distortions and distractions and the money. Never were there the local issues, what are of interest to the district.

So I want to be sure the three things that you remember about that race: Distortion, distraction and rush of money. That is exactly what happened in that. Whitewater was never brought up in the campaign. I do not remember Whitewater ever being mentioned in the campaign, and if it is so important, it is on everybody's mind, I do not see why somebody did not say something about Whitewater, that it was an issue; that we were not having hearings. I never heard anything about it. Even in the Republican campaign. They had plenty of money. They bought everything they could buy.

But there never was any part of an issue, never a statement ever made, to my knowledge, or in the paper that they were down there demanding that we have a Whitewater hearing up here. They would prefer us to get around to crime, to health care, to welfare reform and those sort of things that are important to the citizens of my home district.

I yield the floor, Mr. President.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, one of the statewide newspapers in Kentucky has adopted a practice recommended by David Broder of the Washington Post several years ago, which is to critique television commercials run in campaigns. I think it is interesting to note that in assessing the commercials of the candidates in the Second District in Kentucky, the commercials of the winning candidate, Congressman-elect Lewis, were basically not criticized for being inaccurate. It was the most positive assessment of political ads that I have seen in recent years.

So I think it is not correct to say there was a campaign of distortion in any way. An objective observer of the campaign commercials, the Louisville Courier Journal—a liberal Democratic paper which criticizes everybody's commercials, looks at them very carefully—did not conclude that the commercials that were being run by the Republican candidate were in any way deceitful or distorting.

In fact, what was the issue in the Second District was the Clinton administration. That is not unfair. He is the President of the United States. Voters are looking around for some way to express themselves. We found that in the Second Congressional District, 30 percent of the voters thought the President ought to be reelected and 55 percent thought anybody else would be a better choice.

So in what way could anybody reasonably conclude that it was unfair of the Republican candidate to make President Clinton an issue? The message in Kentucky was clear. We had a candidate who was adequately funded, thanks to support of his political party, which is why we have political parties, to try to help candidates of our persuasion. We had a candidate who

was adequately supported by Republicans all over the country, here, in the House and elsewhere who wanted to help someone they thought deserved a chance to win, running against a very nice man who financed a large portion of the race out of his own pocket.

Some of us just do not have that kind of money, do not have that kind of option. So in looking at the Second District, Mr. President, let me just say, in conclusion, money did not turn this race. Both sides were adequately funded: One candidate funded it out of his own pocket and one candidate got it from a whole lot of folks.

No. 2, there clearly was only one issue in the Second District, and that was the President and his standing. That may change, but as of yesterday in the Second District in Kentucky, I think it is safe to say President Clinton could not get elected dogcatcher.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

WHITEWATER

Mr. FAIRCLOTH. Mr. President, the Clinton administration is currently embroiled in a scandal, a scandal that is causing enormous turmoil and problems. Washington today is divided between two opposing groups. One is made up of those who expect Congress to do its job and exercise oversight into the matter. The second is those who do whatever it takes to block congressional investigation, an investigation that will, at the very least, cause embarrassment to their political allies and to President and Mrs. Clinton.

There are many reasons to have the investigation, and I will not attempt to go through a litany of them this afternoon, but they run into the twenties. But only one I am going to touch on, and that is one involving a man named Dan Lasater. Lasater is a convicted cocaine dealer who ran a bond trading firm.

In the early 1980's—and this is verified testimony by the FBI—in the 1980's, he met President Clinton's mother at the horse racetrack in Hot Springs, AR. According to Newsweek magazine, and a confidential FBI document, Dan Lasater told Federal agents that shortly thereafter, Bill Clinton had asked Lasater to give his brother-in-law, Roger Clinton, a job. Lasater gave Roger Clinton a job on his horse farm, but he also paid off Roger Clinton's drug debts.

Lasater sponsored fundraising events all around Arkansas for Bill Clinton. He did these in his brokerage offices. He made his airplane available to Bill and Hillary Clinton to use for campaign and noncampaign events alike. He also encouraged his workers to contribute to Bill Clinton's gubernatorial campaign, promising higher commissions to compensate for the money they contributed.

But for all this, Dan Lasater expected something in return and, Mr. President, he got it. Shortly after Bill Clinton was back in the Governor's mansion, despite having been censured by the Arkansas State Securities Commissioner and National Association of Security Dealers, Lasater's bond firm was again added to the select list of brokerage firms eligible to underwrite State issues.

That classification in return generated millions of dollars of business for Dan Lasater's firm. In the summer of 1985, Bill Clinton personally lobbied the Arkansas State Legislature to approve a contract for Dan Lasater to sell $30.2 million in bonds for an Arkansas police radio system. That contract alone netted Dan Lasater $750,000.

Before he was jailed for trafficking in cocaine, Dan Lasater got a contract to trade Treasury bond futures for the American Savings and Loan in Oak Brook, IL. First American eventually sued Lasater's bond firm for mail fraud, wire fraud, and security fraud. They could not think of another.

In 1986, First American was seized by Federal regulators. Those regulators pursued the lawsuit against Dan Lasater. Now, who did the Government hire to handle the case against Lasater? The Rose law firm. And who did the Rose law firm assign to handle the case? Not their normal savings and loan lawyer, Webster Hubbell. Webster Hubbell was the normal savings and loan lawyer, but they did not use him in this case. Instead, they assigned it to Vince Foster and Hillary Rodham Clinton. Those were the two assigned to handle Dan Lasater's case.

Hillary Clinton, whose husband had been bankrolled by Lasater, whose brother-in-law had had his drug debts paid by Lasater, who had been flown around Arkansas by Lasater, had now been hired by the FDIC to represent the taxpayers against Lasater. The FDIC was suing for $3.3 million. Hillary Clinton and Vince Foster settled the case with her old friend, lobbying client and political crony for $200,000—6 cents on the dollar.

In 1987, Dan Lasater, serving a prison sentence, gave power of attorney to Patsy Thomasson, who is today a top White House official. Keep her name in mind, Mr. President. She will surface often.

Later, in 1987, Vince Foster and Hillary Clinton settled the taxpayers' case with Dan Lasater for 6 cents on the dollar. But in order to keep you and me from knowing about it, they settled the case confidentially. The only way anyone ever found out about it was through a letter that Vince Foster wrote the FDIC, the agency that Bill Clinton now wants to install his friend Ricki Tigert to head—a favorite hanging out friend of Mrs. Clinton.

Mr. President, the U.S. Senate should be holding hearings right now. Members of Congress who are aware of many, many more facts in this whole web of intrigue that has collectively come to be known as Whitewater know that the whole matter will not just go away, and it is time for the administration to realize it is not going away and they will be better served by opening it to the public and full investigation.

I am proud to join my colleagues in supporting this call for immediate hearings on the matter. The American people deserve the honesty of knowing what went on.

I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my colleague, Senator FAIRCLOTH, from North Carolina for his statement and also my friend and colleague from New York, Senator D'AMATO, for his persistence in calling for hearings. I wish to congratulate Senator DOLE as well.

I would urge that the majority leader, Senator MITCHELL, work with Senator DOLE to set these hearings up and set a date and time certain and commit to a format, so these hearings can be conducted and can be concluded.

Frankly, I think it is in the President and Mrs. Clinton's best interest to have these hearings occur and have them concluded as soon as possible. There are a lot of questions that need to be asked, a lot of questions that frankly have not been answered. Hearings will ask the appropriate questions and seek the truth.

Now, I know Mrs. Clinton had one press conference and President Clinton had another press conference on various Whitewater matters, but there are a lot of unanswered questions that need to be resolved, because some of these allegations do involve, if they are correct, violations of Federal law.

Now, I have heard some people say, well, no credible allegations have been made. Frankly, that is not the case. I have a list of 12 cases as reported by the press, that, if true, were a violation of Federal law. And I think we need some type of political justice and equity. I am bothered by the fact that one of our colleagues, Senator DURENBERGER, is going to be on trial in the Federal district court in Washington, DC, over a case that involves maybe $4,000, a little less than $4,000. The case was dismissed and then the Justice Department reindicted him, and that case should go to trial in the near future.

I am looking at possible potential allegations dealing with Whitewater many times greater than that. If the Justice Department is going to be going after Senator DURENBERGER, who has already been punished by this body, and go after him in prosecution for $4,000, I am looking at some of these allegations dealing with Whitewater, and you are talking about

dollars in the hundreds of thousands in some cases. So we need answers. We need answers.

The Senator from New York is correct: We need to find out things dealing with Whitewater, with Madison Guaranty Savings and Loan. We need to answer some questions dealing with cattle commodity futures. Most people are kind of shocked that you can take a $1,000 investment and make a 1,000-percent rate of return and have that be done legally and ethically. Many have said it cannot be done.

We need to find out some answers. When it comes to commodities, for example, we need to find out whether winning trades were allocated to Mrs. Clinton's account and losers allocated to somebody else's account? If that was done, that is illegal. We need to know.

We need to know answers to questions of whether federally insured Madison deposits were diverted to pay the Clintons' share of their Whitewater investment debts. We need to know answers to these questions.

We need to know answers to what happened to the Whitewater records. What happened to the documents that were taken from Vince Foster's office the day that he died? That information has not been made public. What about the information dealing with commodity trading that we now understand the Chicago Mercantile Exchange has available but has not yet been made public? Why has it not been made public?

So again I think that committee hearings are vitally important to find answers to a lot of these unanswered questions, questions that have been asked but questions that have not been answered. And fair, objective, careful, bipartisan hearings are one way to find answers.

I see the majority leader is in the Chamber, so I would urge him to move forward. I think it is in his interest, the President's interest, and, frankly, in this country's interest to get this issue behind us.

A lot of us would like answers to some of these questions. We had something like 20-some hearings during the Reagan and Bush administrations, some of which many people considered political. I hope that we could have these hearings, get these issues raised, questions asked, and answers found as soon as possible.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. FORD. Mr. President, will the majority leader yield me a couple minutes.

Mr. MITCHELL. Certainly, I yield.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, my colleagues said that they analyzed TV ads in Kentucky and say whether they are good, bad, or indifferent, distort the facts. And he referred to the Courier Journal in their analysis of these TV ads.

I thought I had seen this, and I wanted to be sure so that I will not make another mistake on the floor. I really do not think I made a real mistake. But I do not like to make mistakes.

Here is an editorial from the Courier Journal as it relates to the TV ads. I would like to read that, Mr. President, if I may.

"Low Blows and Late Hits" is the title of the editorial from the Courier Journal that was referred to, analyzed in the TV ads.

It says:

Pity the voters of Kentucky's 2nd Congressional District. For four happy decades, they abided in the shade of Bill Natcher's political rectitude. Now, courtesy of the Republican National Committee, they suddenly find themselves wandering in the hellish, mirage-filled desert of modern media campaigning.

It's a pitiless, truth-scorching place that takes some getting used to—a place where character is only something to be destroyed, where a record of honorable public service is automatically mangled into a badge of shame, and where responsible leadership is considered prima facie evidence of betraying the public.

It's a place, in other words, where a solid, honest and conservative Kentucky Democrat like Joe Prather can be portrayed by attack ads as everything he isn't—a social radical, a prodigal spender, a dirty politician—and have large portions of the public accept the video lie over the flesh-and-blood truth.

That's exactly what's happening in the special election between Mr. Prather and Republican Ron Lewis to succeed Mr. Natcher. Why? While Mr. Prather intended a modest, low-budget campaign befitting his own style and Mr. Natcher's legacy, the Republican National Committee decided otherwise.

It sent in big bucks and big guns, and the attack ads began, delivering a series of late hits and low blows to Mr. Prather's admirable record and reasoned views.

The race ceased being a campaign between two Kentuckians over who can best represent and reflect the district. Instead, it became a televised horror show featuring the monstrous double of Mr. Prather created by the GOP's Dr. Videosteins.

But to see Bill Natcher's Kentucky so quickly overtaken by the worst kind of media politics is especially disheartening. Voters should send Mr. Lewis' cynical handlers back to their muck and turn out in droves for the real Mr. Prather.

I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

[From the Louisville Courier Journal, May 21, 1994]

LOW BLOWS AND LATE HITS

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Jefferson County Democrats are enduring similar tactics, as cable-TV millionaire Charlie Owen tries to buy a congressional nomination with a late deluge of attack ads.

But to see Bill Natcher's Kentucky so quickly overtaken by the worst kind of media politics is especially disheartening. Voters should send Mr. Lewis' cynical handlers back to their muck and turn out in droves for the real Mr. Prather.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, will the majority leader give me an opportunity to make a very brief observation about the Kentucky race sort of inspired by Senator FORD? I probably will take only a couple of minutes.

Mr. MITCHELL. We have had about 7 or 8 Republican speeches, and only one Democrat has had a chance to speak. I will not want to suggest the standard of equal time. But we ought to be able to get some time.

I am pleased to yield to my colleague.

Mr. MCCONNELL. Mr. President, I thank my friend, the majority leader.

My colleague from Kentucky has correctly alluded to an editorial in the liberal Democratic, major newspaper in our State. I will stipulate that on the editorial page they very much supported the democratic candidate in the Second District.

What I was referring to earlier in the critique of the commercials is the political reporter for the Courier Journal picking up on a trend that David Broder actually launched a couple of years ago as a critique of not only the editorial page but in the news section, a critique of candidate's ads.

And the point I was making earlier was that his critique of the advertising of the Republican candidate, the ultimate winner, in the Second District, was really very, very mild.

Senator FORD and my colleague correctly points out that on the editorial page the newspaper was very, very much in favor of the Democratic nominee and quite depressed over the ultimate outcome.

Finally, let me say that I do stand corrected on something earlier either I or the majority leader said with regard to the Whitewater issue not being raised in the campaign. I am told that Whitewater was mentioned in the commercials of the Republican candidate. So at least to that extent it was mentioned. It was a factor in the Second District.

I thank the majority leader for giving me an opportunity to continue this little discussion 1 minute longer. I thank him very much.

Mr. MITCHELL. I thank my colleague.

THE SO-CALLED WHITEWATER MATTER

Mr. MITCHELL. Mr. President, during the course of the discussion that has occurred over the past few hours, frequent reference has been made to me. And I thought it would be useful if I came to the floor to respond to some of the comments and to inform our colleagues, and I hope the American people, of the status of this matter of what I believe has precipitated this debate and why I believe we should proceed from here.

First, let me say that from the outset, in repeated public statements here on the Senate floor and in other public places, I have insisted that the Congress has an important oversight responsibility, which it will meet. I will do all I can to see that the Congress meets that responsibility in an appropriate and responsible way—not a political circus as some of our colleagues wish, not a partisan administration-bashing as some of our colleagues wish, but rather a serious and responsible discharge of constitutional responsibilities by the U.S. Senate.

Our colleagues, many of whom have spoken here today, a few months ago were just as vociferous in demanding that a special counsel be appointed to investigate the so-called Whitewater matter. Indeed, many of the speeches made today are but slight variations on the speeches made then. The demand today is for hearings by the Congress on Whitewater. The demands then were for a special counsel to be appointed to investigate Whitewater. Both were of course used as occasions to criticize, to bash, and to present several suggestions of impropriety by the President and other members of the administration.

A special counsel was appointed, and within minutes after the appointment of the special counsel the second-guessing began. And the new demand was made for immediate congressional hearings, even though it was clear then to all and is clear now that immediate public hearings in the form and at the time initially suggested by our Republican colleagues would have undermined and effectively precluded the investigation by the special counsel.

Mr. President, much comment has been made about what occurred in the past and suggestions have been made to the extent that we ought to do this now because that is what happened in the past. Let me describe the legal status of the matter, the history of how we arrived at this point.

Prior to 1990, the law governing the inevitable tension between congressional hearings and ongoing investigations was such that it was possible for a person to testify under oath at a congressional hearing, and still be subjected to criminal prosecution on the basis of the same facts, although the testimony could not be used to support that prosecution. The law was set forth in a Supreme Court case named after the defendant in that matter, a man named Kastigar, and it established a rule which prosecutors would have to adhere to when initiating a prosecution of persons who had previously testified under grants of immunity. It was a substantial standard, but it could be met. It was possible to have both a congressional inquiry and an investigation and subsequent prosecution. But in 1990, the court of appeals ruled on the case involving former Marine Lt. Col. Oliver North. Colonel North had testified before Congress under a grant of immunity, had subsequently been indicted, an indictment charging several felony violations, and was convicted, after a jury trial, of three felonies. He appealed, and the court of appeals overturned his conviction, and in the process established a new, much different and much higher standard for such cases than had previously been applicable under the Kastigar case. Many analysts who have reviewed the North decision—that is to say the court of appeals decision which overturned the three felony convictions after trial in district court—have concluded that, effectively, now there cannot be testimony under grant of immunity before Congress and then a subsequent prosecution. In effect, there must be a choice. There has to be either a congressional inquiry or an investigation. There cannot be both.

(Mr. MATHEWS assumed the chair.)

Mr. MITCHELL. The special counsel in the Whitewater case, who was appointed following the demands of many of our Republican colleagues is himself a Republican, a prominent Republican, whose appointment was praised by our colleagues. The distinguished Senator from New York, from whose State the special counsel comes, praised him effusively on the Senate floor as a man of integrity, impeccable reputation, someone who would conduct a thorough, fair, and impartial inquiry. I believe that to be the case. I believe that the special counsel, although he is a Republican investigating a Democratic administration, is a man of integrity and is fair, and he will conduct a thorough, fair and impartial investigation. If he finds wrongdoing, then it should be punished. The chips should fall where they may. But that is not being decided here in the Senate. The Senate is not a prosecutorial institution, it is a legislative institution.

So the question is: How do we proceed? The special counsel himself, on his own initiative, wrote the chairman of the Banking Committee, and other Members, and urged that there not be congressional hearings. He listed specific reasons why such hearings could undermine or effectively prevent his investigation from going forward.

In response to that, the Senate debated and voted by 98–0 to approve a resolution which I introduced on behalf of myself and Senator DOLE, which provided, first, that if hearings were held no witness called to testify should be granted immunity, to deal with the problem which I have just described. And second, "The hearings should be structured and sequenced in such a manner that in the judgment of the leaders they would not interfere with the ongoing investigation of special counsel, Robert B. Fiske, Jr."

The Senate voted for that 98–0. Every one of the Senators who has spoken here today voted for that resolution, even though today we are told, let us not bother with Mr. Fiske; we have our own responsibilities; let us have immediate hearings. I submit, Mr. President, that it is inconsistent to have supported this resolution and now to suggest ignoring Mr. Fiske and proceeding to immediate hearings.

Pursuant to this resolution, Senator DOLE and I have met on several occasions and have exchanged letters making suggestions with respect to how to proceed. Senator DOLE initially requested a special committee, because the jurisdiction of several committees is implicated in this matter. I reviewed his proposal carefully and concluded that even by his analysis, the vast bulk of the jurisdiction is with the Banking Committee and, therefore, consistent with the practices of the Senate, the matter should be conducted by the Banking Committee.

The next question then was: Well, how do you deal with the problem of issues that arise that are not within the jurisdiction of the Banking Committee, even though they are not the bulk of the matter? I then suggested to Senator DOLE that on the Banking Committee there are present, on both sides, Members who are also Members of every committee which has any possible jurisdiction in this matter—with one exception, which I will describe in a moment—and that we could accom-

modate the jurisdictional question by permitting the Banking Committee to have jurisdiction on those matters, some of which are very minor, by designating Banking Committee members who also serve on the other committees, to represent those committees in the hearings. In the one case, where it is not so with respect to a Republican member of the Judiciary Committee, I offered to permit the ranking member of the Republican membership of the Judiciary Committee, or his designee, to sit on the Banking Committee for that purpose.

Yesterday, Senator DOLE came back to me with yet another proposal, and we are reviewing that in good faith. The discussions have been in good faith on both sides as we try to reach an agreement that would permit us to go forward.

Mr. President, let us get to the heart of this matter, and the real motive behind these requests. It could be summed up in one word: Politics. Better described in two words: Partisan politics. Most accurately described in three words: Raw partisan politics. That is what is going on here.

Everybody in this Chamber—as I believe all Americans do—knows that. Indeed, the public opinion shows it by overwhelming margins—in excess of 70 percent. In the most recent public opinion poll, the American people found that our Republican colleagues are acting on this matter solely for political purposes.

There has been some discussion here today, which I found not only interesting but amusing, about people coming up and asking about Whitewater, trying to create the implication that there was this overwhelming demand rolling across America of the public demanding hearings on Whitewater.

Mr. President, I do not know what part of America my colleagues have been traveling in. But I have been in my State several weekends, and I have been in half a dozen other States in the past few weeks. I have addressed dozens and dozens of audiences, totally thousands and thousands of people, and have been asked hundreds of questions. And only once, only once, has a person mentioned Whitewater to me. That was when I was walking down the street in Portland, ME, stopped at an intersection and a pickup truck pulled up to a red light. The driver rolled down the window and yelled out "Why don't you guys stop fooling around with that Whitewater business and start doing something meaningful?"

Before I could respond that I was not one of those "you guys," he rolled up the window, gunned the accelerator and drove off.

That is the only comment I have heard on Whitewater, one in the past months. And I have traveled across my State and across this country.

I do not know what part of America my colleagues are from. I was in New York last weekend. My gosh, I must have just missed that tidal wave of demand for Whitewater hearings. I guess I was kind of lucky.

We all know what is going on. This is raw partisan politics, trying to embarrass the President, make it more difficult for him to pass his economic program, his health care program, and the rest of his agenda.

Several of our colleagues have stood here and said that if the President is not for immediate hearings and full disclosure, he must have something to hide. We heard that from two or three of our colleagues. Do all of our colleagues agree with that? Is that an appropriate standard for public officials, that if a public official is the subject of an allegation and he is not for full disclosure of everything involved with it, that he must have something to hide? Or is that only a standard that applies to the President? Do our colleagues agree that that should apply to all of us, Members of the Senate, Republicans as well as Democrats?

Since when in America, since when is it so that a person who denies an allegation is deemed to have something to hide? We heard that from lawyers here, U.S. Senators who are lawyers.

This is America. I do not think that any Senator who is accused of something has something to hide just because he will not stand up and publicly disclose every document involved. If I do not think that, why should our colleagues?

Or does that only apply to the President? Do our colleagues want to apply to the President a standard which they would not accept as applying to them?

We are all public officials. We all swear an oath when we take office. We all should be subject to the same standards. Are we here suggesting that there are two standards in these matters? I think not. I do not think we should.

Mr. President, we are told over and over again that this matter is going to be brought to the floor.

Mr. President, under the rules of the Senate, any Senator can bring up any matter any time he or she wants. Any Senator can offer any amendment any time he or she wants. Those are the rules. We all know the rules. If our colleagues want to proceed on this matter, let us debate it, let us discuss it, and let us vote on it.

We already voted 98 to nothing, and many of the statements made here today were made by people who voted for that resolution and whose words today contradict the resolution.

It is not a question of whether we are going to do anything. I want to assure my colleagues we are going to do something. But we are going to do it in the words of the resolution for which every Senator who voted in the affirmative. The words of that resolution is in such a manner that, in the judgment of the leaders, they would not interfere with the ongoing investigation of special counsel Robert B. Fiske, Jr.

If the Senator wants to stand up and say, "Well, I made a mistake in voting for that; I do not agree with that"; I think we ought to do it, even though it might interfere with the ongoing investigation, that is an honorable and a responsible position.

Mr. D'AMATO. Mr. President, will the majority leader yield for an observation?

Mr. MITCHELL. Yes.

Mr. D'AMATO. Mr. President, I concur in most of what the majority leader has said. I think if the majority leader were to examine the resolution, he would find the kinds of safeguards that ensure the appropriateness of hearings to which he referred. Under the resolution, the cochairmen of the special subcommittee would consult with special counsel in connection with the establishment of a hearing schedule.

The resolution is intended to move the process forward in exactly the spirit that the majority leader and the Republican leader have been negotiating. It is intended to facilitate this process. I assure the majority leader that is the purpose and the methodology of the resolution.

I only asked for a few moments to make that observation. I just wanted to share that with the leader.

Mr. MITCHELL. I thank my colleague.

I will make the following points. Everybody here knows that the special counsel is meeting tomorrow with the Speaker of the House, the majority leader of the House, and the Republican leader in the House. The purpose of that meeting I am advised is to attempt to determine what an appropriate schedule will be.

What conceivable rationale is there for presenting this resolution today other than to get in a few more licks at the President when we know the meeting is going to be held tomorrow, following which we hopefully will have some idea of what the timing should be?

The fact of the matter is we all know what the rationale is. It is to take a few more shots at the President, get up in the guise of wanting hearings, to slam the President and the administration, to score a few political points in this process.

If anyone was serious about wanting to move in that direction, he should await the results of the meeting tomorrow because obviously those facts are central to the determination of when we are going to proceed.

So I say to my colleagues, we all understand what is going on. The Senate floor is open to anyone who wants to speak on any subject, and we regularly hear a lot of speeches with which one or another of us disagree.

But since not by name but I by position was mentioned so often in the

prior discussion, I felt appropriate to respond to some of those comments and to inform all of the Members of the Senate about the status of our discussions. I think frankly that we are going to end up at about the same place. The only question is how we get there.

We are going to meet our responsibilities. We are going to do it in a responsible way. We are going to do it in a serious way. We are going to try hard not to have it be a political circus but one which rather deals seriously with the subject and which complies with the terms of the resolution that in a way that does not interfere with the ongoing investigation of the special counsel, a special counsel, I repeat, appointed following the request of our Republican colleagues, a special counsel who is himself a lifelong Republican, a special counsel who was praised by Republican Senators for his integrity, his character, his honesty, and his ability, and a special counsel who has asked us not to hold hearings.

So, I think what is going on is pretty clear, and I wanted to make the statement so that there would be no misunderstanding of my intention.

I want to repeat what I said earlier, because it does bear repetition.

The Republican leader and I have dealt in good faith. We have exchanged correspondence. We have had several meetings. I believe we have narrowed the issues and I believe we are moving toward, and have made considerable progress toward, resolving this matter and would be in a good position to do so once we have a better idea of the special counsel's timetable.

We will then have difficult questions to resolve and implement because it is clear that the special counsel's investigation is being conducted in phases and that he will in the near future complete the early phases, leaving the bulk of the inquiry still ongoing.

He has strongly requested, and we intend to comply, that the hearings be conducted in a way that deal with the phases of his investigation that are completed, but not interfere with or undermine those phases still underway.

That is going to take a good bit of effort and restraint on the part of Senators. I am confident that we can reach agreement on that and hope that we can implement it in a satisfactory way.

Mr. President, I thank my colleagues and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. DOMENICI. Mr. President, I wonder if the Senator would yield for 1 minute before the majority leader leaves, just to make an observation in his presence?

Mr. BRYAN. I am pleased to do so.

May I ask my colleague to exercise restraint. I have a meeting that I have to go to at 4:30. But I am happy to yield, with the understanding that I be recognized immediately after the colloquy that the distinguished Senator from New Mexico has with the majority leader.

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

Mr. DOMENICI. Mr. President, let me say to the majority leader that I have been in and out waiting for an opportunity to speak and I am not going to speak because I do not want to take his time.

But, in essence, I would not have spoken about the issues you have raised but rather another. It is entirely consistent with history that, whether you have hearings about Presidential malfeasance or the relatives of Presidents and their malfeasance, frequently it is predicated upon partisan politics.

Now, one might say, "No, no, you are wrong." But I am not wrong.

If it is not this body, I can at least say some legislative part of America has had hearings about people that belong to the First Family within 3 or 4 months of an election and just put them out there, even though many people just like them did not have a hearing.

Now, I was going to say that I have found nothing yet to indicate that the majority leader was saying that we do not have to have hearings because the majority party does not want to have hearings. And I am very pleased to say that I believe that is still the case.

Because I submit, Mr. Majority Leader, and a good friend of this Senator, that there is plenty of evidence upon which to have a congressional hearing. I mean, it is not skimpy, comparatively speaking. I mean, we have had hearings with less evidence than this from the beginning. Now, it got bigger later. We have had hearings where there was less clamor, where there was no clamor, by the public than there is now. But we have had them based upon facts we have discovered and instances that the press has discovered.

And I just wanted to make a point that thus far we are proceeding not on the basis that the majority party says we should not have these because we want to protect a Democrat President. But that is entirely another possibility that could be part of this kind of an episode in American executive-legislative relationships.

I am not saying anything other than to say that would have been an observation in more detail with more history that I would have made and clearly was not intended in any way to set a different standard for this President than others.

Quite to the contrary, it was to set the same standard for this President and alleged malfeasance as others have had imposed on them by us.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. The Senator has responded to an assertion which I never made.

Mr. DOMENICI. I said you had not.

Mr. MITCHELL. In fact, it is the opposite of what I have said.

I have said right at this place for months and in other places that we are going to have hearings and we are going to meet our responsibilities.

The question is, would we do it in a responsible way or not? And insofar as I have anything to say about it, we are going to.

I thank my colleague.

Mr. DOMENICI. I thank you very much.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair

ILLEGAL USE OF SOCIAL SECURITY NUMBERS

Mr. BRYAN. Mr. President, I want to call to my colleagues' attention a situation that arose recently in my Las Vegas office concerning the illegal use of a Social Security number.

A constituent of mine applied for public assistance benefits. Thereafter what followed was a routine Social Security check that turned up an illegal immigrant using her son's Social Security number.

Parenthetically, it was also later discovered that this same individual using the illegal Social Security number belonging to the son of my constituent was also using a forged INS card at his place of employment.

Now, when this information was brought to the attention of the Las Vegas Social Security office, my constituent was informed that no investigation of this fraudulent card use would be undertaken because of Social Security Administration policy.

You can imagine what her reaction was—one of anger and one of disbelief. Here is a person who applies for public assistance benefits, discovers that someone is illegally using her young son's Social Security card number, and then learns there is nothing that can be done about it.

Mr. President, tragically, such a response only tends to confirm our citizens' disappointment, disillusionment and, indeed, mistrust of the Federal Government.

It was suggested that this is because of the January 1994 Social Security Administration Fraud Referral Guidelines. And so I reviewed those guidelines and, lo and behold, I discovered that Nevada, 15 other States, Puerto Rico and the Virgin Islands were all listed as "geographic areas with limited investigations."

What this means, Mr. President, is that no fraud investigations are initiated in these States and possessions by the Office of Investigations, unless the Social Security management requests

an "exception" from the Office of Investigations, and the Office of Investigations and the Social Security management mutually agree that there are aggravating factors present to warrant such an investigation.

The guidelines further state that if fraud cases occur involving more than $10,000, the Office of Investigations would receive and refer such cases to other investigative agencies for investigation, that is if they are over $10,000.

Now, to say the least, I was further surprised that there is another provision—this applies to four States—and that Nevada, along with Alaska, Hawaii, and Idaho were listed as States where no investigations—let me make that point again—no investigations would be initiated, even in those cases involving fraud of $10,000 or more unless there were "mutually aggravating circumstances."

Essentially, Mr. President, we have a policy that creates "safe harbors" for those who would blatantly and fraudulently use a Social Security card number in those 16 States and 2 territories; and a particularly safe harbor for abusers in Nevada, Alaska, Idaho, and Hawaii. For even if the fraud amounts to $10,000 or more there, it requires a mutual agreement before a case goes forward to investigation.

Since 10 of these 16 States lie in the Western half of the United States, this means that, for all intents and purposes, the Western part of our Nation is especially inviting for those who want to fraudulently use Social Security numbers properly belonging to someone else.

Mr. President, what do I tell my constituents who are trying to conduct their lives in an honest and straightforward manner, and discover that someone is fraudulently using their Social Security number?

"Oh, well, this is Nevada, and Nevada is one of 16 'safe harbor' States where illegal use of a Social Security number is simply not important enough to warrant prosecution."

As I read the SSA Fraud referral Guidelines, the Office of Investigations Field Office can be contacted for Social Security number violations that are "media sensitive," or have "congressional interest." It might, then, under the guidelines be possible, so we are told, for the appropriate Federal judicial district to accept this case for prosecution.

So, as a Senator whose State is listed as one where no investigations are to be initiated, what am I to do? Every time I discover the possible fraudulent use of a Social Security number, I must indicate that there is congressional interest to ensure a case is even considered for possible referral to a Federal judicial district for prosecution? That policy is patently ridiculous.

As a former Nevada attorney general, I can understand that there need to be priorities in terms of what cases are selected for prosecution. I understand that where there is limited staff and funding, those can be very, very difficult decisions about those priorities. And reasonable people can certainly disagree with the priorities. But to isolate, for all intents and purposes, an entire region of the country and say we are not going to prosecute Social Security fraud in your part of the country absolutely makes no sense at all. It makes a mockery out of any kind of process that would reach such a conclusion.

It is absolutely indefensible. I cannot comprehend what reasoning process must have led to that conclusion.

The Social Security Administration might as well put signs on the Nevada State borders, inviting people to come in, take a Social Security number of your choice, and go forth and use it with absolute impunity.

So, Mr. President, today I am sending to the Commissioner of the Social Security Administration a letter, and I am making two requests. First, with respect to the case that was called to my attention by my constituent in Las Vegas, I am asking that case be accepted for investigation and possible prosecution. Second, I am asking for a complete review of the fraud referral guidelines as they apply to the State of Nevada. I want an explanation as to how those guidelines were established and, more important, I want that corrected.

I must admit, in recent weeks this has not been my only concern about the Social Security Administration. Just a few weeks ago we all learned that more than two-thirds of the agency's employees received bonuses for exemplary performance. Given the complaints my State offices receive from constituents who deal with the Agency, I find it difficult to believe that the Agency is using the appropriate criteria in determining which employees ought to receive performance-based bonuses. Now I have been made aware of the Agency's policy with respect to the safe harbor in my State for Social Security fraud.

I am a cosponsor of the bill to make the Social Security Administration an independent agency. I made that decision because I truly believe the Agency can establish the trust of all Americans by making it a separate and independent agency. But it is obvious to me that this Agency has a long road yet to travel before all of us can once again place our trust in this Agency, and feel confident its judgments are in the best interests of the American people and those dependent upon the Social Security System.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

WHITEWATER

Mr. LOTT. Mr. President, I would like to take the discussion this afternoon back to the resolution introduced this afternoon by the distinguished Senator from New York. I joined in that resolution. I commend the Senator from New York [Mr. D'AMATO], for taking this action this afternoon and for causing this discussion that, frankly, is in my opinion overdue; for his diligence in pursuing this matter and for the way the resolution is drafted. This resolution does not say by 6 a.m. on June 7 we must begin. It says, though, that there must be some reasonable expectation that we move forward in this regard.

So I have really appreciated the way Senator D'AMATO has handled this matter. I have every confidence we are going to go forward with hearings. He is going to do an excellent job as the ranking Republican on the Banking Committee in this effort.

I really believe our Founding Fathers thought the Senate was the suitable body of inquiry that should look into whether public people might have violated the public trust. The Senate, fulfilling the Founders' vision, and its constitutional duty that has been referred to by several Senators this afternoon including the distinguished majority leader, should hold hearings on the so-called Whitewater affair. There is no question about it. We must know when we are going to do that. And we must know what happened and where the various documents are. There are so many unanswered questions that we must get into.

So that is why I am supporting this resolution. But before I get into some of the comments I prepared, I would like to ask the Senator from New York to respond to some of my questions. Frankly, after listening to the majority leader, and I listened very closely for most of the time, I still do not know what the answer is. He said we are going to have hearings but it is unclear to me when that might happen.

We have been very patient. We waited for months. There has been this allegation that Special Counsel Fiske is going forward, but as I understand it he was going to go forward basically in two parts. This was going to be a bifurcated process, report on that, and then go forward. Would the Senator from New York clarify that for me? I thought his preliminary investigation that we agreed to wait on, you agreed to wait until he completed this investigation, should have already been over or was about to be over.

Exactly what is the status of his investigations and when could we expect to get that report?

Mr. D'AMATO. The Senator raises a very important point.

Mr. LOTT. I yield to the Senator from New York to respond to the question.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Thank you, Mr. President.

My colleague raises a very interesting point. This resolution is intended to adopt a process where the cochairmen of the special subcommittee can consult with the special prosecutor—not in a so-called rump session—but in an official manner which cannot be questioned to ascertain what progress he has made and the status of the investigation.

To be quite candid, our staff contacted the staff of the special prosecutor. They were initially going to meet. But there were concerns that all of the interests of the Congress or the Senate particularly, should be fairly represented. I understood that. I did not go forward.

But the fact of the matter is, the special counsel, in whom I have utmost confidence, indicated the initial phase as it related to contacts between the Treasury and the White House—meetings, by the way, which we would not have learned of if we had not had hearings—and the question of their appropriateness may or may not fall within his responsibility because there may not have been criminal activity. But that certainly does not mean that we do not have a right to know about that activity. The American people certainly have a right to know.

Mr. Fiske indicated the initial phase would take a matter of weeks—3 weeks, 4 weeks, 5 weeks—we suggested 6 weeks, 8 weeks—more.

Mr. LOTT. How long has it been?

Mr. D'AMATO. It has been quite a bit more. It has been more than 2 months and when we come back it will be closer to 3 months and we have not even begun the process of establishing the mechanism and the vehicle by which we would be working, to ascertain what the facts are and to work in a manner which would not impede or impair his investigation. I suggest if we continue this way we are never going to get a date, we are never going to start hearings, and we will never have a forum. And that is what is taking place here. So it is one thing to say this is partisanship and another thing to look at this in a manner in which we have been most restrained.

It is now close to 10 weeks. Now we are talking about the special counsel indicating he thought it was a matter of 3 or 4 weeks. We know—and that is when Senator COHEN and I met and that is when we established almost immediately the fundamental situation that we would not grant immunity—just would not, without his concurrence. That takes care of the one very outstanding issue, a legitimate issue. We are willing to waive that. We did that. The Republican leader indicated that in his statements.

I see no impairment but I see an impairment if we do not begin the process. We have not even begun the process by which we could legitimately ascertain when we can go forward.

Mr. LOTT. The Senator has no doubt the hearings can begin, go forward, without impeding the separate investigation by the special counsel? You have indicated we would not intend to grant immunity to witnesses. Clearly you can go forward without doing that. That was the only point that was raised by the majority leader, concern about going forward, that I heard. Without granting immunity, what is the problem?

Mr. D'AMATO. I do not see any, particularly, since it would be, I believe, the intent of the committee, once it was formed, to consult. Not to abdicate our congressional responsibility. And understand we are coming pretty close to people talking about that, or it being suggested that is an approach that is a total abdication of congressional oversight and our responsibility.

Let us understand that. We have gone, I think—let us put it out where it is, if it is partisan politics—the Republican Members of the Senate in saying, No. 1, we have just about given up and said we will not grant immunity. That is a right the Congress has, to grant immunity. We have conceded that.

Second, we would be consulting with special counsel, as it relates to whether or not we would be impairing any part of the investigation; that we would actually tell him the witnesses that we were going to be calling; that we would give him the opportunity to call witnesses first, which he wanted.

So we have conceded that, but now we cannot even get the vehicle up and beginning to operate. I will tell you at this rate, you will not have any hearings until this session is over. And if that is the intent—because that is what is taking place—the practical side is the manner in which we are proceeding, the pace, will mean that there will be no hearings during this congressional session and, indeed, this is a rather unique way of saying, "Oh, yes, we want hearings," but then constructing hurdles that are impossible to overcome, and these are not realistic hurdles that are guaranteed to ensure fairness and to see that there is no impediment placed in the way unnecessarily of the special prosecutor.

Indeed, he is being used as a convenient foil to keep the Congress from doing that which it should in an appropriate manner.

Mr. LOTT. I certainly agree with that. If the Senator will yield me back my time, because I would like to yield to the Senator from Georgia who would like to get into the discussion, maybe asking questions of the Senator from New York, if he will remain on his feet.

I yield to the Senator from Georgia for a question.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank my good colleague from Mississippi for letting me intervene to pose questions to the Senator from New York.

I would like to, if I could, follow this line of distinction that the majority leader and others have alluded to with regard to the separation between the special prosecutor's responsibilities and the Congress, and whether or not we are intervening appropriately or not.

I understand the assertion that all of this is related to partisan politics, but of just recent days, I have come upon this article. I have not seen it in the American press, but this issue is ravaging Europe, which I think ought to be of concern to us.

The Economist on May 7, which is like U.S. News & World Report, has a section called "The American Survey." It is called: "The Lasater Affair: Ghosts of a Carelessness Past." It says in the lead:

> The Whitewater property deals were not the only—
>
> Not the only
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> —questionable transactions going on in Arkansas when Bill Clinton was Governor. The activities of one of his chief campaign contributors may come back to haunt him, too.

If you will bear with me just a moment. It goes on to say in the last paragraph, Mr. President:

> The activities of Lasater & Co. and of the Arkansas Development Finance Authority are only now coming into the spotlight. It is clear that the money trail involving them has never—
>
> Never
>
> —been thoroughly investigated and that many unanswered questions remain.

I will conclude that the author of this article is a European, not a Republican or a Democrat. This is a major publication in Europe, not a part of this grand institution of the U.S. Senate.

This is demeaning of the Presidency of the United States and of the authority to govern the Free world. I think a major question for all Americans is: Are we being savaged by the European press or are, indeed, these questions unanswered?

Mr. President, 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 Economist, May 7, 1994]

THE LASATER AFFAIR—GHOSTS OF CARELESSNESS PAST

The Whitewater property deals were not the only questionable transactions going on in Arkansas when Bill Clinton was governor. The activities of one of his chief campaign contributors may come back to haunt him, too.

The penny dropped for Dennis Patrick in February, when he heard the names Dan Lasater and Patsy Thomasson mentioned on

a radio show about Whitewater. They provided one possible explanation of why his life had turned into a living hell since a brokerage account had been opened at Lasater & Co in 1985 in the name of his company, Patrick & Associates.

The tale is a strange one, and it is only one man's story of what happened to him. In July 1985 Mr. Patrick, then living in the mountains of eastern Kentucky, was telephoned by a former college friend, Steve Love, to invite him on an all-expenses-paid deep-sea fishing trip to Florida. Mr. Patrick, a clerk at the Whitley county circuit court, accepted. During the weekend his friend urged him to open a brokerage account at Lasater & Co, a Little Rock bond-dealer, where Mr. Love worked as a vice-president. He promised Mr. Patrick, who at the time had an estimated net worth of at most $60,000 and no knowledge of securities investment, that he would not lose a cent.

Mr. Patrick says Mr. Love telephoned him the next month to say he had opened an account on his behalf (although Mr. Patrick had signed nothing and put up no money) and that he had already made him a profit of about $20,000. A delighted Mr. Patrick went to the offices of Lasater & Co in Little Rock, where he says he was reassured by Mr. Love and Billy McCord, the sales manager, that there was no risk of loss and that he could expect to make up to $20,000 a week. He was instructed by Mr. Love to deposit his profits at the First American Bank in Little Rock. It was only several weeks later, after Mr. Love had pressed Mr. Patrick to start signing documents even though his signature had never been needed before, that Mr. Patrick grew uneasy enough to ask Mr. Love to stop trading on his behalf.

A few months later, Mr. Love met Mr. Patrick in Kentucky and handed him a folder containing trading records, in the name of Patrick & Associates, which Mr. Patrick did not understand. Then in April 1986 Lasater & Co. filed a lawsuit against Mr. Patrick seeking payment of a sum of $86,625. Mr. Patrick, upset, telephoned Mr. Love, who told him he would take care of the matter. But the litigation continued. In June 1987, Mr. Patrick filed answers to interrogatories raised by Lasater & Co. in the lawsuit. He says he was helped by Linda Nesheim, a former broker at Lasater & Co. The Economist failed to find Mr. Love and Miss Nesheim for their version of these events.

Mr. Patrick stated in his interrogatory, under penalty of perjury, that Mr. Love had opened an account without his permission or knowledge, and that trades in his account had from time to time exceeded $12m. Mr. Patrick also supplied a list of names of people who knew about this matter, including Mr. Love and Mr. McCord. He says that Miss Nesheim told him that when Miss Thomasson—a long-time associate of Mr. Lasater who at the time had legal responsibility for running his affairs—saw these names she would be most upset and that he would hear nothing more from Lasater & Co. And that is what happened.

But Mr. Patrick had other distractions. Within one year four men were arrested by agents of the Treasury Department's Alcohol, Tobacco and Firearms (ATF) division on charges relating to plots to kill him.

First, Patrick Tully was arrested in Alabama armed with a gun and carrying a map of the inside of Mr. Patrick's house and a picture of his vehicle. Second, Danny Star Burson was arrested in Tennessee for machine-gun violations after Mr. Patrick had pursued him down an interstate highway after what he alleges was an attempt to kill him. Third, Jame Josey and Anthony Tricomi were arrested in Texas in September 1986 by the ATF for conspiracy to transport explosives across state lines. A federal indictment at the time said Mr. Josey had hired Mr. Tricomi to kill Mr. Patrick.

Mr. Patrick says he had no idea why these people were trying to kill him. But ATF agents in Kentucky thought he was mixed up in drug trafficking. They even offered him immunity from prosecution if he would talk. Mr. Patrick said he had no information to give. One ATF agent assigned to his case, John Simms, now says Mr. Patrick was considered "a victim only". Mr. Patrick moved away from Kentucky in 1988, and still lives in semi-hiding.

Since moving, he has suffered no more attempts on his life. But when he heard the familiar names of Mr. Lasater and Miss Thomasson on the radio, he searched out his old broking account records and showed them to a bond-broker friend. The friend told him that the bond trades in his account had amounted to about $50m.

DEVELOPING ARKANSAS

In Little Rock in the 1980s, Dan Lasater was renowned for his extravagant parties and hard living. After a childhood of poverty, he made his fortune in his 20s when he founded Ponderosa, a steakhouse chain that went public in 1971. He had close ties with Bill Clinton, who was then governor, through his friendship with Mr. Clinton's mother and brother. At one stage, Mr. Clinton's half-brother Roger was Mr. Lasater's driver. When Roger was in trouble with the law over drugs, Mr. Lasater sent him to his Florida horse-farm to lie low for a while. According to the farm manager, John Fernung, Mr. Lasater remarked at that point that he owed the governor a lot of favours.

Although his family came from Arkansas, Mr. Lasater was born in Indiana. He moved to Little Rock in the 1970s to go into the broking business, and set up Lasater & Co. in 1983 after buying out his partners, George Locke and David Collins. He was one of the biggest contributors to Mr. Clinton's election campaign in 1982, when he won back the governorship after a term out of office. The firm soon became a frequent underwriter of Arkansas municipal-bond issues, including those of the Arkansas Development Finance Authority (ADFA).

Roy Drew, a financial adviser based in Little Rock who has studied the ADFA, says the agency—which was set up at Mr. Clinton's urging by the Arkansas legislature in 1985—took over much of the state's bond-issuing power and gave the governor the ability "essentially to create money". ADFA has no regulator and no legislative oversight. The governor appoints the board and has the right to approve or disapprove every bond issue. There is virtually no limit on the value of bonds that can be issued, an arrangement that Mr. Drew describes as a "prescription for abuse".

A book published in March alleges that ADFA was also used as a conduit to slip cash for the manufacture of untraceable weapons parts. These were sent (in violation of American law) to the contras in Nicaragua during the Reagan years. The book—"Compromised: Reagan, Bush and the CIA"—was written by Terry Reed, a former air force intelligence officer in Vietnam, and John Cummings, an investigative reporter. Mr. Reed himself says he trained Nicaraguans to drop supplies. The laundered money, he claims, was literally dropped into Arkansas by aircraft as part of a successful smuggling operation based in Mena, in western Arkansas. The operation was run by Barry Seal, a man who Mr. Reed reckons was working as a freelance agent for the CIA.

Mr. Reed alleges that Seal made cash deposits directly into Lasater & Co. in Little Rock, and that Mr. Lasater introduced Seal to him as a client of his. Seal, a self-confessed drug-smuggler, was shot dead in February 1986 before he was due to give testimony against the Medellin cartel. Mr. Lasater could not be reached for comment, but George Locke, his former brokerage partner, says, "I can tell you one thing, Mr. Seal has never met Mr. Lasater."

Others, too, think there was something odd happening at Mena. In October 1988 Charles Black, the deputy prosecutor for Polk County (where Mena is), handed Governor Clinton a letter appealing for state financing of an investigation into drug-smuggling at the airport. At that point, according to the letter, the investigative file on Mena contained around 20,000 pages. It was, he says, "the biggest criminal case I ever came across." Mr. Black says that Mr. Clinton agreed to get someone to look into it, but he never heard anything more.

Bill Duncan, now the chief investigator at the Medicare fraud division of the Arkansas attorney-general's office, carried out a criminal investigation of goings-on at Mena between 1983 and 1986 for the Internal Revenue Service. Mr. Duncan says he uncovered evidence of a "tremendous amount of money-laundering". His own investigation focused on how the flow of arms was financing drug-sale proceeds washed clean through what appeared to be legitimate businesses. His findings were never submitted to a grand jury, and he was not granted subpoenas to pursue the money trail in central Arkansas, which includes Little Rock.

Mr. Reed says that the first recipient of a tax-free low-interest ADFA bond issue was Park-On-Meter, a parking-meter company based in Russellville, Arkansas. Seth Ward, the company's president and one of its owners, is the brother-in-law of Webb Hubbell, a former law partner of Hillary Clinton who recently resigned from a high position in the Justice Department during investigations of overcharging of clients at their law firm. In his book, Mr. Reed claims Park-On-Meter made weapons parts as a subcontractor for Iver Johnson's Firearms (now bankrupt), of Jacksonville, Arkansas. It was this company which, by Mr. Reed's account, was the primary contractor for building the untraceable weapons components.

THE S&L CONNECTION

One motive for setting up ADFA, according to Roy Drew, was to reduce the sway held by Stephens Inc of Little Rock over the Arkansas municipal-bond underwriting market. Stephens is one of America's biggest non-New-York based investment banks; it is often said to "own" the state of Arkansas. Lasater & Co was one of the competitors that benefited most from ADFA's creation. According to the Washington Times, the firm underwrote $664m in Arkansas municipal-bond issues, not all of them ADFA's, before Mr. Clinton was compelled to distance himself from Mr. Lasater when his friend fell foul of a drug charge.

Mr. Drew, himself a Stephens employee for six years, says that Stephens had become "real nervous" at the amount of business Lasater & Co was receiving. But Stephens did not have to worry for long. Mr. Lasater, who was by then a heavy cocaine-user, was charged with "social distribution" of drugs and sentenced to 2½ years in prison. He

served six months, and in 1990 Mr. Clinton pardoned him.

Mr. Lasater's links with the president have continued, albeit indirectly, up to now. Miss Thomasson, who did not return The Economist's calls about this story, now serves as director of administration in the White House. She worked for Lasater & Co with the title of executive president and was given legal responsibility for managing Mr. Lasater's affairs after he went to prison in 1987. Miss Thomasson was also one of the two aides who accompanied Bernard Nussbaum, the former White House counsel, on a search of Vincent Foster's office on July 20th last year less than three hours after his body was found in a Virginia park.

Mr. Lasater is now back in Little Rock and still active in business. His Phoenix Group has been bidding for distressed assets sold by the Resolution Trust Corporation, the federal agency charged with cleaning up the savings-and-loan mess. There is irony in this, since frenzied bond trading by Lasater & Co played a part in the failure of more than one savings and loan.

For example, the Federal Savings and Loan Insurance Corporation (FSLIC), the former thrift deposit insurance fund, sued Lasater & Co for $33.3m for its part in the failure of First American Savings and Loan, a Chicago-based thrift, Lasater & Co paid the government $200,000 in an out-of-court settlement. Bizarrely in view of Mr. Lasater's connections, FLSIC hired the Rose Law Firm of Little Rock to represent it in the lawsuit. Even more extraordinary, given Mr. Laster's ties to Mr. Clinton, the two top lawyers assigned to the case were Mr. Foster and Mrs. Clinton.

The activities of Lasater & Co and of ADFA are only now coming into the spotlight. It is clear that the money trail involving them has never been thoroughly investigated and that many unanswered questions remain. At least they suggest Mr. Clinton was not over-punctilious about either the friends he made or the institutions he backed. That carelessness, combined with eagerness to please, continues to haunt him in the White House.

Mr. COVERDELL. And now the question to my good friend from New York: These new issues that are coming out almost on a weekly basis, do we know that these questions that are called unanswered are in the purview of the special prosecutor? In other words, does he have a rolling authority that moves to the next question to the next question to the next question, or is there a box that he is operating in, and that we must seize upon these issues coming from around the world? Where is the line of demarcation for the special prosecutor?

Mr. LOTT. Mr. President, I yield for a response to the Senator from New York.

Mr. D'AMATO. Senator COVERDELL from Georgia raises a very interesting question. I will not go into detail, but having spoken to the special prosecutor, as it related to whether or not his authority covered an activity that has been very prominently reported on, he indicated to me that he did not believe it did.

Having said that, how are we going to ascertain where our congressional responsibilities obviously exist and where his charge and his authority does not cover and the fact that we will be precluded from even undertaking examinations in these areas, areas that he will never look at or may never look at, but yet are within the purview of the Congress?

Very interesting. The fact of the matter is, we will never be able to find out until we set up a committee and a methodology for determining the appropriateness of his inquiry—where he may start, where he may stop, and areas which he may not be covering which we should be looking into. Therefore, we are precluded, until he completes everything, should we not have the ability to make the kind of inquiry you just have.

Mr. LOTT. Let me ask a final question of the Senator and then make a statement and then yield to others.

What are the Senator's intentions then with regard to this resolution? I fear exactly what he just said, what would happen if we do not move forward in June, July, August or September, or by the end of the year when would these hearings ever begin? We have a responsibility and we need to carry them out in a responsible way, but also in a timely way.

Is it the intention of the Senator from New York to call this resolution up when we return from the Memorial Day break in early June? I know the leaders are going to continue to negotiate. They have an obligation to do that and, hopefully, they will reach an agreement. But there also has to be some idea of what the timing is.

Mr. D'AMATO. I say to my friend and colleague that it is my intent to push forward, using this resolution as the basis and methodology of going forward. I am not suggesting this is the only way, but it certainly is a bipartisan format, it guarantees fairness, it gives the ability and calls upon both the cochairmen of the committee to undertake their responsibilities, recognizing the special prosecutor's role, but that I would move forward for votes to proceed on this resolution if, when we return in June—and that will put us close to 3 months since we voted 98 to 0 to take up the matter—in a way which reflects upon the proper responsibilities of this body.

So I would press for votes, and I would use this vehicle on all legislation that moves through. It is my intent to say we are going to continue to vote until we finally set up the committee within a proper framework, as outlined before, to do its job.

Mr. LOTT. Mr. President, if I could just make a brief statement now and yield to others, I do want to say again, I can see how this would go on without any clarification of when the hearings would begin for the rest of this year. I think that would be a very bad mistake.

We can argue all day about whether or not the American people are interested in this, worried about it, concerned about it. But I guess it varies from State to State. Clearly, I have people who ask me exactly what is going on and when are you going to have hearings. In fact, this very afternoon on the steps of the U.S. Capitol, there was a group of parents and students from Nettleton, MS I had the Whitewater question raised by a parent:

> When are you going to do your job in the Congress? We can't figure out what happened. We don't know if these allegations are accurate or not, but are you all going to do your job, have a hearing or not?

Clearly, I am hearing that from my constituents, and I do not always raise the subject. So I do think we have a responsibility to move forward.

There are questions about what happened with the Small Business Administration: Were pressures exerted on a gentleman named Mr. Hale in Arkansas? There are questions about the Resolution Trust Corporation RTC whether or not pressures were exerted on the RTC—not years ago—last year. We have questions about the conduct of the Treasury Department and their relationship with the White House.

These are all areas that we should clearly be looking into. They may not lead to implications of the President or the First Lady, but they may lead to some serious questions about the conduct of Federal officials and Federal agencies and Federal departments. We must get into these issues and clarify them.

I agree with what some others said. I think by having the hearings, getting into it sooner than later, maybe they may vindicate the President rather than implicate him. So I agree, I would think he should want to go forward with this—have the hearings, see what is there, conclude it and move on.

Some people say, "Oh, well, we have other important issues." I agree, and we continue to meet and debate and vote on issues.

Finally, at long last, we voted to go to conference on the crime bill just last week. My question is, what took so long? The Senate acted on a crime package last November or December, and yet we just went to conference last week on a very, very important issue.

The same thing with health care. We have been talking about the need for health care reform. We all agree that there needs to be changes in the health care area. We have been talking about it for a year and 5 months and yet not a single committee of Congress has reported out a health bill.

So I mean the Democrats have control of the White House, the House, and the Senate. Why do they not move on these issues?

Welfare reform was a big issue in the election in 1992. The American people think we need welfare reform, and yet nothing is happening. It is clear that

nothing is going to happen this year. There is no intention of bringing up welfare reform this year. I think we should be focusing on that.

My question is why not? That was a big issue in the campaign in 1992, and yet the President's proposal on welfare reform is very much in doubt right now.

I really was interested in the majority leader's comments about this is politics, partisan politics, raw partisan politics.

Well, Mr. President, I have been in the Congress for 22 years now; I have served in the House and in the Senate, and I have seen raw partisan politics time after time after time, in the 1970's, in the 1980's, in the 1990's—partisan, blatant politics, hearings that were not called for but they went forward even when there were special prosecutors also acting.

I cannot believe that there are allegations, because we say we should have hearings and see what happened, oh, all of a sudden it is raw politics. What about the last 12 years in situations very similar to this, probably in many cases not nearly as bad as this where there had been the demand "we must have hearings."

I wonder, when you have one party that controls the White House, and the House of Representatives, and the Senate, did it ever occur to anybody that maybe it is partisan politics that is blocking a hearing? I fear, I fear that there really is no intention of having these hearings, none. Maybe.

Maybe I will be proven wrong. I certainly hope so. But I see an awful lot of indication that there are delays.

Why not just say we are going to have hearings; they are going to begin June 15, July 15. Just say it. That is all. So we know that they will go forward.

No, there are all these allegations. Also, it is said time and time again, oh, well, Republicans called for the special counsel. Yes, but as I recall, so did the distinguished Senator from New York [Mr. MOYNIHAN]. One Sunday morning I saw him call for a special prosecutor on one of the talk shows. He said, yes, they ought to have one. It seems to me that the Senator from New Jersey [Mr. BRADLEY], as I recall, may be called for one and then is when it happened. Democrats called for this special counsel.

This is not a Democrat or Republican issue. This is an issue of responsibility, of doing our job. There are serious allegations pending out there, some of which I will list in the RECORD with my comments today. They should be investigated:

Were federally insured Madison deposits used to fund then Governor Bill Clinton's 1984 campaign or used for payment of Whitewater Development Corp.'s debts?

If the Clintons did not put money into Whitewater, and the venture wasn't cash-flowing, would not the Clintons question the source of the funds—that is Madison Guaranty—being used for their benefit?

What types of financial transactions did the President and the First Lady engage in?

Did these transactions cause conflicts of interest?

Whether justice has been obstructed by the destruction of documents and unauthorized meetings between regulators and their superiors?

I commend the Senator from New York, and I urge him to move forward with these hearings.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Chair is going to remind the Senators that we are in a period of morning business. Each Senator is allowed to speak for up to 10 minutes. The Chair is going to indicate that the Senators have no right without unanimous consent to yield the floor for anything other than a question.

The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I wish you a good day.

I would like to refer to some concerns that have been raised in the Chamber relative to the necessity of Senate hearings on the matter that is pending, which is the resolution introduced by the distinguished Senator from New York and the Republican leader concerning the necessity of Whitewater hearings.

I wonder if my friend from New York recalls back in 1973 and 1974 when Senator Sam Ervin and Senator Howard Baker led their committee through months of hearings in a number of complex issues that have now come to be known as Watergate.

I wonder if he recalls that the committee took testimony from those who were also targets of the special counsel, Archibald Cox. and later Leon Jaworski, who became special counsel after the President fired Mr. Cox. But unlike the recent ill-fated work of Mr. Walsh that we saw, the special counsel in Watergate succeeded in convicting numerous officials for substantive offenses. This was accomplished even though Congress was deeply involved in both Senate and House oversight and impeachment hearings.

So I would assume that the Senator from New York would agree that there was a need for congressional action; that congressional action was initiated and occurred in an atmosphere where there was a special prosecutor, that would certainly seem to be a precedent that would be applicable in this case.

Mr. D'AMATO. I think the Senator has well stated——

The PRESIDING OFFICER. Does the Senator from New York yield to answer a question, agree to answer a question?

Mr. D'AMATO. Yes.

The PRESIDING OFFICER. The Senator may answer the question.

Mr. D'AMATO. The question put forth is one in which the claim is that we should not even have hearings when there is a special counsel because Mr. Walsh's case was purportedly imperiled by Congress' activity. We could argue whether or not we needed the Iran-Contra hearings. But, there are some who claim that a greater public good was accomplished even though some convictions may not have been obtained.

The fact is a greater good was accomplished though, as the Senator points out, as a result of the hearings that were conducted in that matter called Watergate.

I think it is a well-directed point. We should not obfuscate the need for hearings by claiming that we may imperil some future prosecution.

Mr. MURKOWSKI. I thank my friend from New York. And I think it is important, Mr. President, because more recently in 1992 the Congress conducted investigations into a bank scandal, the BNL bank scandal, and the Senate Select Committee on Intelligence on which I served as cochairman worked for months to learn whether the CIA had misled the Justice Department prosecutors or withheld important information on the prosecution of BNL bank officials in Atlanta, GA.

During that period, however, the very same period the House Banking Committee under Chairman Gonzalez was unrelenting in its zeal to hold hearings on BNL and became particularly excited over this issue during the height of what was the Presidential campaign. Excitement was so high, Mr. President, that a special counsel was appointed by Attorney General Barr to look into many of the same issues as we were investigating in the Intelligence Committee.

So the point is that, indeed, there is a precedent for this. There is longstanding precedent. It is a continuing precedent. We did not stop our inquiry then because Judge Lacey was appointed special counsel. We did our thing. He did his thing. I do not recall anybody objecting, certainly not the majority leader, to this simultaneous activity during the 1992 Presidential campaign.

So, Mr. President, if Republicans are being accused of politicking because we are asking, we are asking for a Whitewater oversight investigation, then our friends, the Democrats, really must blush when they look into the mirror of history.

Go back a little further. Who called for those silly and costly hearings to look at, do you remember, the October Surprise?

Well, I know few Republicans who wanted to look into that nonsense, but it was at a time when George Bush was riding very high in public opinion polls

after our great victory against Iraq and there was an unrelenting drumbeat of demand for congressional hearings.

And we go back to hearings into the so-called October Surprise, to see if the Ronald Reagan campaign urged the Iranians to delay the release of the Iranian hostages until after the 1980 election.

(Mr. CONRAD assumed the chair.)

Mr. MURKOWSKI. This drumbeat for hearings was 11 or 12 years after the allegation. So when we talk about the Whitewater events happening a few years ago, that it is not germane or that it happened when our Chief Executive Officer was Governor—"October Surprise", 11 to 12 years after the allegation. It was so unrelenting that we saw our Democratic friends on the Foreign Relations Committee finally agree and they authorized expenditure of hundreds of thousands of dollars on worthless hearings. There was no "October Surprise" nor was there any political surprise in the thrashing around because there was only one motivation to the hearing and that was to tweak the Republicans.

Can Congress engage in oversight during an investigation by special counsel? The answer is, Mr. President, of course we can. We are certainly able to set our agenda, establish our timetable for hearings, to determine issues relating to the immunity for witnesses to decide whether to subpoena documents and control all other facets involved in oversight hearings. We can do all of this by conferring with the special counsel, as the Senator from New York has indicated and suggested time and time again.

We can accommodate legitimate concerns of witnesses and others. We do not have to get tangled in the operations of a grand jury. As I saw firsthand when I was involved in the Intelligence Committee as vice chairman, a special counsel and an aggressive oversight committee can do their work simultaneously by being considerate of the special needs of each other. That is how we worked in the Intelligence Committee when we had a dual investigation. The special counsel as well as the committee investigated. We did it in the BNL investigation even when a criminal prosecution was pending in Atlanta.

What we must not do, Mr. President, is to abdicate our constitutional responsibility. I am very proud to join the Senator from New York in his constant reminder to this body that, indeed, if we fail to accept this responsibility, we are doing just that—abdicating our constitutional responsibilities. Remember this is a Government of three equal branches. The Senate has shown its capacity time and time again to impartially conduct investigations in parallel with special counsel by the cases I have noted. The Senate is on record in support of hearings. Let those hearings begin, and let the public hear all the facts, the facts under oath associated with Whitewater, and then make their own judgments.

The longer this matter is delayed, Mr. President, the greater the public doubt about the integrity of our executive branch.

So, Mr. President, I am very pleased to cosponsor the resolution introduced by the Senator from New York and the Republican leader. It has been, as pointed out time and time again, 2 months since the Senate voted 98 to zero to authorize the majority and minority leaders to enter into a discussion on the framework for congressional hearings into the matters that are commonly referred to as Whitewater.

Two months, Mr. President, and we still have not had any indication that such hearings are going to proceed. Here we are just about to go on recess alerting our colleagues one more time that we mean business on this. We are going to proceed, and in the only manner that is available to us by simply adding the resolution that has been introduced to virtually every bill to force a vote. And we will get a vote.

Mr. President, why have we not begun these hearings? Why has no schedule been agreed on to hold these hearings? Everyone in this institution is aware that we are ultimately going to hold these hearings because this issue, Mr. President, is not going to disappear. It is in the country's best interest to have these hearings move, not to have them delayed. What is in the best interests of this country and the best interests of the President is to have the issue associated with Whitewater aired in a public forum and resolved as quickly as possible. Delaying these hearings does not help the President one bit. Instead, it merely serves to extend and prolong the public's doubt and the credibility of the executive office.

Mr. President, there are a lot of answers we want to address in association with Whitewater and a few of them specifically. I know my friend from New York would agree that this is but a few of a long list.

Number one, were federally-insured deposits at Madison Guaranty Savings diverted to Governor Clinton's 1984 campaign?

Two, were federally-insured Madison deposits diverted to pay the Clinton's share of their Whitewater debts?

Three, after Madison became insolvent did favoritism, conflict of interest, and a false financial audit presented to State regulators by the Rose law firm permit Madison to remain open?

Four, did Governor Clinton apply pressure to encourage the SBA to grant a loan that was not permitted to be made by the SBA?

Mr. President, these are just a few of the questions that are unanswered. The public is entitled to those answers. And it is an obligation of the Senate to get them. Had we had hearings on this matter at the beginning of the year, all of these questions would have been behind us. Whitewater would have been behind us, and it would have been behind the President as well.

Instead, we have been accused of engaging in partisan politics and with potentially interfering with the investigation being conducted by the special counsel, Robert Fiske. That is absolutely ridiculous, as I have pointed out already by the number of dual hearings that we have had while special counsel have proceeded with their responsibility.

Finally, Mr. President, congressional oversight investigations, such as the one contemplated for Whitewater, are constitutionally appropriate and have often been conducted in parallel with investigations conducted by special prosecutors as I have said, and I think my remarks basically support that.

So, I commend my friend from New York, and the minority leader for finally taking the aggressive posture necessary to move this off dead center when in reality we have been attempting to negotiate in good faith to get these hearings voluntarily up before us. Now we have to resort to the alternatives that are left to us, which are simply to demand the availability of whatever legislation is moving to force votes. And we know what will happen. There will obviously be second-degree amendments. But eventually we are going to face it.

I would ask just one final question of my friend from New York relative to the process that he anticipates. Is it indeed his intention and that of the minority leader that the first votes that we get after coming back we intend to proceed to put his amendment on any legislation that is moving?

Mr. D'AMATO. The Senator from Alaska, my friend, is absolutely correct. It is my intent and that of at least 20-plus colleagues who have consulted with me and who have been very restrained, and indeed encouraged me to go forward today, to offer this legislation on all available legislation moving through when we return.

I would hope that is not necessary. Indeed, it seems to me that we have allowed the process sufficient time to at least begin the moving forward in a responsible way to undertake our job in a spirit that will discharge our responsibilities to the American people, bring forth the facts, and do it in a responsible manner which will not impede or hamper the investigation or the undertakings of the special prosecutor. But we will do this. We have waited a sufficient period of time.

I have urged restraint on my colleagues because I wanted to avoid the criticism that we were looking to impede progress in the Congress, impede

other legislation, and that we were being unfair and unreasonable and not permitting sufficient time for the prosecutor to do his job. We have waited beyond the period he asked us to wait before we undertook our hearings as it related to whether or not there was improper interference between, for example, the Treasury Department and the White House as it related to the activities of the RTC.

We indicated that if debate is over in 3, 4, or 5 weeks, we will proceed. I will be vigorous in pushing for votes. We may lose, but our friends and our colleagues on both sides will have to vote. They will not be able to simply go home and say, oh, we are working out details, we are waiting for the special prosecutor. They will no longer be able to hide behind that shield. I suggest that is what is taking place.

Mr. MURKOWSKI. If I may further question my friend from New York. The resolution that will be presented as an amendment will specifically authorize or state that this body will vote up or down on whether to proceed with Whitewater hearings?

Mr. D'AMATO. With the formulation of a committee specifically for conducting Whitewater hearings and laying out a methodology for us to go forward, that is right.

Mr. MURKOWSKI. So those who would vote against that would have to explain to the public why they felt it was inappropriate that the Senate proceed to authorize the hearing process through whatever committee structure it so designated.

What could possibly be a reasonable explanation that one could give his or her constituents for voting against your amendment?

Mr. D'AMATO. Well, they could say that the special counsel has not concluded his work, and we would indicate that we are prepared to go forth in a manner which would not impede his work, and that his major concern, as stated to Senator COHEN on the record, was that we would not grant immunity, and we would advise him as to whom we intended to subpoena so he could speak to them and examine them first, and that he be given leeway to move before us.

We have certainly waited a more-than-sufficient period of time. There will be at least another 2 weeks before we can even set the committee up. It would take at least another 30 days thereafter. So if we were to proceed when we come back to the first step—the formation of the committee, the hiring of sufficient staff, the moving forward of the process, the consultation with the special counsel—we could not possibly begin for at least another 6 weeks.

If people want to delay further, they will come forward and offer the same excuses, that we should do nothing until the special prosecutor in essence authorizes us to do that. That is an abdication of our responsibility. We are not here and should not be here to wait before we go forward until this special prosecutor, or any other special prosecutor, so-called signs off.

Mr. MURKOWSKI. Well, how could one object and suggest that activities by a special committee would somehow distract from the special counsel's obligation when, as we have discussed, we have had both committee hearings and special counsel under Watergate, and under the BNL investigation, and under the October Surprise?

Mr. D'AMATO. My friend from Alaska has basically really pointed to the obvious. There was a dual standard being applied. The only change is the change in circumstances, which is that there is a Democrat in the White House, and the Congress, which has been basically Democratic during these periods of time, had no difficulty with insisting in those cases on our oversight role.

In responding to our responsibility to discharge by calling it "partisanship," the only difference is that the Democrats control the White House. Therefore, they are not willing to do that which they have done in the past, and that is, to have full and appropriate hearings.

Mr. MURKOWSKI. I commend my friend from New York for his persistence on keeping this issue up where it belongs. I know he has taken a good deal of criticism as a consequence. But there is simply no justification for suggesting that it is inappropriate to hold congressional hearings on Whitewater when indeed we have seen fit time and time again to hold our hearings as we saw fit at the same time special counsel was doing its job.

Again, I thank my friend from New York.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. BENNETT] is recognized.

WHITEWATER

Mr. BENNETT. Mr. President, I am a new Member of this body. I have not been here through much of the past history that my colleagues are referring to here. But I want to make some observations about some of those ideas.

The majority leader almost persuades me that we should not pursue this matter. I can understand why the Members of his party have picked him as their primary spokesman, because he is eloquent, well-informed, he is persistent and, when necessary, he can be very tough. He is also, I hasten to add, very fair. As a member of the minority party, I am grateful that we have a majority leader who has that characteristic.

I say he "almost" persuades me, but he does not. The reason he does not, Mr. President, is that he is arguing a narrow argument which, standing by itself, shorn of legislative history, might be an acceptable argument. But he ignores the context in which the argument is placed. I can understand that. I have made arguments like that myself from time to time; it is very useful.

The fact of the matter is that we have established—we, the Congress—by precedent a set of rules. They may not be written and, therefore, the majority leader can ignore them because they are not written in the rule book. He can make his specific legalistic points out of the rule book and be very persuasive. Nonetheless, rules established by precedence and practice are binding. We see that in this body. There are things we do in this body that are in violation of the Senate rules; we do them nonetheless, because they have been established by precedent and, therefore, we do not upset the precedent; we go ahead.

The precedent that has been established with respect to congressional investigations is very clear. It has been referred to here again and again and again. I may not like it, I may prefer a more pristine time in our Nation's history. I remember a legal scholar saying that the Congress cannot legitimately hold any hearings that do not have a clear and obvious legislative intent. Therefore, we could say that since we do not know what legislation we might pass with respect to the questions of Whitewater, we cannot hold hearings until a legislative intent can be established. I would be happy to live by that rule. I think maybe the Congress would be better off if we lived by that rule. But we have gone over that line long since and, by precedent, we have established that that rule, however clearly articulated at one point, no longer holds, and you cannot go back to it.

The majority leader is being rumored as the next commissioner of baseball. So let me draw an analogy out of the world of baseball that illustrates where we are.

There are some who have changed the rules of baseball by creating the designated hitter. There are others who say that destroys the purity of the game and we should not play the game that way. And there is an endless debate going on.

Assume for the moment that I am one of those who is opposed to the designated hitter. But if I were the manager of a team that played in the American League, I would use it nonetheless. I would play by the rule even though I might think the game would be better off otherwise.

So what is the rule? The rule is that anything a President does that indicates illegality is fair game for a congressional hearing. That has been established again and again. It was not established by the Republican Party. It

was established by the Democratic Party when they had control of this body and were facing a Republican President.

As I say, the majority leader almost persuades me but not quite, because I see that what he is trying to do is undo the impact of procedure and practice that he and his party established. They are trying to say now that the other side seems to have a designated hitter that can knock the ball out of the park we want to go back to the game that says the pitcher must bat.

Do I believe there are serious things about Whitewater that could damage the President? Of course, I do, or I would not be standing here talking about it. Is that a partisan statement? Of course, it is. I am a member of the Republican Party. The President is a member of another party. Let us not pretend. I am perfectly willing to say it is a legitimate partisan issue and I am perfectly willing to live with the results because if the results are that the President has done nothing wrong, the Republicans, as Doonesbury suggests, will look very bad at the end of the hearings. That is the risk I am willing to take. That is the risk my fellow partisans are willing to take.

Let us play by the rules that have been established. Let us go ahead with the practice that has been laid down. And let us let the game begin and play itself out.

I submit, Mr. President, there are two basic questions in the whole Whitewater circumstance.

Question No. 1, putting it altogether, all of the talk about Mr. Lasater, Mr. Dougal, Mr. Hubbell, the commodity trades, and Mr. Bone, and all of the rest that goes on it comes down to one single question, and that question is this: Was the governorship of Arkansas for sale during the period of time that Bill Clinton held it? All of these other questions are subsidiary to that one. To me that is a serious question. But some say it is an old question. It applies to his term as Governor not as President and, therefore, it is inappropriate for the Congress to be examining it.

So we come to the second question: Assuming that there was some embarrassment over the asking of the first question, was the power of the White House used to cover up or misdirect investigation into the first question since the President has been in office? And, if so, was the White House power used in a way that was merely inappropriate or illegal? That is the second legitimate question.

In my view that is how this thing will all shake down. Was the governorship of Arkansas for sale when Bill Clinton held it and has the Clinton White House acted improperly or illegally in an effort to keep people from finding out the answer to that first question? That is the whole nub of what we are dealing with.

I believe it is serious enough to qualify under the practice that has been established for the way Congress deals with Presidents, established by the Congress while it was held by the Democrats. That is the designated hitter rule that they have given us.

We now have a designated hitter that we want to bring to the plate, and all that we are asking is that he be allowed to swing under the same rules that the previous designated hitters have swung.

When I have raised this with some of my fellow citizens I have had some smile and say no, the governorship was not for sale; it was just for rent.

Well, I think that is the same issue, and I think there is enough to it and enough people are talking about it that it deserves to be settled.

The majority leader says nobody ever talked to him about it. I can understand that. I am not sure I would talk to him about it either. But the American people are still talking about it. It is there under the surface. And according to one columnist the whole issue of Presidential probity is costing the President 15 to 20 points in popularity. His programs seem to be popular. He seems to be accepted as a genuine person trying hard to do his job. I accept him as a genuine person trying hard to do his job. I do not want to demonize the President.

But all of the questions about his character which keep coming on even after Whitewater as a name disappears from the stories, the Newsweek article on the politics of promiscuity, the New Yorker article to talk about Clinton's ability to be trusted, all of these things are manifestations of the fact that the Whitewater shark, if I can create a metaphor, is still lurking there beneath the water even though its fin does not surface all that often.

It is time that we get on with it, that we get on it under the terms that have been laid down by past practice and that we take the risk of finding out whether the governorship of Arkansas was for sale or not, whether the Republicans have made fools of themselves by pursuing this, or whether in fact there is something that could indeed be brought before a court of law.

I pursue this with my eyes wide open to the consequences, and I hope the rest of the Senate will join in doing the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I would like to take this opportunity to compliment my colleague from Utah for his remarks and the cogency of them. They are rather poignant, but they get to the point. People have a right to know.

Indeed, I repeat back to a book which was maybe not well read—I am certain that its authors would have wished that they sold more copies—"Men of Zeal," authored by Senator COHEN and Senator MITCHELL in which they speak to the importance of getting to the facts. That is what distinguishes us from other countries. We do have a system of checks and balances. It works when we have the courage to press forward.

I think that I would detract by saying more because again my colleague from Utah put it right where it was. It is not easy to go forward under these circumstances when there are those who come around and bash and you become the subject of attacks by saying let us do what we should be doing, but I understand that. I have accepted that. That is part of the role, and that is part of the give and take of the process.

That is part of the responsibility of a responsible media as well. They have a right to be critical. They have a right to make their observations. But I still have a duty to go forward.

I want to at this time again commend my distinguished colleague from Utah for his, I think, very poignant and very well-directed comments.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my colleague from New York for his kind words and join with my other colleagues in expressing our gratitude to him for the leadership he has exercised on this issue within the Banking Committee.

In my opinion, the media caricature that has been made of the Senator from New York is inaccurate. Yes, he can be flamboyant. Yes, he can raise his voice. Yes, he is good copy, as they say in the newspaper. And I am sure he acts as something of a lightning rod because of that personal style. But behind that style, the Senator from New York has demonstrated a responsible and proper method of pursuing this within the Banking Committee, and I am happy to support him as a member of the minority of that committee.

The PRESIDING OFFICER. The Senator from New York.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

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

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

Mr. SIMON. Mr. President, I understand that we are in morning business now, is that correct?

The PRESIDING OFFICER. The Senator is correct.

PARTNERSHIP FOR PEACE

Mr. SIMON. Mr. President, I want to just stand up and say a word or two of

praise for the administration in the area of foreign policy because I have been a critic. I have criticized what I perceived to be their lack of strength on the Bosnian situation and I have criticized some other aspects of foreign policy.

But I was pleased to see that Russia is being pulled in in the Partnership for Peace aspect of NATO. That is a step forward. Back a few months ago, I sponsored a resolution calling for NATO membership for Poland, the Czech Republic, and Hungary, as well as other nations that have 5 years of solid experience in a democracy. I still believe in that.

The administration has moved somewhat in that direction with the Partnership for Peace, and pulling Russia in I think is a force for stability.

I welcome this move by the Russians and I applaud the administration for their leadership in this area.

The great threat to the world today is no longer nuclear weapons that the United States has aimed toward Russia or Russia has aimed toward the United States. The great threat today is instability. This move is a very solid move on the part of the administration and other leaders of NATO.

I simply want to commend the administration for what they are doing here.

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

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

CHUCK CUTOLO

Mr. LEVIN. Mr. President, my legislative director, Chuck Cutolo, is leaving the Senate next week after 14 years of service. He is an extraordinary man and I will miss him.

In the effort to replace Chuck, I have a short job description that I would like to relate to the Senate, and if anyone fits the bill, I would encourage them to make themselves known to me.

He or she must be willing to work 16 hours a day monitoring the Senate floor, understanding the nuances of legislation, amendments, and the parliamentary situation at every given moment. They must provide an almost instant analysis of complex proposals with a fanatical determination to get it right and to get it straight every single time. They must direct a staff that covers every issue of concern to the people of my home State of Michigan and be able to handle nearly every issue that their staff handles as well or better than the staff. They must be able to explain it all simply and when that is not possible, they must find an appropriate metaphor from Sesame Street or battlefield strategy to make it plain.

There is one additional threshold qualification and this may be the most difficult one of all. This individual must love the Senate. They must enjoy second-degree perfecting amendments to the substitute, know the difference between morning business and the morning hour, and understand that "over under the rule" is not a sports bet.

If this sounds interesting to anybody, as I said, I hope they will make themselves known—preferably to a physician. Or at least take a couple of aspirin and lie down until the feeling passes.

I am afraid we reward loyalty to the Senate in a way that makes it difficult to have a normal family life. One irony that is not unique to the Senate is the phenomenon that some call "working the horse that works." Special pressure is placed on those who produce the best and the most and the fastest, and expectations rise with each performance. Over the years, Chuck could have spent more time at home in New York with his wife Denise, a teacher and a wonderful leader of children's theater. He could have indulged his passion for baseball more than he did. And he could have finished his mystery novel—now apparently up to 7,000 pages—about a Senate staffer who kills a Senator by poisoning his oatmeal cookies.

As his boss, I certainly know I could have made things easier for Chuck, but I am reminded of one-time New York Yankee manager Joe McCarthy. He, along with the rest of baseball in the 1930's and 1940's, watched the great Joe DiMaggio. Consistency and tremendous power at the plate; judgment and grace and absolute ownership of his position on defense—he was one of a kind. At one point manager McCarthy was asked, "On top of everything else that DiMaggio did, could Joe bunt?" McCarthy gave an answer that seems a fair summation for those of us who have watched Chuck Cutolo's 100 percent performance over the years. McCarthy said, "I don't know if he could bunt. Nor do I have any intention of ever finding out."

Chuck Cutolo has commuted each week between New York and Washington. We have estimated those trips over the years, on Amtrak, have equaled nine trips around the world. His one-way ticket this weekend will leave a gaping hole for me and for the multitude that have come to rely on his impeccable honesty and decency.

The reason democratic government succeeds is that there are enough Chuck Cutolos who bring supreme integrity to their work and to honor the people of this Nation by serving them.

The PRESIDING OFFICER. The Senator from Wisconsin.

PRIVILEGE OF THE FLOOR—S. 2148

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Bob Gerber, a congressional fellow of my office, be granted the privilege of the floor today, May 25, during my talk concerning the introduction of the CVN-76 Termination and Deficit Reduction Act of 1974.

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

Mr. LEVIN. Will the Senator from Wisconsin yield for an inquiry?

Mr. FEINGOLD. Yes.

Mr. LEVIN. We have a number of Senators coming to the floor to help give final approval to the conference report on independent counsel. I wonder if I could inquire of my friend about how long he expects to take?

Mr. FEINGOLD. About 10 to 15 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that immediately following the remarks of the Senator from Wisconsin, that we then proceed to the consideration of the conference report on independent counsel?

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

The Senator from Wisconsin is recognized.

MR. FEINGOLD. I thank the Chair.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 2148 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993—CONFERENCE REPORT

The PRESIDING OFFICER (Mrs. MURRAY). Under the previous order, the Senate will now proceed to the consideration of the conference report on S. 24, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the bill (S. 24) to reauthorize the Independent Counsel Law for an additional 5 years, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

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

(The conference report is printed in the House proceedings of the RECORD of May 19, 1994.)

Mr. LEVIN. Madam President, I ask unanimous consent that there be 30 minutes for debate on the conference report, with the time equally divided and controlled between myself and Senator COHEN; that when the time is used or yielded back, without intervening action, the conference report be agreed to and the motion to reconsider laid upon the table.

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

Who yields time?

Mr. LEVIN. I yield myself so much time as I may need, Madam President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I am pleased to present to the Senate the conference report on S. 24, to put the independent counsel law back on the books for the next 5 years.

The independent counsel law is a primary legacy of Watergate, a scandal which, among other lessons, taught the American people that no administration should be put in the position of investigating its own top officials. The independent counsel law provides the alternative. When a high Government official is accused of criminal wrongdoing, instead of the administration handling the investigation, it is conducted by someone from outside the Government chosen by a special panel of three judges.

The law authorizing these court-appointed independent counsels has served this country well. The Supreme Court held, by a vote of 7 to 1, that the law comports with the Constitution and its system of checks and balances. Thirteen independent counsels have taken office under this law and have carried out their duties carefully and responsibly.

Most importantly, the law has gained the public's trust. While some independent counsels have been criticized for an excess of zeal, none has been accused of a whitewash or letting public officials off lightly. When independent counsels have decided not to indict someone, those decisions have been accepted by the public as based upon fact and analysis—not politics.

That is an important accomplishment in this day and age, when public cynicism is high. Through the independent counsel law, our country has found a way to resolve criminal accusations against high officials in a way which the public trusts as fair and conclusive.

Today, we have the opportunity to show our support for the independent counsel system by supporting the conference report that will renew the law until 1999.

This is a bipartisan bill, developed jointly with my good friend, Senator COHEN who, as usual, has displayed leadership and tenacity in getting this bill to this point. The bill is also supported by the President and by the Attorney General. If approved by Congress, this bill will be signed into law.

This bill is not very different from the one that the Senate approved in November 1993, by a vote of 76 to 21, or from the one approved by the House in February 1994, by a vote of 356 to 56. The two bills were similar in most respects to begin with, and through compromise we have been able to resolve the remaining differences.

I would like to take a moment here to compliment our partners in the House, chairman of the House Judiciary Committee JACK BROOKS and Congressmen JOHN BRYANT and BARNEY FRANK, among others, for their courtesy and hard work in resolving our differences and producing an excellent bill we can all support.

The most prominent feature of the bill is a host of new fiscal and administrative controls to ensure that independent counsel operate with appropriate attention to cost and in as similar a manner as possible to other Federal prosecutors. They include measures limiting independent counsel staff, travel and office expenses, directing independent counsels to comply with Justice Department policies on spending, and subjecting independent counsel expenditures to semiannual and final audits by the General Accounting Office.

Another new feature requires periodic reviews by the special court that appoints independent counsels to determine whether an independent counsel office should be terminated because its work is substantially complete. These reviews are required 2 years after an independent counsel takes office, 2 years after that, and annually thereafter. The timing of these reviews is a compromise between the Senate bill which required them 2 years after an independent counsel took office or independent counsel expenditures reached $2 million, whichever occurred first, and annually thereafter; and the House bill which required the reviews to take place every 3 years. I think we came up with a reasonable compromise, that is both workable and meaningful.

The conference report also addresses the issue of the nature and content of the final report that independent counsels are required to file at the close of their activities. The Senate bill was amended on the floor to eliminate long-standing requirements that this final report, first, be full and complete, and, second, explain in every instance the reasons for not indicting any person. The House bill retained both of these requirements. The conference report resolves this difference by keeping the first requirement for a full and complete report, but dropping the second.

By eliminating the requirement to explain every decision not to indict, the conference report does not prohibit such explanations, but instead gives each independent counsel the discretion to provide such an explanation when he or she determines it would be in the public interest. In the joint statement of managers, we provide a number of factors that independent counsels should consider in deciding whether to explain a decision not to indict, including whether the individual was central to the independent counsel's jurisdictional mandate, whether the explanation would exonerate an innocent individual, and whether an explanation would violate normal standards of due process, privacy or simply fairness.

If an independent counsel determines that an explanation of a decision not to indict should be provided, the conference report cautions against conclusory statements that an individual is guilty of criminal misconduct and counsels instead a discussion focused on the facts and evidence obtained during the investigation.

A final set of issues has to do with how the amendments to the 1987 independent counsel law should apply to the two sitting independent counsels, Judge Arlin Adams in the HUD matter and Joseph DiGenova in the State Department passport matter, and to the regulatory independent counsel, Robert B. Fiske, in the Madison Guaranty matter. Mr. Fiske was appointed during the period of time in which the independent counsel law could not be applied to new matters.

With respect to the sitting statutory independent counsels, the conference report applies the amendments to them with only a few ennumerated exceptions to avoid needless expense or disruption. For example, the conference report does not require retroactive reports, retroactive salary reductions, or inappropriate moving expenses. In addition, because it was unclear when the first of the periodic reviews by the special court would be required, the conference report specifies that, for sitting independent counsels, the first review should take place 1 year after the date of enactment of the law and annually thereafter.

With respect to Mr. Fiske's investigation, the conference report gives the special court the option, should the Attorney General seek appointment of an independent counsel in the Madison Guaranty Savings and Loan matter, to name Mr. Fiske to that position. The independent counsel law prohibits the special court from appointing as an independent counsel an employee of the Federal Government. Mr. Fiske, as a regulatory independent counsel selected by the Justice Department, is a Federal employee and thus would be barred from serving as the statutory independent counsel should the statute be triggered, absent specific statutory authorization.

Practically speaking this means that should the Attorney General—once the independent counsel law is reauthorized—determine that first, the statute is triggered with respect to the Madison Guaranty Savings and Loan investigation, that is, there is specific information from a credible source that a Federal crime may have been committed by a covered official, and second, after a preliminary investigation of no more than 90 days that further inves-

tigation is warranted, she must, under the law, ask the special court to appoint an independent counsel. Once she makes that request (and if the subject of the investigation is one of the 50 or so mandatorily covered officials she has no discretion but to make such request), the special court must then appoint an independent counsel.

If those events were to take place and the conference report did not provide otherwise, the special court could not consider the appointment of Mr. Fiske for the position of statutory independent counsel. That would mean that a completely new counsel would have to be named to head the criminal investigation and that the investigatory work of some 5 months would have to be handed over to a completely new person. This raises the possibility of delay and increased cost to the taxpayers and to the persons who have been involved in the investigation, which the special court should have at least the opportunity to consider.

That is why, Mr. President, the conferees agreed that it would be in the public interest to give the special court the option—should the law be triggered—to appoint Mr. Fiske as the statutory independent counsel and continue with the investigation he has already started. The Attorney General has advised us that she supports offering this option.

Let me emphasize, Mr. President, that this provision in no way directs the special court to appoint Mr. Fiske. We remain absolutely neutral on that subject. It is totally up to the special court whom they want to select as independent counsel in the Madison Guaranty or any other matter. This provision only gives the special court the option to select Mr. Fiske should the special court believe it is in the public interest to do so.

Let me also say that this grant of authority is needed because of the anomalous situation in which we find ourselves with respect to Mr. Fiske. He is serving at this time as a regulatory independent counsel because the independent counsel statute was allowed to lapse despite a great deal of effort on the part of Senator COHEN and myself to prevent that, I might add. But it did lapse, and during that time the Madison Guaranty Savings and Loan matter developed. The Attorney General attempted to proceed with that investigation within the normal procedures of the Justice Department, but pressure to appoint an attorney from outside the Department grew to such a point that the Attorney General appointed Mr. Fiske under the Department regulation establishing regulatory independent counsels.

This regulation was issued by the Justice Department at a time when the independent counsel law was being challenged in the courts as to its constitutionality. The regulation gave the independent counsels then in office a second source of authority should the independent counsel law be struck down. Of course, that didn't happen. The Supreme Court upheld the law. That ruling eliminated the need for the regulation, but it was never removed from the books.

I hope, and I have made this request to the Attorney General, that once this statute is reauthorized the Attorney General will in fact rescind that regulation so there will be no opportunity for appointment of independent counsel in any form other than that permitted by the statute. This is important, because the statute imposes numerous important restrictions to ensure financial and prosecutorial accountability which the regulation does not have.

I yield the floor and thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I will take just a few moments. First of all, I commend my friend from Michigan, Senator LEVIN, who has over the years been in the forefront of trying to not only deal with issues of substance but also those of appearance, which are often of equal importance, particularly when it comes to the matter that we are discussing now.

We are familiar with the expression that not only must justice be done; it must appear to have been done. And that is particularly true in the case of an administration called upon to investigate the highest officials within that administration.

As Senator LEVIN has pointed out, it is not a question really as to whether or not an administration can in fact properly and meritoriously carry out its obligations under the law; they can do that; they have done that. The question then becomes, what if the appearance is that they have failed to do so?

As a former prosecutor, let me explain that the easiest thing to do in the criminal justice system is to secure an indictment. All one has to do is to go before a grand jury and, with rare exception I might note, any prosecutor who is skilled in the techniques that can be employed with the weight of the Government witnesses behind him or her, and the fact that the potential defendant has no opportunity to either appear or to defend his or her cause, ordinarily can secure an indictment quite easily.

The real challenge is when not to indict on a close case; when a prosecutor has to make a judgment as to when not to bring the force of government machinery down upon that particular individual. Those are tougher cases.

When an administration is called upon to investigate allegations of criminal wrongdoing by high-ranking executive department officials and the Justice Department is called upon to conduct those investigations, that is when the appearance issue becomes the most critical.

In these cases, we decided in 1978 when the first Independent counsel act was adopted that it was important to remove any skepticism as to whether justice was being done by an administration investigating itself. Over the years the law has worked, I believe, relatively well.

The purpose of the law was to make sure that anyone serving at the highest levels of Government not be treated in any superior fashion to the average citizen, nor did we want to create a situation where they were treated differently by being treated more harshly.

As the members of the Senate are well aware, the level of cynicism and disillusionment of the American public about Government and the integrity of public officials has reached new heights. Opponents of the law may argue that the independent counsel law has contributed to the public's cynicism and the low esteem in which government officials are held by undermining the public's faith in government generally and the Justice Department specifically. I disagree. The independent counsel law is not the virus that has invaded the body politic but rather is part of the cure.

The American public recognizes that we live in an imperfect world and that public officials, like themselves, are subject to subtle influences and pressures that affect their judgments and decisions. The public is also concerned, too often with justification, about the undue influence on government of the rich, the powerful and the well-connected. By providing for a judicially appointed independent counsel to handle investigations and prosecutions of top-level executive branch officials, the statute helps to assure the public that criminal wrongdoing by such officials will not be buried or tolerated, and that top-level officials will not be treated as if they are above the law.

We have not professed that the statutory measure designed to meet the public's need is etched in marble or is immutable. Therefore, Senator LEVIN and I have sought ways to refine the law so that it operates fairly and effectively. Congress has attempted to do just that during each of the previous reauthorizations of the statute. In 1982, for example, Congress made changes in the law designed to ensure that Government officials would not be prosecuted in circumstances where average citizens would not. In 1987, provisions were added to the law to increase controls on independent counsels.

The conference agreement addresses problems which have arisen with the law since the last reauthorization. Numerous provisions have been included in the bill to address the legitimate

concerns raised with regard to the law's operation. Most recently, significant concerns have been raised over the monetary costs of the law, in light of the unanticipated scope and cost of independent counsel investigations in the past several years. To address the cost issue, the conference agreement includes several provisions to tighten fiscal controls.

Critics also decry the lack of accountability of independent counsel. However, as one of the witnesses at the hearing on the reauthorization bill testified, "Making the investigator independent of the executive does not make the office unaccountable." The old law provides for accountability in a number of ways. Only the Attorney General can request the appointment of an independent counsel and the Attorney General has significant influence in defining the independent counsel's jurisdiction. Independent counsel must comply with Justice Department policies. They may be removed from office by the Attorney General for good cause. They are accountable to the appointing court, which defines their jurisdiction, and, like other prosecutors, they are subject to the authority of trial and appellate judges.

The conference agreement adds to the existing measures of accountability by requiring the special court to periodically determine whether an independent counsel office should be terminated because its work is substantially completed.

To accommodate those who believe that the old law was inadequate in its coverage of Members of Congress, the conference agreement gives the Attorney General the authority to seek the appointment of an independent counsel in any case involving allegations of criminal wrongdoing by Members of Congress.

While Members are already covered by the law's so-called catch all provision, the new provision would not require a finding of a conflict of interest before it can be used. Therefore, the Attorney General could choose to use an independent counsel in every case involving a Member of Congress, effectively creating mandatory coverage, or could confine its use to situations where a conflict exists as under current law. The discretionary nature of the provision would obviate any constitutional concerns raised by an absolute bar on Justice Department investigations of Members of Congress.

There continues to be a compelling need for an independent process to investigate and prosecute allegations of criminal wrongdoing by high-level government officials. Justice Holmes once said that "The life of the law has not been logic: it has been experience." In this case, both logic and experience are on the side of reauthorizing the independent counsel law.

Finally, I want to commend the Senator from Michigan for his hard work and commitment to seeing the independent counsel statute reauthorized. We have worked together on a bipartisan basis on this issue for many years and through several reauthorizations. I also want to commend two members of this Oversight Subcommittee staff—Linda Gustitus and Elise Bean—who have worked very hard on this legislation.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 10 additional minutes for a colloquy at this point between myself and Senator COHEN.

Madam President, there has been a suggestion that the motive behind giving the special court the option to appoint Mr. Fiske as independent counsel, should the statute be triggered, is to allow the subjects of the Madison Guaranty investigation to be eligible for payment of their attorney fees. Nothing could be farther from the truth. There is simply no connection between the two issues.

Who the special court appoints as independent counsel, if they do decide to appoint independent counsel, after a petition has been filed by the Attorney General, has nothing to do with the right of an unindicted subject of an independent counsel investigation to get attorney fees.

If the Attorney General seeks the appointment of an independent counsel in the Madison Guaranty matter, whether the special court chooses Mr. Fiske or anyone else to be that independent counsel makes absolutely no difference as to the right of a person to get attorney fees.

The identity of the independent counsel is immaterial to the right of an unindicted subject of an independent counsel investigation to get attorney fees. The criteria of the statute determines eligibility for attorney fees, not the identity of the independent counsel.

In fact, if any relationship exists between who is appointed independent counsel, if one is appointed in the Madison Guaranty matter, and whether attorney fees will be available, it could be argued attorney fees are more likely to occur if the special court were not given the option to appoint Mr. Fiske. That is because the standard for obtaining attorney fees is whether the fees "would not have been incurred but for the requirements of" the independent counsel law. Appointment of a new person who would have to start from scratch and perhaps repeat Mr. Fiske's work would more likely cause legal fees that would not otherwise have been incurred "but for" the new independent counsel law.

Mr. COHEN. Madam President, will the Senator from Michigan yield for a question?

Mr. LEVIN. I am happy to yield for that purpose.

Mr. COHEN. Is it the Senator's understanding, then, as chairman of the subcommittee responsible for shepherding this bill through the Senate and as floor manager of this legislation that the provision allowing the court to appoint Mr. Fiske as independent counsel under the statute, should the statute be triggered in the Madison Guaranty case, would not have any effect on the right of any subject of that investigation to obtain attorney fees?

Mr. LEVIN. The Senator is absolutely correct.

Mr. COHEN. Will the Senator from Michigan also be willing to comment on what the conference report says, if anything, with respect to the amount of attorney fees any subject of an independent counsel investigation can obtain?

Mr. LEVIN. Yes. As the Senator, of course, knows, the attorney fee provision in the independent counsel law is unique. There is no other instance in Federal law in which we allow the subjects of a criminal investigation to get their attorney fees reimbursed with taxpayer dollars. Now why is that? That is because Congress has long recognized that the independent counsel law is highly unusual and places those persons who fall under its coverage in a unique situation. Although the objective of the statute is to treat high level Federal officials no better and no worse than any other member of the public when it comes to criminal investigations, in fact there are situations in which such investigations are more intense, more thorough, take longer, and can pursue more issues and individuals than a normal criminal investigation would. Moreover, the statute requires filing of a final report, and we have learned that preparation of such reports can involve investigations not normally done in the usual criminal case. Responding to such investigations can be expensive, and to the extent the cost is solely because the investigation is being conducted by a statutory independent counsel and under the auspices of that statute, it is only fair that the public pay for a reasonable portion of that cost.

The restriction we put on taxpayer reimbursement is that only persons who are actual subjects of an independent counsel investigation and who have not been indicted by the independent counsel can apply for reimbursement. The statutory language which sets out the standard for the award of attorney fees, section 593(f), is as follows:

> Upon the request of an individual who is the subject of an investigation conducted by an independent counsel pursuant to this chapter, the division of the court may, if no indictment is brought against such individual pursuant to that investigation, award reimbursement for those reasonable attorneys' fees incurred by that individual during that investigation which would not have been incurred but for the requirements of this chapter.

As the conference report states, we have always cautioned the special court to award attorney fees in the most narrow of circumstances, and the conference report expresses concern that the special court has of late been overly generous—beyond the intended scope of the statute. Attorney General Edwin Meese was allowed by the special court to be reimbursed up to $460,000 in 1990 for attorney fees, and former Secretary of State George Shultz was allowed reimbursement of $280,000 at the rate of $370 an hour. The conferees believe that hourly rate is too high for purposes of what the Federal taxpayer should be required to pay and we have discussed that at some length in the conference report. So to answer the Senator from Maine the conference agreement is more restrictive than current law with respect to the amount of attorney fees that can be awarded under the statute.

Mr. COHEN. I thank the Senator from Michigan.

Would the Senator yield further?

Mr. LEVIN. I would be happy to yield.

Mr. COHEN. As the Senator from Michigan has already explained, the provision allowing the court to appoint Mr. Fiske as an independent counsel under the statute would have no effect on anyone's eligibility to obtain attorney fees. Whom the court appoints as independent counsel is totally irrelevant to whether or not a subject of the independent counsel investigation is eligible under the law for attorney fees.

Mr. Fiske, as a regulatory independent counsel who was appointed by the Attorney General and who operates under her authority, is an arm of the Justice Department. Whether the Madison Guaranty case is being investigated by a regulatory independent counsel or by career Justice Department employees is of no import with respect to an individual's eligibility for attorney fees under the independent counsel statute. In other words, a regulatory independent counsel and the Justice Department are one and the same for purposes of the statute's "but for" standard for the award of attorney fees.

I also note that, in my judgment, the legal fees that have been or will be incurred by President Clinton or others as a result of Mr. Fiske's current investigation would not be reimbursable under the independent counsel statute. Moreover, should a statutory independent counsel be appointed to investigate matters being examined by Mr. Fiske, the legal fees of a target of that investigation would not be reimbursable to the extent that they would otherwise have been incurred because of regulatory independent counsel Fiske's investigation or any other investigation.

Mr. LEVIN. Madam President, as the Senator from Maine reiterated, who serves as independent counsel under the statute is irrelevant to the issue of eligibility for attorney fees. Should the independent counsel statute be triggered in the Madison Guaranty case and an independent counsel appointed, there very well may be situations in which certain individuals who are unindicted subjects of that investigation may be eligible for attorney fees under the terms of the independent counsel law. We cannot predict whether or not attorney fees will be awarded in a particular case. That is for the special court to determine using the "but for" standard in the law.

Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Michigan controls 1 minute 40 seconds.

Mr. COHEN. If the Senator will yield, how much time is remaining on our side?

The PRESIDING OFFICER. There are 8 minutes 58 seconds.

Mr. COHEN. Let me take a moment to explain why we have taken the pains to go through this colloquy. We have a Federal judge who has been nominated to serve as a Justice of the Supreme Court. One of the questions I asked him when I met with him recently was to what extent would he look at congressional intent in helping to define exactly the scope and meaning of the legislation we pass. As you may know, there is considerable disagreement on the Court about what weight, if any, congressional intent plays in the Court's deliberations. Some dismiss congressional intent, for all practical purposes.

Recently, a case came down in which the Supreme Court dismissed a colloquy entered into between certain Members of the Senate dealing with an entirely different piece of legislation. The Court said it is simply the letter of the statute which is binding, and the colloquy is irrelevant to our interpretation of that statute.

I wanted to take the time for us to have this colloquy and to verbalize it for the benefit of our colleagues, because many times colloquys are inserted into the RECORD and Members are unaware of exactly what was said until after the legislation is in fact adopted.

In this particular case, questions have been raised about the intent of the White House in supporting the Independent Counsel Act. Let me say, for the RECORD, that President Clinton and Attorney General Janet Reno have supported the legislation from the very beginning. Long before questions about Whitewater ever surfaced, they were strong supporters of the legislation. Their motives in endorsing the legislation, I think, spring from a belief that it is important for the appearance of justice being done.

Second, there was concern being voiced by some that perhaps we are too eager to pass this legislation. After all, we have Mr. Fiske, who appears to be doing a most credible job, and why in the world do we need this bill now? And is this not a back door way of trying to reimburse the President for his legal fees?

Once again, what we are trying to explain is that this act in and of itself stands alone. It has nothing to do with Mr. Fiske. Should the court appoint Mr. Fiske to continue his investigation as a statutory independent counsel, that will not change the interpretation of whether or not the Clintons, or other people, are entitled to be reimbursed for attorney fees. We want to make it perfectly clear exactly what our intent is. Should this matter ever reach the courts, hopefully, this colloquy will clarify what the managers of the bill believe the legislation does in fact accomplish and what the words mean. That is the reason we have taken so much of the Senate's time to explain this provision dealing with attorney fees.

Mr. BROWN. Madam President, I rise to ask the Senator from Michigan and the Senator from Maine a question regarding the independent counsel law. The conference report is slightly different from the Senate bill with respect to the award of attorneys' fees. The conference report drops the Senate language which reads: "No award of attorneys' fees shall be made for any fees that would have been incurred by the individual if the investigation had been conducted by the Department of Justice."

When this bill passed the Senate, we had a discussion on this subject. We agreed that the bill should be read to allow the recovery of attorneys' fees in cases of a malicious prosecution, a politically motivated prosecution, or an investigation by an independent counsel where there was no reasonable grounds to believe that the investigation was warranted.

In the conference report, the language mentioned above, which was deleted, is described as redundant. now that some of the language which passed the Senate has been removed, is it still the case, as the conference report suggests, that attorneys' fees should be awarded in cases of malicious prosecutions, politically motivated prosecutions, and investigations by an independent counsel where there was no reasonable grounds to believe that the investigation was warranted?

Mr. LEVIN. The Senator is correct that the conference report, and the bill in its final form should be read to allow the award of attorneys' fees in the event of a malicious or abusive prosecution by an independent counsel.

Mr. COHEN. I agree with the Senator from Michigan.

Mr. LEVIN. If I may add one word to what my friend from Maine said about the purpose of the colloquy, it is im-

portant in this case that the colloquy be read and not simply be inserted into the RECORD. It is important that the intent of the principal sponsors of this legislation be known to the court. Whether that intent is one where we are in total harmony, or whether we are not in total harmony, it is still important that our understanding be on this record, and that the legislation be understood by the court with that intent, or intents, known to the court as one that has been discussed by the sponsors of this bill.

Senator COHEN has worked as hard as any Senator that I know of on independent counsel. I want to commend him for the bipartisan manner in which he has approached this matter. He and I have worked on independent counsel under a number of administrations, both Democratic and Republican. It has always been our commitment to each other and, I think, beyond that, to the Nation. We would support this bill, whether or not a Democratic President or a Republican President was in office.

Madam President, I ask unanimous consent that I be allowed to proceed for two additional minutes.

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

Mr. LEVIN. Madam President, there are a number of other minor differences between the Senate and House bills that are resolved in the conference report. They include provisions related to limiting independent counsels' staff and travel expenses; encouraging them to request that Justice Department personnel be detailed to their staffs; facilitating financial oversight by the General Accounting Office; reducing the law's post-employment coverage to one year after an individual leaves a covered office; limiting the Attorney General's ability to use the lack of evidence of criminal intent to justify closing a case prior to appointment of an independent counsel' extending the time allotted from 15 to 30 days for the Attorney General to determine whether a preliminary investigation is appropriate in a particular matter; and similar measures.

In all, I think this bill, if enacted into law, will strengthen the independent counsel law in many respects and make it an even more useful mechanism to keep the public's trust in government. I hope my colleagues will join me in supporting the conference report on S. 24 and returning the independent counsel law to the books as soon as possible.

I ask unanimous consent that following my remarks there be printed in the RECORD a summary of the conference report before us and a brief description of how the independent counsel law would operate if this bill were to become law.

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

INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1994

The Independent Counsel Reauthorization Act of 1994, S. 24, authored by Senators Carl Levin (D–MI) and Bill Cohen (R–ME), passed the Senate on November 18, 1993, by a vote of 76 to 21. A similar bill, introduced by Congressmen Jack Brooks (D–TX), John Bryant (D–TX) and Barney Frank (D–MA), passed the House on February 10, 1994, by a vote of 356 to 46. The conference report on S. 24: (1) reauthorizes the law for 5 years, (2) strengthens the controls on independent counsels, and (3) makes it clear that the law applies to Members of Congress. The bill:

(1) *5-year Reauthorization.* Reauthorizes the independent counsel law until 1999.

Reasonable Expenditures: requires independent counsels to comply with Justice Department spending policies, act with "due regard for expense," authorize only "reasonable and lawful expenditures," and appoint staff to track costs and incur personal liability for improper expenditures;

Federal Office Space: requires use of federal office space, unless other arrangements are less costly;

Staff Compensation: limits independent counsel staff compensation to amounts paid for comparable positions in the U.S. Attorney's Office of the District of Columbia;

Travel Expenses: limits travel expenses by making it clear federal travel laws apply to independent counsels and, after one year in office, that independent counsels and staff are not entitled to travel or subsistence expenses for commuting to or from the city in which their primary office is located;

Audits: requires semi-annual and final audits of independent counsel expenditures by GAO;

Court Reviews: requires periodic court reviews to determine whether an independent counsel office should be terminated because its work is substantially complete:

Final Report: clarifies obligation of independent counsel to provide a complete account of their activities in the final report and to avoid conclusory statements that violate normal standards of due process, privacy and fairness;

Law Enforcement Policies: clarifies the obligation of independent counsel to comply with Justice Department law enforcement policies;

Ethics Enforcement: clarifies the authority of the Justice Department and Office of Government Ethics to enforce standards of conduct for independent counsels;

Transition Rules for Statutory and Regulatory Independent Counsel: clarifies how the new law applies to the two sitting statutory independent counsels and removes a prohibition on the court's authority to appoint the regulatory independent counsel as the statutory independent counsel in the Madison Guaranty case, should sufficient grounds exist to request an independent counsel under the statute.

(3) Members of Congress. Clarifies and broadens the Attorney General's authority to use independent counsels in cases involving Members of Congress.

HOW WILL THE INDEPENDENT COUNSEL LAW WORK?

Threshhold inquiry

The independent counsel statute is triggered only when the Attorney General receives specific information from a credible source that a federal crime may have been committed by: a covered official such as the President or a Cabinet officer; a Member of Congress if the Attorney General determines that the public interest requires an investigation by an independent counsel, rather than the Justice Department; or any other person whose investigation, if handled by the Justice Department, might result in a personal, financial or political conflict of interest. The Attorney General has 30 days to determine whether the threshhold standard has been met to commence proceedings under the independent counsel law.

Preliminary investigation

If proceedings are commenced under the independent counsel law, the Attorney General conducts a preliminary investigation for up to 90 days, with one 60-day extension available upon a showing of good cause. If at the end of the preliminary investigation, the Attorney General determines there are reasonable grounds to believe further investigation is warranted, the Attorney General must request appointment of an independent counsel.

Appointment of independent counsel

If the Attorney General requests appointment of an independent counsel, the special court that makes such appointments must select an appropriate person and define the scope of the investigation to be conducted, relying on the information provided by the Attorney General.

Independent counsel investigation

An independent counsel must conduct an investigation and any prosecution in compliance with the independent counsel law, including requirements for following Justice Department guidelines on spending and criminal law enforcement and new restrictions on staff, travel and office expenses. Independent counsels must file annual progress reports and semi-annual expenditure reports, and the General Accounting Office must conduct semi-annual and final audits of expenditures.

Termination of independent counsel office

Periodic reviews by the special court determine whether an independent counsel's work is substantially complete and the office should be terminated. These reviews take place two years after an independent counsel is appointed to office, two years after that, and annually thereafter. Each independent counsel must file with the court a final report describing fully and completely all actions taken. Independent counsels are no longer required to explain, in every instance, the reasons for not prosecuting the subjects of their investigations, but do retain the discretion to provide such explanations when the independent counsel believes it would be in the public interest.

Mr. LEVIN. Madam President, let me take just one moment to commend Elise Bean and Linda Gustitus of my staff who have worked so diligently and effectively for the passage of this bill. They have been absolutely first class in their grasp of the issues and in the attention to detail and the ability to work with people of different views. We just simply would not be here today without their guiding hand. I thank them.

I also thank very much Kim Cortnell of Senator COHEN's staff and Betty Ann Soiefer of Senator GLENN's staff. They also made it possible for us to reach this final conclusion here today.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Madam President, I echo exactly what Senator LEVIN said of our

staff. Kim Corthell of my staff has worked with Linda and Elise and in a completely bipartisan fashion.

I commend Kim once again and thank her publicly for all the work she has done.

I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate?

All time is yielded back.

The question is on the adoption of the conference report.

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 2156 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONDITIONAL RECESS OR ADJOURNMENT OF THE TWO HOUSES

Mr. LEVIN. Madam President, on behalf of the majority leader, I send a concurrent resolution to the desk providing for a recess or adjournment of the House and Senate, and I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider laid upon the table.

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

The concurrent resolution (S. Con. Res. 70) was agreed to, as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, May 25, 1994, Thursday, May 26, 1994, Friday, May 27, 1994, or Saturday, May 28, 1994, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until 12:00 noon on Tuesday, June 7, 1994, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, May 26, 1994, it stand adjourned until 12:00 noon on Wednesday, June 8, 1994, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occur first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Madam President, are we in morning business?

The PRESIDING OFFICER. Nothing is pending at the current time.

VIOLENT CRIME

Mr. GORTON. Madam President, when the people of Washington State voted overwhelmingly to enact the Nation's first "Three Strikes You're Out" law, we sent a clear and unmistakable message across the country—we have had it with violent crime. In meetings with people in communities across the State, that message continues to ring loud and clear.

Back in the Nation's Capitol, Members of Congress are putting together the final version of the crime bill and I am concerned that it will not be the crime prevention bill Washingtonians have asked for. In fact, this exercise may result in what seems to be business as usual for this administration: wasteful spending served with skillful, but misleading rhetoric, saying one thing and doing another.

Looking at the administration and Congress' various positions on crime is reminiscent of a police officer appearing on the scene of a crime with plenty of eye-witnesses where everyone has a different story. That officer needs to investigate the whole scene of the crime to find the answers.

For instance, one witness will say that the administration is fighting for 100,000 new police officers. It appears the administration does indeed want to make our communities safer. Ask another witness, however, and you discover that only larger cities that can afford the temporary matching grants will be eligible for these funds which will have a marginal impact anyway. Ask yet another witness and he will tell you that while the President asked for $9.0 billion for 100,000 rookie cops, he recommended in his budget the elimination of $385 million for the Edward Byrne Formula grants that fund multijurisdictional narcotics task forces.

These task forces are the frontline for many communities and consist of experienced local law enforcement officers working with and sharing information with state and Federal law enforcement people. Had this Senator's amendment to the budget resolution to restore funding for the Byrne grants not passed, we would find ourselves in the ludicrous situation the President desired of supporting a crime bill to hire rookie cops for 3 years while firing experienced drug fighters. There is no question that these task forces could use a small portion of this $9.0 billion for their shoestring operations, but instead that taxpayer money will be dedicated to the what will amount to four or five additional police officers for major city police departments.

Another witness may even see things differently, as well. She may notice that while we are proposing to increase the number of Federal crimes in the crime bill and spending $9.0 billion for rookies, we are decreasing the manpower and resources of Federal agencies necessary to carry out these new laws. Not only did the Vice President recommend that the Drug Enforcement Agency be combined with the FBI, the administration's budget projections show thousands of cutbacks at Federal law enforcement agencies.

An investigator may get confusing and contrasting stories on the death penalty as well. One witness may observe that in earlier versions of the Senate crime bill, the Senate expanded the number of crimes by which the Federal death sentence could be imposed, but made changes in Federal habeas corpus laws to make actual imposition next to impossible. Fortunately, the Senate recently agreed to address habeas corpus reform separately, and I welcome that debate.

Another witness may have seen that in the House-passed crime bill, an apparently neutral and noncontroversial provision was included to prohibit implementation of the death penalty based on race. Yet another witness may have noticed that the language of Title IX of the House bill would have radically altered our criminal justice systems and make the death penalty unworkable.

An investigator would have trouble distinguishing the crime prevention programs in the crime bills from government waste as well. One witness would point to Rural Law Enforcement Grants, and crimes against elderly prevention grants and notice solid crime prevention efforts. Another witness may question whether the $3.0 million that is included for Missing Alzheimer's Patients Alerts, $40 million for prison family unity demonstration projects, $20 million for Tuberculosis Treatment and Prevention in Prison really are crime prevention efforts or just opportunities to authorize new social welfare programs.

The crime bills in Congress are as confusing as a crime scene. If we are to distinguish the facts from fiction, we must be willing to scrutinize and distinguish those efforts which are truly going to benefit communities, from those that will waste taxpayers money and perhaps even result in less protection.

Here is where I draw the line.

First and foremost, I will not vote for a crime bill that will gut the death

penalty. We cannot enact a law which would allow death row inmates, like Charles Campbell who has avoided justice for more than 12 years, to escape justice by providing them with even more avenues for endless delays. The American people will not tolerate changes in Federal habeas corpus law to allow convicted murderers more protection than we provide their victims.

Second, the Crime Bill must include my Sexually Violent Predators Amendment. My amendment, based on Washington State's law, would set up a national registration and tracking system for sexually violent predators. It would let communities know when a sexually violent predator has been released in their communities. I think communities deserve to know when they should take extra precautions. It is the very least we can do.

Third, the Federal "Three Strikes You're Out" provision must be included—and it cannot be watered down. Despite the fact that this applies to a small percentage of violent offenders, it is a powerful message to criminals that nationwide—enough is enough.

Fourth, the Crime Bill must include "Truth in Sentencing" incentives to reward States that are tough on crime—like our own. Those States which enact laws and take action to require violent offenders to serve their full sentence deserve priority assistance from the Federal Government for additional prison space.

Finally, and most importantly, I want a Crime Bill that works for Washington State. Just a few weeks ago, I hosted the Western Washington Crime Summit with the City of Tacoma and Pierce County at the University of Puget Sound. Community leaders from across the State told me that they need the tools to fight against crime at the local level. I agree. There is no greater deterrent to crime than a watchful neighbor and a community mobilized to protect itself. Whatever crime bill we pass must help, not hinder neighbors from taking back their streets.

The Federal Government is limited in a number of serious ways to fight crime at the local level. Perhaps the best indication of this limitation is the response I recently received from the U.S. Attorney General to a report I sent her with recommendations from the Washington Association of Sheriffs and Chiefs of Police. Last July, this Senator included report language in the Senate Appropriations bill for the Department of Justice directing the Attorney General to study the violent crime, criminal alien, and drug trafficking problems in the Yakima Valley. In December, I held a meeting with law enforcement officers from across Washington State in Yakima to compile recommendations which I forwarded to the Department of Justice in hopes that it would assist them in their obligation to the Senate. The report, entitled Secure America 2000, was a comprehensive collection of ideas straight from those on the frontline. Instead of studying the report and responding with recommendations of her own to Congress, the Attorney General's office sent a delayed and totally incomplete response.

To ignore the efforts of so many law enforcement officers who are asking for assistance in their work is unacceptable and disturbing. This Senator and the crime-fighting people of the Yakima Valley will not tolerate arrogant bureaucratic obstinacy to our efforts. While disappointing, we intend to keep reminding the Attorney General of the need to fight violent crime, criminal aliens and drug trafficking in the Yakima Valley, and make the recommendations of Secure America 2000 law.

If nothing else. It reminds us that we can fight crime better at home than through Federal bureaucracies in Washington, DC. That is precisely why this crime bill must empower communities rather than bureaucracies. It is not good enough to say that these programs are intended to prevent crime—they must focused on actual crime prevention.

For instance, the city of Seattle is among the 20 demonstration sites for Operation Weed and Seed—a comprehensive effort to combine law enforcement with social services that targets rough neighborhoods across the Nation. Such a program which is dedicated to actual crime reduction and community mobilization should be expanded but is no where to be found in these crime bills.

Safe Streets in Tacoma has succeeded in taking back some of the meanest streets in Washington State. There is not, however, anything in these measures which helps them directly do their jobs. Federal crime legislation must reward communities that have mobilized against crime and assist them in their heroic efforts. That is the overwhelming message I heard at the Western Washington Crime Summit in Tacoma.

Some criticize my approach as too tough. Some in the media even blame themselves for sensationalizing and overreporting our crime problems. Well—I say it is about time we took a zero-tolerance approach to violent behavior and ignoring it as many have done in the past is simply a disservice to victims of violent crime and ourselves.

Violent crime has taken too much from too many, and we need a tough Crime Bill that makes things better and not worse. I will be fighting to make sure that the final version of the Crime Bill answers the concerns of Washingtonians. Washington State has taken the lead. Now Congress must follow through with an honest, cost-effective and tough crime bill for America.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENDING MOST-FAVORED-NATION TRADE STATUS TO CHINA

Mr. SIMPSON. I thank the Chair, my colleague from Nebraska, who came here when I did in the year of our Lord 1979. I wish to speak for a few moments on the issue of extending most favored nation trade status, or MFN, to China.

Mr. President, I have been very pleased indeed during these last few days to hear a welling chorus of reasoned, sound arguments as to why MFN status should be extended for China. I find myself in whole-hearted agreement with the growing consensus that our values and our influence can be best advanced in China only through continuing trade and exchange.

The quotations have been thus. "We must not isolate China," it is said.

> Surely we can find other ways to promote the human rights agenda. It makes no sense at all, surely, to simply pull back and leave China to be influenced by other nations solely. Other nations have more sense than to take such a spiteful and self-defeating action.

Let me read from one of the best summations of that argument:

> The President has made clear to the Chinese that their respect for internationally-recognized human rights is insufficient. . . We want to elicit a faster pace and a broader scope for human rights improvements in China. Withdrawal of MFN would achieve neither of these objectives. . . [We should] maintain it in order vigorously to protect American interests while we promote positive change in China.

Here is another statement that reads almost exactly like that first one:

> [The President] needs to keep pressing the Chinese government on human rights. And that's why he needs a better instrument than the threat to lift MFN . . . The United States has more effective ways to lean on China . . . [The President] needs a strategy not to shut China out, but to draw it more deeply into the fabric of international agreements and organizations.

Now, for the benefit of the general listeners, let me identify those two statements. The last one came from the Washington Post on this morning of May 25, 1994. It was followed up today on the floor by a number of statements by Democratic Senators, saying basically the same thing. All this, of course, is part of laying the groundwork for what many of us expect to come—a finding by the administration that MFN for China should be extended.

I, personally, eagerly await such an announcement. I am all for it. It will be the right decision—if and when it comes.

On the other hand, the first statement that I read to you was provided on June 2, 1992, by the Bush administration. It seems to me as though George Bush was at least 2 years more adroit in coming to wisdom than many of the experts we are hearing from today. Interestingly though, merely 2 days after that administration statement was given, we were treated to a series of very spirited speeches in this Chamber by Senators who were introducing legislation to provide for curtailing or sanctioning MFN to China.

No fewer than six of those of the other faith spoke on that occasion. Among the remarks:

"The Bush administration remains an apologist for Beijing."

"President Bush has chosen to ignore China's deplorable human rights record."

"The principle stand for the beliefs upon which our own country was founded have been forgotten by President Bush."

And, "That shames America's standard of human rights and decency."

These are strong words. I wonder why it is we are not hearing them now. I know why we are not hearing them now and one reason only: The White House is now occupied by President William Jefferson Clinton instead of George Herbert Walker Bush.

I have not heard the word "kowtow" around here for a while. That used to be one of the old favorites. That was usually delivered with musical background and tinkling of various instruments. It must be very hard to keep, really, a straight face while writing the statements and editorials that we have heard in recent days. I imagine it must be very hard to type as one is chuckling with robust laughter, as surely the authors must be.

I have an idea for all the original detractors. Try this one: Policy of conditional MFN is wrong. It was a mistake, m-i-s-t-a-k-e. It is wrong because it is an all-or-nothing threat. It is impractical because we and the Chinese know that we both come out as losers if we revoke MFN.

MFN became an issue only and totally because the Democratic Congress and a then-Presidential candidate named Bill Clinton were trying to stick it to George Bush. Everyone out there in the land knows that, and here. That is partisan politics, and that is what we engage in very skillfully and very vigorously.

But it seems to me that the current administration only compounds its public embarrassment by pretending that it is not reversing this politics-based policy that is so clearly now being reversed. We have a foreign policy problem—a thing, I believe we used to refer to it in years past—I might remind my colleagues, because we have a continual discrepancy between our foreign policy pronouncements and our deeds, and this exposes us to repeated embarrassment, in Bosnia, in China, in Haiti, in North Korea, and around the world.

We all know what is going on here. The administration has to almost daily try to find a way to save face and to claim that there are not suddenly new reasons to support MFN extension which did not exist 1 year ago. But there are not any; none. It was the right policy then, it is the right policy now. MFN is our best leverage in China, and, Mr. President, it always was.

So I thank my colleagues for indulging my rather whimsical and iconoclastic view of the entire process. Often saying as I have that hypocrisy is the original sin in Washington, DC, whatever attributes have been made as to what original sin is, either theologically or realistically or historically, surely here it is hypocrisy. And I think the American public is neither so gullible nor so dim-domed as to think that President Clinton has magically now wrought a fundamental transformation of China during this past year, a transformation that now makes palatable a policy of engagement which, when endorsed by President Bush, was described as a tragic error.

You cannot fool all of the people all of the time. The whole world knows that we are clumsily and desperately trying to find our way out of an embarrassing box that was constructed board by board, yes, indeed, by Democrats wailing away on and campaigning against President Bush.

MFN, trade, engagement, exchange, that has always been the way to address and advance our ideals in China. The whole world knew it, George Bush knew it, everyone seemed to know it except a few Democratic opportunists, malcontents and aspirants to public office. Now they need to pretend as though the attacks on President Bush's policy were based on "something" other than the 1992 election. We shall see.

If President Clinton recommends extending MFN and Congress utters nary a protest—I surely will not—no one will need to explain to the American public what has happened and that, Mr. President, is one prime object lesson in how "voter cynicism" is created. I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Is the Senator from Vermont the manager of the bill? There is nothing pending at this point. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I ask unanimous consent I might proceed as in morning business.

The PRESIDING OFFICER. Is there objection?

MORNING BUSINESS

Mr. LEAHY. Reserving the right to object, as acting leader, I was seeking recognition and I thought I sought recognition first. But apparently we are following a different procedure. So I will not object, but on behalf of the leader, I ask unanimous consent that the unanimous-consent request of the Senator from Minnesota, who was asking to speak not as a manager of a bill but in morning business, be amended so that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each. I assume that will be enough time for the Senator from Minnesota.

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

The Chair points out to the Senator from Vermont, it was in the opinion of the Chair that the Senator from Minnesota spoke first, and the Chair may have been mistaken in that, but that was the Chair's impression.

Mr. LEAHY. If that is the Chair's impression, under the Senate rules, of course, that is what controls.

The PRESIDING OFFICER. The Senator from Minnesota.

TRIBUTE TO ALFREDO CRISTIANI, PRESIDENT OF EL SALVADOR

Mr. DURENBERGER. Mr. President, I rise today to commemorate an event that will take place in San Salvador, El Salvador on June 1, 1994. That event is the second peaceful transfer of power from a freely elected civilian to another as President of El Salvador. The first time that this occurred was 5 years ago, on June 1, 1989. The President of El Salvador inaugurated on that date was Alfredo Cristiani.

The political, economic, and social progress that has taken place in El Salvador during the last 5 years, while Mr. Cristiani has been President, is a triumph of the human spirit over extreme adversity. It is in many respects the direct result of the foresight and courage of one man—Alfredo Cristiani. To fashion the present peace required the patience, trust and fortitude of all factions, especially the FMLN, ARENA, and the Christian Democrats. However, without the leadership and guidance provided by President Cristiani, this nation might still be embroiled in destructive guerrilla warfare.

Alfredo Cristiani was born in San Salvador on November 22, 1947. His family had prospered in the coffee trade and in pharmaceuticals and cotton. He graduated from the American School in San Salvador, and in 1968 he received a degree in Business Administration from Georgetown University in Washington, DC.

In early years, he was known more for his athletic skills than for his ability as a statesman. He was a motorcycle enthusiast who demonstrated his abilities by winning a national motorcross championship. He was a member of the El Salvador National Basketball Team and at one time held a national squash title. He is a licensed pilot, and even today flies his own helicopter.

A man with deep family values, he has been married to Margarita Llach de Cristiani since 1970. They have three children—Alejandro, Javier, and Claudia Margarite.

Following in the family tradition, in 1979 Alfredo Cristiani became the head of the coffee exporters association of El Salvador—an industry that even today accounts for approximately 45 percent of that country's exports. However, 2 years later, an event occurred that changed President Cristiani's life and helped to shape the history of El Salvador.

In that year, he was taken hostage by antigovernment forces and held for two weeks, along with other businessmen, in the Salvadoran Ministry of Economics. The ordeal ended when Cristiani helped to negotiate his own release and that of his fellow hostages. At least one of his captors was so impressed with the man that he later sought employment with Mr. Cristiani.

In the same year, 1981, Roberto D'Aubuisson, an ultraconservative and former army officer, founded the Nationalist Republican Alliance, better known as ARENA. In its early years, the party was dominated by extremist elements that were accused of a number of crimes.

Alfredo Cristiani joined ARENA in 1984, and from the beginning it was his objective to reshape the party and to broaden its base. He has, over the years, made important progress toward this objective. ARENA now numbers among its members anticommunist farmers, professionals, and young middle-class businessmen.

In 1988, the ARENA party won a upset victory over the Christian Democrats. In the same year, Mr. Cristiani was elected to the Legislative Assembly which, as a result of the election, came under the control of the ARENA party.

In the presidential election of 1989, the ARENA party nominated Cristiani, who had gained the reputation of being a moderate, as their party's candidate to run against the Christian Democratic candidate, Fidel Chavez Mena.

Mr. Cristiani's campaign was a departure from the predictable, extreme right-wing philosophy of the ARENA party's founder. As a candidate, Mr. Cristiani advocated conciliation and dialog with the FMLN. He conceded that the political system did cause injustices that needed to be corrected. He did not advocate abolition of the land reform program, but instead suggested how it could be improved.

Mr. Cristiani received 53.8 percent of the vote in the first round—a clear majority, and a decisive victory over his nearest rival, Chavez Mena. Though the FMLN, the coalition of five leftist guerrilla groups, boycotted the election, President Cristiani based his administration on resolving the issues that divided El Salvador. He promised to end the civil war, improve the country's human rights record, and rejuvenate the economy.

The road to a negotiated peace was not easy and was set back by the guerrillas's military offensive of late 1989 and the killing of six Jesuit priests by elements of the military. In July 1990 in San Jose, Costa Rica, the Cristiani government and the FMLN agreed to respect human rights and to end kidnapping, wrongful detention and unlawful arrests. Both sides pledged to honor the freedoms of speech and press, and to permit the right of association, including the recognition of labor rights. The two sides also agreed to the formation of a United Nations mission to monitor conditions in El Salvador once a cease-fire was effected.

In September of the same year, again in San Jose, an agreement was reached on electoral reform. The reforms were implemented generally in the March 1991 legislative and municipal elections, and included greater registration and voting, enlargement of the Legislative Assembly and a limit on campaign expenditures.

Still further progress was made with the signing of the Mexico Accords of April 1991. This landmark agreement, signed in Mexico City, called for amendments to the Constitution of El Salvador subordinating the military to civilian control, reform of the judicial system, and further improvement of the electoral process. The Accords also called for the establishment of a Truth Commission to investigate and report on human rights violations since 1980.

In December 1991 in New York City, the two sides agreed that a cease-fire, monitored by the United Nations, would be implemented beginning February 1, 1992. Prior to the start of the cease-fire, the government and the FMLN signed a comprehensive Peace Accord in Mexico City that included many of the elements of prior agreements, including strengthening of the electoral process, reform of the judiciary, and subjection of the armed forces to civilian control.

A major step toward peace, the comprehensive Mexico City Peace Accord completed in December and signed February 1992, required that the Salvadoran Army be reduced by 50 percent, that a National Civilian Police force be established made up of members from all the warring factions, that the counterinsurgency Immediate Reaction Infantry Battalions be disbanded, and that the guerrilla forces be demobilized.

Peace officially came to El Salvador in December 1992, along with the formal demobilization of the guerilla forces. February 1993 saw the beginnings of the National Civilian Police Force and the disabanding of the last of the Salvadoran Army's counterinsurgency battalions.

In July of last year, top members of the Salvadoran military were retired, fulfilling a promise made by President Cristiani to the United Nations. Included in those leaving were the Minister of Defense and the Vice Minister of Defense.

Prior to the Presidential election that took place this March, the once-outlawed FMLN guerrilla organization was recognized as a political party and fully participated in all levels of the election.

For the presidency, the FMLN joined with the Democratic Convergence, CD, and the National Revolutionary Movement, MNR, to support the leftist Coalition candidate, Ruben Zamora. Mr. Zamora received 25.6 percent of the vote in the first round of balloting and 32 percent of the vote in the April runoff.

What lies ahead for El Salvador is not known. But President Cristiani has deinitely sown the seeds for national reconciliation. He has also seen that institutions are in place—such as the National Academy of Public Safety, the Civilian National Police Force, the Office of Ombudsman for Human Rights, and the National Judicial Council—that will continue and reinforce the progress toward a lasting peace.

Bringing peace to El Salvador was the central and dominant theme of President Cristiani's administration—an accomplishment without equal. However, it was not the only problem addressed during this presidency.

During the civil war, the economy of El Salvador was a shambles. Unemployment was running at a 50 percent rate. Education was neglected and health care was sadly lacking. President Cristiani instituted programs aimed at improving the lot of the Salvadoran people in each of these areas.

To strengthen the economy, Cristiani proposed policies for fostering free market enterprises and privatization of certain public entities. A first step in this direction has been privatization of the banking system. Other ineffective state-owned enterprises are targeted for privatization.

Joining with other countries in Central America, El Salvador now belongs to a free-trade zone similar to that created by the North America Free-Trade Agreement.

Land reform has continued. Though the pace may not have been to everyone's satisfaction, the fears that land

reform would be abandoned have been proved baseless.

Grain production has increased and has reached record levels, providing employment and an additional source of income. The export of nontraditional agricultural products have steadily increased.

The economic indicators have evidenced the improvement in the economy of El Salvador. The GNP has been on a steady upward course. In 1990, the first full year of Cristiani's presidency, the economic growth rate was 3.3 percent. In 1992 the economic growth rate had risen to 4.5 percent—and the rate for 1994 is projected to be 5 percent.

Educational, social, and health programs are being implemented. Schools closed during the guerrilla conflict are being opened and new schools are being built. An immunization program begun at the end of 1992 resulted in approximately 80 percent of the children under 5 years of age being vaccinated.

New projects are under way to modernize and extend the distribution of electricity. The drinking water system is being improved and access to telephone service is being extended.

President Cristiani's wife, Margarita, has made her own contribution to El Salvador's progress. Aware of the deep needs of her country's people, especially for the poor, she worked toward the creation of an office that would guard the rights and unity of the Salvadoran family. In November 1989, the National Secretariat for the Family was created and is presently engaged in programs for women and children. Mrs. Cristiani continues to coordinate this office.

It is my understanding that Mrs. Cristiani now plans to found a Children's Learning Museum in El Salvador. This museum would provide an interactive learning experience for children, especially in the areas of science and technology.

What a fitting addition to President Cristiani's legacy of building a peaceful and prosperous future for El Salvador. Mrs. Cristiani has contributed to this legacy—and will continue to contribute—by investing in El Salvador's most precious resource and greatest hope for the future—the children.

President Cristiani has not solved all of the problems of El Salvador. Many remain. But for all the problems that still remain to be solved, El Salvador is better for having had Alfredo Cristiani as its President.

The seeds of progress sown during his presidency will only nurture and grow as peace continues. A return to guerrilla warfare will destroy all the progress that has been made.

Alfredo Cristiani is a good husband and father, an instrument of peace, a man for all seasons. He has accomplished what Simon Bolivar and Bernardo O'Higgins were unable to. He brought peace where there was war. He sought the end of strife and bloodshed. He was a force for reconciliation and reason, and he brought lasting honor to himself and to the people of El Salvador.

Thank you, Mr. President. I yield the floor.

Mr. President, how many minutes do I have remaining if I am to speak for 10 minutes?

The PRESIDING OFFICER. The Senator has slightly over 4 minutes.

BOB DOLE—AMERICAN SOLDIER

Mr. DURENBERGER. Mr. President, as the American people celebrate the 50th anniversary of the liberation of Europe, I should like to commemorate the important role played in that historic drama by one of our own colleagues.

If one has to choose a defining moment of the 20th century, one could do worse than point to the landing of Allied forces in France on June 6, 1944. The forces arrayed on those Normandy beaches were the key protagonists of our century: On one side, the forces of liberty and democracy, invigorated as never before by economic growth; on the other, a totalitarian despotism strengthened by unprecedented levels of state power.

The result of that series of battles foreshadowed the result of our century's history: Freedom was victorious, and tyranny in retreat. Indeed, now that the historical epoch known as the cold war has come to an end, it has become commonplace to view the victory of freedom as an inevitability of history.

In a sense, that may be true; if the nature of the human person is to be free, then political chains cannot be hung upon the human being in any permanent way. The basic desire of the human being will eventually prevail.

But it would be wrong to accept this point of view if it means shortchanging the role of the democratic nation itself as it creates antibodies to restore the state of political health, the health that we call "freedom."

"Humanity" can only be protected by individual human beings who take action—sometimes together, sometimes alone—in the interest of the public good. These individuals who take risks and sacrifice themselves on behalf of others are the engine of what progress there is in history. These individuals are known as heroes.

On D-day, there were many heroes; in the drive across Europe, there were even more—as liberty reconquered a continent.

The Prime Minister of India, Mr. P.V. Narasimha Rao, in a recent address to a Joint Session of Congress, reminded us that the world is grateful for America's heroes. He quoted the words of Lala Lajpat Rai—an Indian freedom fighter—and I quote them again now: "Numberless American men and women * * * stand for the freedom of the world." They know no distinctions of colour, race or creed. And they prefer the religion of love, humanity, and justice.

We are very proud, Mr. President, to have among us a man who was one of those heroes—and deserves pride of place on the 20th century's roll of honor.

In the last month of the drive across Europe, a raw recruit named BOBBY JOE DOLE and his platoon were rolling up the German flank on the Italian peninsula. The writing was on the wall of Hitler's Germany—the war was as good as over.

But the war would not be over until the last wave of courageous Americans risked all for victory. And our friend and colleague, BOB DOLE, was a key member of that last wave.

Author Richard Ben Cramer describes April 14, 1945, for BOB DOLE and his platoon mates, and I quote: "(It) was a daytime nightmare of cannon, mortar, machinegun fire—flesh in uneven contest with the instrumentalities of war." BOB DOLE knew that victory was on the other side of the German machinegun nest, and that some American had to be responsible for cleaning out those German soldiers.

BOB DOLE knew that some American must lead, and he himself was that American soldier.

We see in our friend today the awful—the awe inspiring—result of that unimaginable courageous decision. His medics and his fellow soldiers did not believe that BOB DOLE would survive the wounds that gouged his arm and shoulder and smashed his spinal cord.

BOB DOLE did not take the machinegun nest that day. But his buddies did—and BOB DOLE's broken body was headed back to America.

America had already celebrated V-E Day by the time BOB DOLE reached Kansas. The war for Europe was over, but BOB DOLE would go on paying the price for victory for many years to come. The rebuilding of BOB DOLE only began on the operating table—he had to take the lead again, in learning how to walk and to the many other things that those of us with healthy limbs take for granted.

There is no band playing for people who teach themselves to walk again, or dress themselves. No medals either. But I am not alone, Mr. President, in believing that BOB DOLE's brutally painful physical recovery took more courage and stamina than even the day of battle that caused his wounds.

BOB DOLE fought back—and he keeps fighting back today, 49 years later, on the floor of the Senate. Mr. President, as a friend and an American, I am grateful that we had a BOB DOLE on our country's side on the field of battle. And I am equally grateful that in our

democratic system of government, we can make use of that soldier's courage and character in the art of peace and self-government.

On behalf of the people of Minnesota, I thank the minority leader—for what he did half a century ago, and for the example he has given us in the half century since.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, under the order entered into just a few minutes ago, I will speak as in morning business.

Before I begin, I should like to commend the Senator from Minnesota for his praise of the distinguished senior Senator from Kansas.

I have known Senator DOLE for nearly 20 years. He had already served a term in the Senate when I came here. He was reelected and I was elected in the same year.

I have had occasion to work with him on one committee we served together for 20 years. I have worked with him on nutrition matters and others where he has been one of the Nation's leaders in causes of nutrition. I had the honor of going with him when he led a delegation to Rome for the 40th anniversary for the liberation of Rome. My wife and I accompanied him on that occasion.

I have met very few men or women in my life who even begin to match the bravery shown by BOB DOLE in the service of this country.

It was perhaps during that trip to Rome that we had a chance to discuss even further what he went through, not because Senator DOLE was there to talk about what he went through, as though to speak in his own favor, but only because those of us, including three Medal of Honor winners who were with us, almost had to drag out even the least amount of what he did with his bravery.

So I too would commend the senior Senator from Kansas. His life is one marked by bravery, great physical suffering, and by great physical courage.

A TRIBUTE TO ERIC DAVID NEWSOM

Mr. LEAHY. Mr. President, I rise today to honor one of my closest friends and trusted advisers, Eric Newsom. After nearly 15 years as a senior Senate staff Member, Eric has returned to the State Department. He is now the senior adviser to Under Secretary of State for International Security Affairs, Lynn Davis. I have spoken to Under Secretary Davis. I know that she is aware of how fortunate she is to be gaining somebody of Eric's dedication, his extraordinary professional experience, his unsurpassed knowledge of international security and foreign policy issues—a person who seems to have the ability crossing these very complicated and very complex areas, an ability really unmatched in my experience.

In fact, in my 19 years, now almost 20 years in the Senate, I have not known anyone who has accepted the responsibility and challenge of public service with more selfless devotion than Eric Newsom. From his first posting as a Foreign Service officer, he went on to serve as a staff member for the Senate Foreign Relations Committee. Later he was the minority staff director of the Select Intelligence Committee. He was legislative director in my office, and served as the clerk of the Foreign Operations Subcommittee. In all of these things Eric served the U.S. Government and the American people with the utmost loyalty and distinction.

During those 25 years, Eric's contribution to shaping the foreign policy of this country we love so much was remarkable. At the State Department during the 1970's, he served brilliantly in helping guide United States arms control, nonproliferation, and defense strategy. During the 1980's when the cold war was still in force, Eric mastered the intricacies of American intelligence policies and programs. I remember going head to head with some of the high-level officials in the Reagan administration in debate with Eric at my side when we debated everything from Iran-Contra to our foreign policy. His persistence, and his mastery of the facts were indispensable, facts that were presented in a dispassionate and objective fashion.

Since the end of the cold war he has been equally effective in helping to shape our foreign policy priorities. Since 1989 when I became chairman of the Foreign Operations Subcommittee, he was at my side helping me implement an agenda consistent with the realities of the changed world of the 1990's, when global problems such as overpopulation, environmental degradation, and weapons proliferation emerged as the most urgent threats to our national security.

Guiding the foreign operations bill through Congress can be an extraordinarily difficult—I might say it can also be a thankless task. It is not the most popular bill to bring before this Senate. But Eric never failed me. His leadership in that process is going to be missed by everybody in the Appropriations Committee, members and staff alike, as we attempt to do the job without him this year and in the years to come.

He and I have been through so much together. We even had a few close calls. I remember one helicopter ride through the mountains of Guatemala. We were going through the fog. I said to our Ambassador, "I hope the radar works." He said, "Radar? What radar?" We looked at the place where the radar is supposed to be. There is a big hole in the cockpit. There were a couple of wires out. I swear that one had a Band-Aid around it.

We put on our bravest faces, and just as we broke out of the fog heading straight to a cliff, the pilot moved around that. And then the pilot and copilot argued about who was at fault. All I wanted to do was get back to Earth. We made it. We are both able to laugh about it today.

When my staff and I gathered to say goodbye to Eric, it was especially moving to see how many of them regarded Eric as a mentor, as staff member after staff member remembers how much he had taught them. There is a time for everything, he told us that day; a time to stay, a time to move on. He quoted Ecclesiastes. The words he spoke were as fitting as any he could have chosen. Though he has moved on, he is always going to be a good friend I know I can turn to for counsel as I do to this day.

It is hard in many ways for me to see him go. But I am so grateful for all he has done and so proud of all he has accomplished.

I am pleased that he is going to complete his Government service in the State Department where he began working on the arms control issues and foreign policy issues he knows so well and cares about so deeply. To this day, I remember as I was deciding who should come to be my foreign policy adviser sitting on the back deck of my home and getting a telephone call from former Secretary Cyrus Vance who said he almost never made such a call but he knew me well, and trusted my judgment, and wanted to urge me to hire Eric Newsom because of Eric's service for him, and for a previous Secretary of State. He had shown not only the competence, but the honesty, and the abilities that stood out so much to former Secretary of State Vance's mind. I found that if anything Secretary Vance understated the case.

So I am delighted that we had the chance for him to be here in the Senate. In fact, when he left for the State Department, we lost one of our finest staff. All of us who worked with him are going to miss him dearly. But I am delighted for the State Department and for the administration that they have his service. And just as importantly, I am delighted for the United States of America that we have such people in our staffs here in the Senate, in the State Department, in so many other departments who work selflessly, tirelessly, and with great expertise for America.

I yield the floor.

ERIC NEWSOM

Mr. HATFIELD. Mr. President, every Senator in this chamber knows the high value of staff but their contribution is often hidden from the public. Today I want to join my colleague, Senator LEAHY, in providing this public

recognition to Eric Newsom, who is departing after working nearly 14 years in the Senate.

I came to know Eric, who has served Senator LEAHY'S staff for many years, when he took over as Staff Director to the Foreign Operations Subcommittee on the Appropriations Committee. I know that Eric takes pride in his yearly efforts to craft a foreign aid budget which furthered United States security as well as poverty alleviation and economic development. He did so despite the increasing fiscal restraint imposed upon our foreign aid spending.

Eric leaves his position with the Committee to work for the Department of State as a senior advisor to Undersecretary Lynn Davis. I expect that Eric will approach this new challenge with his typical professionalism and wish him the best of success. And I would like to publicly thank him for his efforts on behalf of the Appropriations Committee over these past 5 years.

IN RECOGNITION OF ERIC NEWSOM

Mrs. MURRAY. I am happy to have this opportunity to express my appreciation for the fine work done by Mr. Eric Newsom, who has served with distinction as Staff Director of the Senate Appropriations Subcommittee on Foreign Operations. I have recently learned that Eric is leaving that position to work for the Department of State, and I know he will be greatly missed.

While foreign aid has never been popular, it has served our Nation well. As guardian on the staff level of the foreign aid budget, Eric's job was not an easy one. He had to constantly work with a budget under attack from all directions, and yet under great demand from just as many others. He shepherded the foreign aid spending bill through the last years of the tumultuous 1980's, when Congress battled with the administration over military aid to nations like El Salvador and to the Contras in Nicaragua. Eric was instrumental in forging a consensus to condition military aid to El Salvador, ultimately paving the way for a peace accord.

It was during that time, too, that United States family planning aid came under fire from the White House. Fortunately, women and families around the globe had an ally in Senator LEAHY and Eric Newsom, who used the Foreign Operations Subcommittee to preserve that very important funding.

Under Senator LEAHY'S guidance, Eric has helped to shape our Nation's foreign aid priorities in the aftermath of the cold war. He had to balance competing interests as the United States began to reach out to nations in Eastern Europe and the former Soviet Union, while preserving aid to our traditional allies such as Israel and Egypt.

Since coming to the Senate, I have had the occasion to work with Eric personally in addressing concerns my constituents in Washington State have had with the Russian aid program, among other issues. After many months of examining ways to strengthen the United Staes Russian Aid Program, I believe we are beginning to make true progress in this area, and I could not have gotten this far without the support of Senator LEAHY, Eric and the Subcommittee.

In areas ranging from aid to improve the status of women worldwide to providing reconstruction aid to the people of El Salvador, Eric has been a champion of justice. I wish him well in his new position, and I am certain he will be a true asset at the Department of State.

ERIC NEWSOM

Mr. LAUTENBERG. Mr. President, I would like to wish Eric Newsom well as he leaves the Senate to take on new responsibilities at the Department of State.

For many years, I and my staff have worked closely with Eric on the Foreign Operations Appropriations Subcommittee where he served as clerk to Senator LEAHY. Eric is a devoted public servant who has ably served Senator LEAHY, the Appropriations Committee, and the Senate. He is thoughtful, dedicated, and hard-working. While working on the Appropriations Committee, Eric has skillfully assisted Senator LEAHY in shepherding the Foreign Operations Appropriations bill through the Senate. It's a difficult and complicated bill which Senator LEAHY has been able to successfully guide through the Senate, in part, because Eric understands the complexities of the Senate and U.S. foreign policy so well.

The Senate's loss is truly the State Department's gain. I wish Eric well in his future endeavors.

TRIBUTE TO ERIC NEWSOM

Mr. DECONCINI. Mr. President, it is always with a mix of happiness and regret when we bid farewell to a friend and former staff member. On the one hand, we are pleased that he or she has been given an opportunity to serve the country in a new position, further a career, and widen horizons. At the same time, we regret the loss to Congress—and the Senate in particular—of a skilled and innovative legislative team member.

It is in this vein that I join my friend from Vermont, Senator LEAHY, in congratulating Eric Newsom on his new position as Deputy Assistant Secretary of State for nonproliferation issues at the State Department. Eric, who initially came from the executive branch in 1979, has been a Senate asset for nearly 15 years. Clearly, the Senate's loss is State's gain—a gain which some of us around here believe State can well use.

It has been a pleasure to work with Eric in a number of his capacities, but especially in his role as staff director of the Foreign Operations Appropriations Subcommittee. It is never easy to assemble and then pass a foreign aid bill. It has been particularly difficult in the past decade or so because of ideological and other battles. However, in light of the fact the Congress has not enacted a foreign aid authorization bill since 1985, the role of Foreign Ops and the annual appropriations bill has taken on even greater importance.

Whether it has been on the big issues such as aid to Russia, the Freedom Support Act, Israeli loan guarantees, and Egyptian debt forgiveness, or the relatively smaller—and often more parochial—issues such as prohibiting the sale of Stinger missiles to Persian Gulf nations, restricting aid to Kenya, or ensuring that AID understands what is the intent of Congress when we speak of "very small loans to the very poorest" in the microenterprise loan program, Eric has conducted himself in a professional, patient, and nonpartisan manner.

I do not envy the job he leaves to his successor, for his shoes are very big ones to fill. Eric will be missed, but I wish him the very best in his new and challenging position.

TRIBUTE TO ERIC NEWSOM

Mr. BRADLEY. Mr. President, for nearly 14 years, Eric Newsom has dedicated his professional career, along with his knowledge and background in foreign policy, to the U.S. Senate. I first had the opportunity to work with Eric when he served as minority staff director in the mid-1980's during my term on the Senate Select Committee on Intelligence. For the past 3 years, I have worked with Eric to ensure the creation and continuation of a program I care deeply about—a large-scale high school exchange program with the former Soviet Union that has become a key component of our assistance to Russia and the other republics.

As Senator LEAHY'S chief foreign policy, defense, and security adviser since the early 1980's, Eric has made many contributions to the Senate's formulation of foreign policy. In his most recent position, staff director of the Foreign Operations Appropriations Subcommittee, he negotiated passage of two of the U.S. Congress' most important foreign aid packages in the post-cold-war era—funding for the FREEDOM Support Act of 1992 and last fall's $2.5-billion NIS assistance package. At a time when the former Soviet Republics have needed our assistance in making the transition to democracy and a free market economy, the impact of Eric's leadership and understanding of the issues have been felt all the way to the other side of the globe.

As Eric departs for new challenges at the State Department, we will miss him. But his contributions to the Senate will not be forgotten, and I extend my congratulations to him in his new position. Under Secretary of State for

International Security Lynn Davis is lucky to have Eric joining her team.

BILLY ABERCROMBIE: EXCELLENCE IN PUBLIC SERVICE

Mr. HOLLINGS. Mr. President, I rise to salute Billy Abercrombie for his 36 years of truly exceptional public service with the U.S. Soil Conservation Service.

In his capacity as South Carolina's State conservationist for the last 11 years, I came to know Billy as a friend and dedicated professional. His finest hour came in the wake of Hurricane Hugo in 1989. He worked long hours and demonstrated tremendous dedication and resourcefulness in helping South Carolinians put their farms and lives back together again. For that effort, Billy was awarded the Distinguished Service Award, which is the U.S. Department of Agriculture's highest honor.

Mr. President, Billy Abercrombie is a native son of South Carolina. Born in Fountain Inn, he earned his B.S. degree at Clemson and his master's in public administration at Harvard. He began his career with the Soil Conservation Service as a trainee in Laurens. He subsequently worked in Anderson, was district conservationist in Bamberg and Spartanburg, and area conservationist in Chester. He left South Carolina to serve as assistant State conservationist in Colorado and State conservationist in Maine—also serving a stint in staff positions at SCS national headquarters.

Mr. President, in the course of his distinguished career, Billy Abercrombie received numerous honors and awards. He was respected across the State of South Carolina for his expertise and exceptional professionalism. For 36 years, he was the epitome of the dedicated public servant. I appreciate this opportunity to express my respect and gratitude, and to wish Bill and Harriet Abercrombie many happy years of retirement.

MARGARET K. WILSON: 38 YEARS OF PUBLIC SERVICE

Mr. HOLLINGS. Mr. President, I rise to salute an especially dedicated public servant, Margaret K. Wilson, who is retiring June 3 after 38 years with the Internal Revenue Service in Columbia, SC.

Ms. Wilson is a standout example of dedication and excellence in Federal service. She began her career as a stenographer and finished as executive secretary to the IRS's District Director in Columbia. In that capacity, Ms. Wilson has intervened on countless occasions to assist my office in resolving constituents' concern with the IRS. She has been unfailingly helpful and resourceful, and I and my staff are indebted to her for all she has done.

Mr. President, Ms. Wilson has an old-fashioned sense of duty and public service—and it shows. Upon her retirement, she will receive the Treasury Department's Albert Galletin Award, the Department's highest career service award for employees who have served 20 or more years. I would also note that in 1985 Ms. Wilson received a Federal Employee of the Year award from the Columbia Federal Executive Council.

Mr. President, I would like to express my respect and gratitude to Margaret Wilson for nearly four decades of service to the people of South Carolina. I wish her a long and happy retirement.

LEON AND RITA BANOV: A SPECIAL PARTNERSHIP TURNS 50

Mr. HOLLINGS. Mr. President, 50 years ago, on May 30, Leon and Rita Banov were joined in marriage in an memorable ceremony at the Savoy Plaza in New York City. Thus began a remarkable marriage that has blossomed and endured for the last half century.

In truth, the word marriage does not fully capture the scope of the special partnership between these two beloved and respected Charlestonians. As man and wife, they have been a model of love and loyalty. But their relationship has also been an enormously successful joint venture in a broader sense. They have been professional partners, with Leon pursuing a successful career as a physician while Rita consulted with patients and managed the business side of his medical office. They have been partners in countless volunteer projects in the Charleston community, ranging from Boy Scouts to fundraising for the American Cancer Society. And, finally, they have been spiritual partners as active and prominent members of the historic Beth Elohim Temple in Charleston.

Mr. President, for all their many accomplishments, I know that the Banovs take greatest pride in their children, Alan and Jane; their daughter-in-law, Marla, and son-in-law, Les; and their four grandchildren, Jessica, Rachel, Leah and Joel. Family has always come first for Leon and Rita. However, their partnership has touched the lives of many thousands of other people in Charleston.

Mr. President, it is an honor to join with family and friends in congratulating Leon and Rita Banov on this special anniversary. I wish them equal success in their next 50 years together.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, thank you.

CBO REPORT SHOWS ADMINISTRATION'S DEFENSE BUDGET IS SMOKE, MIRRORS, AND ROSY SCENARIOS

Mr. GRASSLEY. Mr. President, I want to visit for just a short period of time about the budget problems at the Department of Defense, and what they say they are going to be able to do with their being overprogrammed for the amount of money that they are going to receive from the Congress over the next several years. That amount of money is a large, what I call a "negative," funding wedge that they have to make up. They say they can do it easily. But I do not think they are going to do it very easily.

Earlier I gave a speech updating my colleagues about the budget. I did it as an after-action report on the budget issues that Senator EXON and I presented to this body, and we ended up in the process with saving the taxpayers $13 billion. It was not quite as much as we had hoped for when we got a $26 billion amendment through here. But since the House did not do anything on it, saving $13 billion is a pretty good move, and at least it is better than rubberstamping what the President proposed to do.

Today, I want to provide my colleagues an after-action report on another budget issue. This is what I just described about the defense budget in the overprogramming in that defense budget. I want to focus on what I call a plans/reality mismatch in that defense budget.

In brief, the issue is whether the Pentagon's projected funding in the future year defense program exceeds the administration's proposed budget, and it does. It is overprogrammed.

It is just plain nonsense that we want the generals at the Pentagon and the accountants at OMB to be singing from the same sheet of music. Common sense seems to be an endangered species in this budget process because I do not think they are singing from the same song sheet.

The administration's proposals for defense show a negative funding wedge, and they call it "future adjustments." It is kind of like a magic asterisk that shows up that somehow somebody in the future will show up and figure how to cut spending, and it is really a smoke screen for the fact that you do not want to make the decisions now, and you figure you never have to make them. This negative funding wedge amounts to at least $20 billion over the next 5 years. This is a plans/reality mismatch. The plans are so much, and the reality of it is that less than $20 billion has to be cut, or $20 billion has to be cut, and it will not be cut. The reality is it will not be cut. But the plans at the Defense Department do not show that reality.

At my request, the General Accounting Office is reviewing whether or not

this $20 billion is really $20 billion, or a lot more than $20 billion. But even a $20 billion problem is a very big problem to deal with. I think we are going to be able to show it is bigger, and I have asked GAO to review the actual magnitude of that. GAO has already identified an additional $6 billion in negative funding wedges. So that brings the real total of the funding wedge to $26 billion.

During hearings in the Budget Committee, Senator LOTT and I asked OMB Director Leon Panetta, and also CEA Chairwoman Laura Tyson, and also Defense Secretary William Perry about this issue. All of them said that the problem was simply due to inflation, and it will be very easy to take care of.

Well, the Congressional Budget Office, in its 1994 report entitled "An Analysis of the President's Budgetary Proposals for Fiscal Year 1995," directly contradicts the testimony of these three officials of the Clinton administration.

The CBO states:

> Clearly, the future adjustments to budget authority (for defense) indicate funding problems beyond the question of inflation estimates.

So there it is from CBO as plain as day. The administration is flat out wrong that inflation is the sole cause of the problem for future adjustments. My concern is that the administration officials may have knowingly misled the Senate Budget Committee—or perhaps were misled themselves by conniving bureaucrats.

I have written to CBO today to ask them to provide further details on this matter. I have also asked CBO to review the administration's claim that it cannot estimate for inflation in defense programs, even though the administration estimates for inflation in every other program in the budget.

In other words, why is it that this administration—not just this administration, but previous administrations as well—can estimate for inflation in every other program in the Federal budget, but they cannot estimate for inflation at the time of putting the budget together in defense? Well, I am going to ask CBO to clarify that for us. But that is what the administration is telling us.

As I said, this problem of plans/reality mismatch is not unique to this administration, because we have had magic asterisks and rosy scenarios with us for many years under both Republicans and Democrats. However, this administration is falling into this business-as-usual approach of previous administrations. They are courting "Miss Rosy Scenario" as arduously and successfully as any previous administration. So let us not hear any more about how this administration's budget is the most honest ever, that there are no smoke and mirrors, because there is $20 to $26 billion of it right there in the defense budget. It is not going to be easily taken care of.

Senators THURMOND, NUNN, and DOLE also mentioned this plans/reality mismatch in defense spending in their speeches regarding the fiscal year 1995 budget resolution. They, as leaders, are right to recognize the seriousness of addressing this problem.

I hope to have in the near future—and I will have to have the cooperation of Senator SASSER as chairman and Senator DOMENICI as the ranking Republican on this—but I hope to have Secretary Perry testify side by side with Pentagon analysts who have uncovered this plans/reality mismatch and get everybody that deals with this. One person has one opinion, and another person has another opinion, and we will lay the facts out on the table.

I think those facts are very clearly going to tell us that this is not a problem that is going to be simply taken care of. The sooner we bite the bullet on it, the sooner we are going to get the problem solved.

The General Accounting Office will soon be coming out with its report on this matter. After that report is issued, it will be my intention to ask Chairman SASSER to hold hearings on the General Accounting Office findings.

Let me add that I worked very closely with Chairman SASSER on this issue during previous administrations, and his leadership has been much appreciated. I look forward to working with him again on this very important matter.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

THE EXON-GRASSLEY BUDGET AMENDMENT

Mr. EXON. Mr. President, a few days ago, our colleague from Iowa, Senator GRASSLEY, my good friend from the neighboring State, took the floor and stated that the smoke had begun to clear from the recent budget battle that was fought over the Exon-Grassley spending cut, included in our 1995 budget resolution. The smoke has entirely cleared now, and it is clear that the dire predictions that were made about the Exon-Grassley amendment by many sources on both sides of the aisle simply have not come to pass.

The clamor in opposition by the President, the Joint Chiefs of Staff, the entire Cabinet, and special interest groups were proven unfounded.

As Senators will recall, the Exon-Grassley amendment cut a mere $26 billion from our discretionary spending over the next 5 years, spending that will total over $2.7 trillion over the same period of time. Yet, despite the modest goal, the Exon-Grassley amendment was also opposed by the White House, the congressional leadership on both sides of the aisle, and by the chairman of the Senate Budget Committee and the ranking member of that committee.

The chairman argued that the Exon-Grassley cuts were general and not specific and, therefore, the Exon-Grassley cuts were improper. That argument was repeated, primarily by Members on my side of the aisle, throughout the debate. At that time, I pointed out that we do not make in the Budget Committee, and never have made, specific cuts in our budget resolution. That authority is carefully guarded and carefully protected as a prerogative of the Appropriations Committee.

Well, the 1995 budget resolution has now been passed by both the House of Representatives and the Senate and, as I and Senator GRASSLEY predicted, I cannot find a single specific cut in that bill. In fact, there are clearly not any and never have been. Our budget resolution provides one number, a 602(b) allocation to the Senate Appropriations Committee, and that committee has jurisdiction over how that number is divided between the various subcommittees. That is frankly the way that our budget process was designed to work, with the budget providing broad parameters and the appropriations process determining the specifics of how spending fits within those parameters.

The Exon-Grassley amendment did reduce the overall spending allocation for the coming year and included enforcement language to reduce that allocation in the coming years. By taking that action, we reduced the overall amount that Congress can spend, and I have no doubt that those reductions will indeed result in specific cuts.

But where were those specific cuts and where will they fall? The ranking member of the Senate Budget Committee claimed that these cuts would fall primarily on defense spending. That was not the case, as the figures have shown so far and will be further substantiated when the Appropriations Committee makes its suggestions to the floor.

I simply say that all of that debate, all of the charges that were made back and forth was not anything that we have not gone through before. But I suggest that we cannot continue to do business as usual.

When we were talking about that situation a few weeks ago, the suggested solution to what was brought up by the Exon-Grassley amendment was the same solution that has been used for far too many years. I would call it a Devil's bargain that has got us nowhere. Those who wanted to cut domestic programs, but not defense, cut a deal with those who wanted to cut defense, but not domestic programs. Neither side would cut anything, and both sides would get what they wanted. In that way, no one had to risk that his or her favorite program would be cut any

further and, just as importantly, everyone had an excuse for not reducing our deficit spending this year or the next. The old phrase "the Devil made me do it" was assumed to be a logical answer.

My view all along has been that the defense spending has been cut enough and that we should listen to our President who pointedly stated that defense should be cut no further than planned. The Exon-Grassley cuts did not mandate further cuts and, in fact, could easily have been taken from domestic programs that are scheduled for increases in the coming years.

Senator GRASSLEY and I suggested a whole series of places where the cuts could be made without taking one penny from national defense. I wish that that had been the outcome, but unfortunately we do not always get our way.

I also believe that a sufficient and strong majority of the Senate agrees that defense spending has been cut enough, that we are reaching the point where further defense reductions cannot be made without seriously reducing our defense capabilities. As such, I understand the legitimate concerns of the ranking member of the Senate Budget Committee, but I disagree that our hands are so tied, that in these struggles we must be ever vigilant, that we have a big job to do in making further cuts.

In the end, as I will describe in a moment, the decision was made to take a minor cut in national defense. While I wish that were not the case, we all do our best here to carry out what we think are the wishes of our constituents, and I have no basic quarrel with what was accomplished.

But I simply say, Mr. President, that at some point we must be willing to agree to spending cuts and to let our Democratic process determine where those cuts will fall. Everyone in this body knows that we are over $4½ trillion in debt and that interest payments on that debt are threatening to strangle our Federal Government, if they have not already done so. Those problems are surely too large to be ignored, even for 1 year.

Last week, the Appropriations Committee announced its 602(b) spending allocations. As I have said previously, I do not think that they were exactly perfect from my perspective, but I am one Member and one Member only of this body. That committee had to contend not only with the $500 million in cuts required by the Exon-Grassley amendment for the next year but also with a $3 billion cut required by reestimates of the President's budget submission. As defense is about a half of our discretionary spending, opponents made the wrong assumption that defense would receive about half the cuts. I told them that that would not be the case, and I am pleased to say that I was correct. In fact, defense took only about 15 percent of the overall cuts, or about $530 million, which were necessary to stay within the caps.

It is difficult, if not impossible, to determine exactly how the Exon-Grassley cuts impacted the total figure on the 602(b) allocation to the defense subcommittee. That is up to the Appropriations Committee. But it seems clear that the impact was very minimal, particularly when you consider that the allocation to that subcommittee totals over $250 billion.

So, Mr. President, the approach taken by the EXON-GRASSLEY amendment was not only proper, it worked. It did not call for any specific cuts, but it most certainly will result in specific cuts being made over the next few months and next few years. Those cuts will not fall primarily on defense spending. The sky is still above us despite the predictions that that would not be the case if the Exon-Grassley amendment passed.

Mr. President, I want to thank my colleagues in this Senate on both sides of the aisle who supported this further reduction this year.

Primarily, I also want to again thank the Senator from Iowa, Senator GRASSLEY, for his strong leadership and cooperation. I sought his assistance on this issue because I knew that he was a Member who knows what we need to do and would be willing to work hard in a bipartisan fashion to get the job done. I knew that I could trust the Senator from Iowa to be a strong advocate for change. The Senator from Iowa did indeed have to take on some of the senior Members of his own party who were all too comfortable with the status quo. Yet, he stood strong, and he delivered. His tireless efforts were greatly appreciated by me and, I hope, the citizens of Iowa that he so ably represents.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

CAL THOMAS

Mrs. HUTCHISON. Mr. President, I rise today to congratulate my friend Cal Thomas, who just has put out a new book called "The Things That Matter Most."

Cal Thomas is a nationally syndicated columnist appearing in hundreds of newspapers every week all across America and soon he will be the host of his television show.

I go way back with Cal. We started working in our careers together. We were with KPRC Radio in Houston, TX. Cal was a great friend to me then, and he was one of those with old fashioned values, which is loyalty to old friends. He also has common sense.

Common sense is not in short supply among ordinary Americans, but it is sometimes in short supply around Washington, DC.

But he had an idea that he would do a new kind of column, the kind of column that would be based on common sense, religious commitment, and family values. I am sure that at the time Cal thought of it no one thought that kind of column would go across America in the 1980's, but that was just Cal. That was what he was. That was what he wanted to talk about, and he did make a go of it. And now he is one of the most popular columnists in all America. He did it with wit and wisdom.

So I want to stand here tonight to congratulate Cal Thomas. He does personify the things that matter most. I appreciate someone of his integrity continuing to write so that all of us in America can enjoy the things that he says.

I hope that he will have a very successful book.

I want to say that you, Mr. President, and I want to say I think Cal Thomas is the kind of person that I wish we had more of.

I yield the floor and 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. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA—MESSAGE FROM THE PRESIDENT—PM 120

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides

for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) is to continue in effect beyond May 30, 1994, to the *Federal Register* for publication.

The circumstances that led to the declaration on May 30, 1992, of a national emergency have not been resolved. The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to support groups seizing and attempting to seize territory in the Republic of Croatia and Bosnia and Herzegovina by force and violence. The actions and policies of the Federal Republic of Yugoslavia (Serbia and Montenegro) pose a continuing unusual and extraordinary threat to the national security, vital foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reduce its ability to support the continuing civil strife in the former Yugoslavia.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 25, 1994.*

MESSAGES FROM THE HOUSE

At 10:57 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 179. Joint Resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week."

The message also announced that the House agrees to the amendments of the Senate to the amendment of the House to the bill (S. 1654) to make certain technical corrections

The message further announced that the Speaker appoints as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the amendment of the Senate to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety: From the Committee on Public Works and Transportation, for consideration of sections 1533, 1536, and 3231 of the Senate amendment, and section 1801 of the House amendment, and modifications committed to conference: Mr. MINETA, Mr. RAHALL, Mr. NADLER, Mr. SHUSTER, and Mr. PETRI.

The message also announced that the Speaker makes the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3474) to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate institutions, and for other purposes: From the Committee on Banking, Finance and Urban Affairs, Mr. LAZIO is appointed in lieu of Mr. RIDGE for consideration of title VI of the Senate amendment.

At 1:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 1569) to authorize the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. DINGELL, Mr. WAXMAN, Mr. RICHARDSON, Mr. TOWNS, Mr. WASHINGTON, Mr. MOORHEAD, Mr. BLILEY, and Mr. BILIRAKIS as the managers of the conference on the part of the House.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3679. An act to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the United States Fish and Wildlife Service.

H.R. 3724. An act to designate the United States courthouse located in Bridgeport, Connecticut, as the "Brien McMahon Federal Building."

H.R. 3840. An act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr., Federal Building and United States Courthouse."

H.R. 3863. An act to designate the Post Office building located at 401 E. South Street in Jackson, Mississippi, as the "Medgar Wiley Evers Post Office."

H.R. 3982. An act entitled "The Ocean Radioactive Dumping Ban Act of 1994."

H.R. 4177. An act to designate the Post Office building located at 1601 Highway 35 in Middletown, New Jersey, as the "Candace White United States Post Office."

H.R. 4190. An act to designate the United States Post Office located at 41042 Norre Gade in Saint Thomas, Virgin Islands, as the "Alvaro de Lugo United States Post Office."

H.R. 4191. An act to designate the United States Post Office located at 9630 Estate Thomas in Saint Thomas, Virgin Islands, as the "Aubrey C. Ottley United States Post Office."

H.R. 4425. An act to authorize major medical facility construction projects for the Department of Veterans' Affairs for fiscal year 1995, to revise and improve veterans' health programs, and for other purposes.

H.R. 4429. An act to authorize the transfer of naval vessels to certain foreign countries.

H.R. 4453. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

H.J. Res. 315. 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."

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 176. Concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

H. Con. Res. 238. Concurrent Resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3679. An act to authorize appropriations to expand implementation of the Junior Duck Stamp Conservation Program conducted by the United States Fish and Wildlife Service; to the Committee on Environment and Public Works.

H.R. 3840. An act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr., Federal Building and United States Courthouse"; to the Committee on Governmental Affairs.

H.R. 3982. An act entitled "The Ocean Radioactive Dumping Ban Act of 1994"; to the Committee on Governmental Affairs; to the Committee on Environmental and Public Works.

H.R. 4177. An act to designate the Post Office building located at 1601 Highway 35 in Middletown, New Jersey, as the Candace White United States Post Office"; to the Committee on Governmental Affairs.

H.R. 4190. An act to designate the United States Post Office located at 41042 Norre Gade in Saint Thomas, Virgin Islands, as the "Alvaro de Lugo United States Post Office"; to the Committee on Governmental Affairs.

H.R. 4191. An act to designate the United States Post Office located at 9630 Estate Thomas in Saint Thomas, Virgin Islands, as the "Aubrey C. Ottley United States Post Office"; to the Committee on Governmental Affairs.

H.R. 4425. An act to authorize major medical facility construction projects for the Department of Veteran's Affairs for fiscal year 1995, to revise and improve veterans' health program, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4429. An act to authorize the transfer of naval vessels to certain foreign countries; to the Committee on Armed Services.

H.R. 4453. An act to making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

H.J. Res. 315. 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"; to the Committee on the Judiciary.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 176. Concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress; to the Committee on Labor and Human Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3724. An Act to designate the United States courthouse located in Bridgeport, Connecticut, as the "Brien McMahon Federal Building."

The following bill was discharged from the Committee on Small Business and placed on the calendar:

S. 1587. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2701. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC–2702. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of an amendment to the Federal Rules of Evidence; to the Committee on the Judiciary.

EC–2703. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Bankruptcy Procedure; to the Committee on the Judiciary.

EC–2704. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Appellate Procedure; to the Committee on the Judiciary.

EC–2705. A communication from the Managing Director of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC–2706. A communication from the Executive Director (Government Affairs), Retired Enlisted Association, transmitting, pursuant to law, the report of financial statements for calendar year 1993; to the Committee on the Judiciary.

EC–2707. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC–2708. A communication from the Attorney General, transmitting, pursuant to law, the annual report under the Foreign Intelligence Surveillance Act for calendar year 1993; to the Committee on the Judiciary.

EC–2709. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the wiretap report for calendar year 1993; to the Committee on the Judiciary.

EC–2710. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to amend the Federal Alcohol Administration Act to provide for increased penalties and fines; to the Committee on the Judiciary.

EC–2711. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC–2712. A communication from the President of the American Academy of Arts and Letters, transmitting, pursuant to law, the annual report of activities for calendar year 1993; to the Committee on the Judiciary.

EC–2713. A communication from the Director of Central Intelligence, transmitting, a draft of proposed legislation entitled "Intelligence Authorization Act for fiscal year 1995"; to the Select Committee on Intelligence.

EC–2714. A communication from the Comptroller General, transmitting, pursuant to law, the reports and testimony during April 1994; to the Committee on Governmental Affairs.

EC–2715. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of audited annual financial statements for the U.S. Mint for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2716. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Civil Service Retirement and Disability Fund for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2717. A communication from the Inspector General of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the audit of compliance with restrictions on lobbying costs; to the Committee on Governmental Affairs.

EC–2718. A communication from the Inspector General of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the audit of NASA contracts for advisory and assistance services; to the Committee on Governmental Affairs.

EC–2719. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report of the Government National Mortgage Association for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2720. A communication from the Chairman of the First South Production Credit Association, transmitting, pursuant to law, the annual report of the pension plan for calendar year 1993; to the Committee on Governmental Affairs.

EC–2721. A communication from the Comptroller General, transmitting, pursuant to law, the report on the White House Travel Office operations; to the Committee on Governmental Affairs.

EC–2722. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1993 through March 31, 1994; to the Committee on Governmental Affairs.

EC–2723. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a resolution adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC–2724. A communication from the Assistant Comptroller General, transmitting, pursuant to law, the draft report on the audit of the financial statements of the Congressional Award Foundation for calendar years 1990 through 1992; to the Committee on Governmental Affairs.

EC–2725. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC–2726. A communication from the Chief Financial Officer, Department of Agriculture, transmitting, pursuant to law, the annual report of the Federal Crop Insurance Corporation on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2727. A communication from the Chairman of the Board of Directors, Tennessee Valley Authority, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC–2728. A communication from the Attorney General, transmitting, pursuant to law, the annual report of the Federal Prison Industries on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2729. A communication from the Chief Financial Officer, Department of Agriculture, transmitting, pursuant to law, the annual report of the Commodity Credit Corporation on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2730. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1993 through March 31, 1994; to the Committee on Governmental Affairs.

EC–2731. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–228 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC–2732. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–229 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC–2733. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–230 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC–2734. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–231 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC–2735. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–232 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC–2736. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–233 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2737. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-234 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2738. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-238 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2739. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-239 adopted by the Council on April 12, 1994; to the Committee on Governmental Affairs.

EC-2740. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-241 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2741. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-242 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2742. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-243 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2743. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-244 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2744. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-245 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2745. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-246 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2746. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-247 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2747. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-248 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2748. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-251 adopted by the Council on May 3, 1994; to the Committee on Governmental Affairs.

EC-2749. A communication from the Comptroller General, transmitting, pursuant to law, the report on the status of budget authority proposed for rescission on February 7, 1994; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 150. A bill to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes (Rept. No. 103-269).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 316. A bill to expand the boundaries of the Saguaro National Monument, and for other purposes (Rept. No. 103-270).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 472. A bill to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands (Rept. No. 103-271).

S. 761. A bill to amend the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska (Rept. No. 103-272).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1033. A bill to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes (Rept. No. 103-273).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1233. A bill to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes (Rept. No. 103-274).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1703. A bill to expand the boundaries of the Piscataway National Park, and for other purposes (Rept. No. 103-275).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1980. A bill to establish the Cane River Creole National Historical Park and the Cane River National Heritage Area in the State of Louisiana, and for other purposes (Rept. No. 103-276).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1183. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company (Rept. No. 103-277).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

H.R. 2815. A bill to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System (Rept. No. 103-278).

H.R. 2921. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities (Rept. No. 103-279).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 148. A resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

David Elias Birenbaum, of the District of Columbia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Carol Jones Carmody, of Louisiana, for the rank of Minister during her tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Carol Jones Carmody.

Post: U.S. Representative/Minister to International Civil Aviation Organization.

Contributions, amount, date, donee:

1. Self, $100, 1992, DNC Victory Fund; $100, 1992, Senate Demo. Campaign Fund; $185, 1993, Senate Democratic Campaign fund.

2. Spouse, none.

3. Children and spouses, NA.

4. Parents: Father, (deceased 1992) Mother: Joan H. Jones, $150, 1992, Republican National Committee; $150, 1993, Republican National Committee.

5. Grandparents (deceased).

6. Brothers and spouse, NA.

7. Sisters and Spouse, Nancy J. Stoetzer and John J.B. Stoetzer, Jr., $75, 1992, Reginald Jones (CT. Rep-R); $25, 1992, Chris Shays (R-CT).

Timothy A. Chorba, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Timothy A. Chorba.

Post: Ambassador to Singapore.

Contributions, amount, date, donee:

1. Self, $1000, Oct. 1991, Clinton For President Committee.

2. Spouse, $1000, June 1992, Clinton For President Committee.

3. Children and spouses names, Timothy, Jr.; Christian; and William, all are minor children—no contribution.

4. Parents names, mother, Mary Ann Chorba, no contributions; father, William G. Chorba, (deceased).

5. Grandparents names, all deceased over 20 years.

6. Brothers and spouses names, brother, Terence L. Chorba, brother's spouse, Lindan Grabbe, Terence L. Chorba, $50, Jan. 1992, Ferraro For Senate; $250, Feb. 1992, Clinton For President, $250, Sept. 1992, DNC Victory Fund '92 Federal Account; Linda Grabbe, $20, Oct. 1993, DNC.

7. Sisters and spouses names, I have no sisters.

Joseph R. Paolino, Jr., of Rhode Island, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Joseph R. Paolino, Jr.

Post: Ambassador to Malta.

Contributions, amount, date, donee:

1. Self, $250, Oct. 24, 1991, Bill Clinton; $250, Sept. 4, 1992, Clinton/Gore Transition. Planning Foundation; $200, Apr. 23, 1993, Peter Barca; $500, May 14, 1993, Frank Lautenberg; $250, July 12, 1993, George J. Mitchell.

2. Spouse, Lianne Paolino, none.

3. Children and spouses names, Jennifer Paolino, none; Christina Paolino, none; Jacqueline Paolino, none; Joseph Paolino III, none.

4. Parents names, Beatrice Temkin, none; Joseph R. Paolino, Sr., $250, Aug. 18, 1989, Bill Bradley; $250, Oct. 25, 1991, Bill Clinton.

5. Grandparents names, Luigi DePasquale, (deceased); Marie DePasquale, (deceased); Anthony Paolino, none; Ethel Paolino, none.

6. Brothers and spouses names, Jeffrey Paolino, none.

7. Sisters and spouses names, Donna Paolino, none.

Frank G. Wisner, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Frank G. Wisner.

Post: India.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names, Mary K. Fritchey, $100, 1994, Women's Campaign Fund; $100, 1994, Yates for Congress; $100, 1993, Women's Campaign Fund; $100, 1992, Women's Campaign Fund; $100, 1992, Mike Espy for Congress; $100, 1992, Mary D. Janney for School Board; $100, 1991, Mike Espy for Congress; $100, 1991, Barbara Boxer for Senate; $100, 1990, Mike Espy for Congress; $25, 1990, Kerry for Senate; $100, 1990, Claiborne Pell for Senate; $100, 1990, Committee to Elect John Rauh; $50, 1990, Citizens for Sherrye Henry; $100, 1990, John Ray for Mayor; $20, 1990, Kerry for Senate in 1990; none, 1989.

5. Grandparents names, (deceased).

6. Brothers and spouses names, Graham Wisner, $1,000, 1988, Paul Simon for President; $1,000, 1990, Timothy Wirth; $100, 1994, Sharon Pratt Kelly; Ellis Wisner, None. 7.

Sisters and spouses names, Wendy Hazzard, $500, 1992, Tom Andrews for Congress; $250, 1994, Tom Andrews for Senate; $100, 1992, Bill Clinton; $50, 1994, Robert Woodbury for Governor; $300, 1993, August King for Governor; $25, 1994, Tom Allen for Governor; $100, 1992, Bob Philbrook for State Rep. $500, 1994, Richard Spencer for State Senate; $50, 1993, Orlando Delogu for City Council; $50, 1994, Orlando Delogu for City Council.

Harriet C. Babbitt, of Arizona, to be a Member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 1994, vice William Kane Reilly.

Harriet C. Babbitt, of Arizona, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2000. (Reappointment)

Maria Elena Torano, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1994, vice Richard B. Stone, term expired.

Maria Elena Torano, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1997. (Reappointment)

Jan Piercy, of Illinois, to be United States Executive Director of the International Bank for Reconstruction and Development, vice E. Patrick Coady, resigned.

Sally A. Shelton, of Texas, to be an Assistant Administrator of the Agency for International Development, vice Richard E. Bissell, resigned.

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Theodore Alexander McKee, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Robert Bruce Robertson, of Oklahoma, to be United States Marshal for the Eastern District of Oklahoma for the term of four years.

Michael A. Pizzi, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

John R. O'Conner, of Connecticut, to be United States Marshal for the District of Connecticut for a term of four years.

Dallas S. Neville, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for the term of four years.

Joseph George DiLeonardi, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Florence M. Cauthen, of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

Vanessa D. Gilmore, of Texas, to be United States District Judge for the Southern District of Texas vice a new position created by Public Law 101-650, approved December 1, 1990.

Terry C. Kern, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma vice a new position created by Public Law 101-650, approved December 1, 1990.

Billy Michael Burrage, of Oklahoma, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma.

(The above nominations were reported with the recommendation that they be confirmed.

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. FEINGOLD (for himself, Mr. SIMON, and Mr. BUMPERS):

S. 2148. A bill to delay procurement of the CVN-76 aircraft carrier; to the Committee on Armed Services.

By Mr. COHEN:

S. 2149. A bill to amend title XVIII of the Social Security Act to establish a special enrollment period under part B of the Medicare Program for certain military retirees and dependents living near military bases that are closed and to provide for the payment by the Department of Defense of the late enrollment penalty imposed on such enrollment, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2150. A bill to establish a Native Hawaiian housing program; to the Committee on Indian Affairs.

By Mr. JOHNSTON:

S. 2151. A bill to direct the Secretary of the Interior to convey certain lands to the State of California and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2152. A bill to provide for the transfer of lands contiguous to the Holloman Air Force Base, New Mexico, by the Secretary of the Interior to the Department of the Air Force for the construction of evaporation ponds to support a wastewater treatment facility, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KEMPTHORNE (for himself, Mr. CRAIG, and Mr. WALLOP):

S. 2153. A bill to improve access to quality health care, to reform medical malpractice liability standards, to reduce paperwork and simplify administration of health care claims, to establish safe harbors from the application of the antitrust laws for certain activities of providers of health care services, to prevent fraud and abuse in the health care delivery system, and for other purposes; read the first time.

By Mr. JEFFORDS:

S. 2154. A bill to amend title 10, United States Code, to repeal the requirement that amounts paid to a member of the Armed Forces under the Special Separation Benefits program of the Department of Defense, or under the Voluntary Separation Incentive program of that Department, be offset from amounts subsequently paid to that member by the Department of Veterans Affairs as disability compensation; to the Committee on Veterans Affairs.

By Mr. HATFIELD:

S. 2155. A bill to authorize the appropriation of funds for the Federal share of the cost of the construction of a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, Oregon, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. ROTH, and Mr. STEVENS):

S. 2156. A bill to provide for the elimination and modification of reports by Federal departments and agencies to the Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI:

S. 2157. A bill to authorize appropriations for the Department of Defense for fiscal year 1995 for counterproliferation of weapons of mass destruction; to the Committee on Armed Services.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 2158. A bill to require the Secretary of the Treasury to design and issue new counterfeit-resistant $100 currency; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH:

S.J. Res. 196. A joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. LUGAR, and Mr. COCHRAN):

S. Res. 216. A resolution to express the sense of the Senate regarding breast and cervical cancer screening; to the Committee on Labor and Human Resources.

By Mr. D'AMATO (for himself, Mr. DOLE, Mr. WALLOP, Mr. MURKOWSKI, Mr. GRAMM, Mr. MACK, Mr. BOND, Mr. FAIRCLOTH, Mr. BENNETT, Mr. DOMENICI, Mr. ROTH, Mr. NICKLES, Mr. SIMPSON, Mr. LOTT, Mr. MCCAIN, Mr. STEVENS, Mrs. HUTCHISON, Mr. KEMPTHORNE, Mr. SMITH, Mr. HATCH, Mr. CRAIG, Mr. HELMS, Mr. COVERDELL, Mr. PRESSLER, Mr. THURMOND, Mr. MCCONNELL, and Mr. COCHRAN):

S. Res. 217. A resolution establishing a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to conduct an investigation into allegations concerning the Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, and Capital Management Services, Inc., and other related matters; to the Committee on Rules and Administration.

By Mr. SIMON (for himself and Mr. REID):

S. Res. 218. A resolution relative to the war in Nagorno-Karabakh; to the Committee on Foreign Relations.

By Mr. LEVIN (for Mr. MITCHELL):

S. Con. Res. 70. A concurrent resolution providing for a conditional recess or adjournment of the Senate on Wednesday, May 25, 1994, Thursday, May 26, 1994, Friday, May 27, 1994, or Saturday, May 28, 1994, until Tuesday, June 7, 1994, and a conditional adjournment of the House on Thursday, May 26, 1994, until Wednesday, June 8, 1994; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. SIMON, and Mr. BUMPERS):

S. 2148. A bill to delay procurement of the CVN-76 aircraft carrier; to the Committee on Armed Services.

THE CVN-76 PROCUREMENT TERMINATION AND DEFICIT REDUCTION ACT OF 1994

Mr. FEINGOLD. Mr. President, today I am introducing the CVN-76 Procurement Termination and Deficit Reduction Act of 1994, which would direct the Department of Defense to terminate plans to procure the next Nimitz-class nuclear-powered carrier in fiscal year 1995. This action alone will save $3.7 billion in fiscal year 1995 budget authority, and I am pleased to say that the senior Senator from Illinois, Senator SIMON, and the senior Senator from Arkansas, Senator BUMPERS, are cosponsors.

I came to this body last year with a strong personal conviction that it is really very simple. If the Government does not need to spend money on some project, then it should not spend the money. We cannot afford it with a $4.5 trillion deficit. Consequently, I do not believe that there can ever be a magic number, a dollar total etched in stone, that shields any department or agency budget from Congress' careful scrutiny. That is why I opposed firewalls in the budget debate and why I frankly believe that President Clinton was wrong to say "no more defense cuts" in his State of the Union Address. In that same vein, I am reminded of the views expressed by my colleague from Nebraska, Senator EXON, during our debate on defense firewalls in the budget resolution. He claimed that firewalls would undercut the authority of the authorizers and appropriators in this body. I would extend the Exon argument to conclude that this doctrine of "no more defense cuts" will undercut the entire congressional role in budgeting by impairing our constitutional efforts to provide for a defense befitting our available resources as well as all threats—foreign and domestic.

We all know and believe we need a strong defense. We in Congress have a responsibility to provide for the common defense and I take that responsibility to provide for the common defense and I take that responsibility very seriously. In fact, I take it so seriously that I insist upon subjecting the assumption behind the defense budget to the sunshine of careful scrutiny and debate. When we find and eliminate excesses we not only strengthen defense we also have the opportunity to reduce the deficit and, I think we increase public confidence in our Government. I offer this bill today in the confidence that these cuts will not harm our national defense and in the expectation that most of these savings would go either toward deficit reduction, other defense programs, or other nondefense programs which service the national interest. This bill simply keeps the Pentagon from spending the taxpayers' money on programs it does not truly need.

Mr. President, less than a year ago the then Secretary of Defense, Les Aspin, released the results of a comprehensive review of post-cold-war military requirements, intended to ensure the security of our Nation. That so-called Bottom-Up Review assumed that the United States might be faced with the requirement to fight two nearly simultaneous major regional conflicts, or MRC's, and that that would happen potentially without the help of our allies. As my colleagues know, the Bottom-Up Review has become the canonical foundation for the President's defense strategy. Let me quote from that report.

> * * * the analysis confirmed that a force of 10 carriers would be adequate to fight two nearly simultaneous MRC's. That assessment was based on many factors, from potential sortie generation capability and arrival periods on station to the interdependence of carrier-based air aviation and its criticality if land-based air elements are delayed in arriving in the theater.

The Bottom-Up Review claims that the Navy needs 2 additional carriers—above the 10 needed for war-fighting—in order to operate in peacetime. The report says the Navy will begin fiscal year 1995 with a force of 12 carriers: 5 of those are conventionally powered and 7 powered with nuclear reactors. The Navy plans to retire two of its conventional carriers before the year 2000. Two nuclear carriers, the Stennis and the United States, are currently under construction and will both be in operation by 2000. To replace the *Kitty Hawk*, though, which will be retired by 2003, the Navy wants to begin building an additional nuclear-powered, Nimitz-class carrier, called CVN-76, next year. My bill will terminate plans to procure the CVN-76 next year, and would, in effect, delay procurement of the next carrier until fiscal year 2000, when the Navy plans to procure still another nuclear carrier.

The authors of the Bottom-Up Review considered options which closely parallel the provisions of my bill. They recognized that delaying CVN-76 procurement until fiscal year 2000 would produce significant savings in the near term. Yet they rejected postponing procurement of the CVN-76 because of the excessive costs of building carriers frequently enough after fiscal year 2000 to sustain a 12 carrier force. They appropriately called these excessive costs a procurement "bow wave." I agree if we went through with that and stuck with the 12 that we would have an excessive bow wave, but it would be unnecessary. Under the provisions of my bill, I would expect that the carrier force would drop from 12 to 11—or perhaps to 10—in the year 2003 when the USS *Kitty Hawk* is retired.

My bill would provide a carrier force level equal to that requested by the Pentagon through the remainder of this century while saving $3.7 billion in 1995 alone. Yet, I expect that many of my colleagues will say that the measures called for in this bill will dangerously weaken our Navy, significantly diminish our peacetime influence in the world, and even threaten our future shipbuilding capacity.

To begin with, how does this bill dangerously weaken our Navy? We will reduce the number of carriers to that level above that judged as sufficient by the Pentagon to fight not just one major regional conflict but two nearly simultaneous conflicts which we have to handle unilaterally. Moreover, this bill calls for this reduction in 9 years so as to permit ample opportunities for the administration to make the necessary accommodations and to plan accordingly. To say that this bill dangerously weakens the Navy is to argue that the Bottom-Up Review is flawed or that Navy planners are somehow inept. To reach either of those conclusions is to undermine the entire conceptual foundation of defense planning for the 1990's and beyond.

How will this bill diminish our peacetime influence in the world? The Pentagon says there are three critical ocean areas in which they would like to maintain an aircraft carrier presence in peacetime. Let us assume that somehow we reduced the carrier force immediately from 12 to 11, or even 10. Would that end the practice of sending carriers to these ocean areas in peacetime? Certainly not. The Pentagon's own calculations show that, with 12, 11, or 10 carriers there will be a continuous carrier present in at least one of these three areas. Even with 12 carriers, there would be gaps in the carrier peacetime presence in the other two ocean areas. Having 11 carriers increases the gap in carrier peacetime presence by only 60 days.

So the question for naval planners posed by this bill is how can they fill these additional gaps during peacetime operations? There are several possibilities. Perhaps they will choose to adopt some of the alternatives described in their own Bottom-Up Review such as using other classes of Navy ships to do some of these peacetime presence patrols. In 1993, for instance, the General Accounting Office identified 46 Tomahawk-equipped combatants—capital ships in their own right—that would be available for such operations. An earlier Congressional Research Service study considered an even broader range of Navy ships which are suitable for most of these peacetime missions. Besides substituting other ships, there are other alternatives available which the Navy knows all too well—even if we cut the force today. But I want to emphasize, this bill does not cut the force today. Even if all those issues had not been resolved this permits the Navy to carefully evolve remedies for its reduced force level over the next 9 years.

Mr. President, some experts dispute the Navy's exclusive use of aircraft carriers for peacetime missions and have advocated a prompt reduction of the Navy's carrier force to levels as low as six. Others, including the CBO have produced sophisticated operational analyses which show how the peacetime mission might be achieved with as few as seven carriers. Let me be very clear. My bill takes a more moderate and prudent stance that does not call for abrupt or draconian measures and does not challenge the Pentagon's military analysis of its war-fighting needs with respect to aircraft carriers.

Finally, how will this bill threaten the critical industrial base needed to build nuclear-powered ships and submarines? It will not. The Navy argues that delaying the CVN-76 will create a dangerous gap in the workload at Newport News Shipbuilding and Drydock Co., one of the two private shipyards that make up our nuclear shipbuilding industry. The other yard is Electric Boat which builds the *Seawolf* attack submarine. Mr. President, the fact is that our country has excess capacity in this nuclear shipbuilding industry. Moreover, we will have this excess capacity regardless of what we do about the CVN-76—of the *Seawolf* for that matter. That is not the fault of bad planning nor of bad faith on anyone's part. It is the result of the good fortune of winning the cold war—a result which we should translate into a peace dividend for the American taxpayer, a result that I think is still very much long overdue.

The Navy's solution to date has been to preserve the status quo. In other words, as the argument goes, we have to keep these highly skilled workers fully employed and the specialized suppliers in business or they will disband and this critical industry will be lost forever. I know this is a serious and complex problem, but again the Bottom-Up Review has provided an insightful answer. The authors studied this problem very carefully and estimated that delaying CVN-76 funding until fiscal year 2000 would be a matter of increased risk and cost growth rather than a question of actual survival of the industry. In other words, according to the Pentagon, the provisions of this bill will have a quantifiable effect on the shipbuilding industry but will not—repeat not—do irreparable harm and furthermore, it will produce a net savings in the billions. So saving the industrial base cannot be a sufficient justification for procuring the CVN-76 now. It is not even the issue at hand.

Mr. President, saving the industrial base is an important issues, however, and the Bottom-Up Review has already provided critical analysis for resolving this problem as well. I paraphrase the authors who concluded that consolidating all carrier and submarine construction at Newport News would save an additional $1.8 billion because Newport News would not need a contract for the third *Seawolf* if all future carrier and other submarine construction were consolidated there. I am not saying that this is the solution to this problem. Furthermore, my colleagues do not need to solve this problem in order to support this bill.

I am saying that we can no longer afford to perpetuate the myth that the Navy must preserve the status quo because our excess capacity problem has no solution. To quote the GAO in recent testimony last month before the House Armed Services Committee:

> DOD and the Navy have not provided information needed to judge the overall cost/benefit implications of moving to nuclear shipyard consolidation. DOD has not identified which critical vendors and which skills would be lost, the cost of reconstituting those vendors and skills, or alternative ways of preserving them. DOD has also not explained how nuclear work currently conducted by the public shipyards would be maintained under this option. Without these industrial base assessments it is difficult to determine the optimum approach to achieve the Navy's force and modernization objectives in the most cost effective manner.
>
> We have asked for that analysis and we have not gotten it. If it is available, we have not seen it, and I think that you, in making your decision, should ask to see that information.
>
> We do not know what the impact of not building the CVN-76 would be on critical vendors. There is not even a consensus within the Department of the Navy as to how you define critical vendors. We do not know what initiatives at all have taken place to look for alternatives for critical vendors.

Mr. President, it is obvious from this testimony that we are paying billions of dollars each year to avoid the tough decisions which our victory in the cold war calls us to make. In inflation-adjusted dollars, the proposed defense budget is actually larger than those under Eisenhower or Ford, and only 1 percent below the Nixon administration—all those during the cold war. The CVN-76 is merely low-hanging fruit in the Pentagon's orchard of cold war programs and terminating it is a prudent start to right-sizing our defense in a post-cold war era.

So, Mr. President I reject the notion that this bill will weaken the Navy, significantly diminish our ability to patrol peacetime oceans, or damage our shipbuilding industry. I suspect that the Navy may actually benefit from being forced to examine alternative force structures and ship designs for the 21st century. Earlier this year, for instance, the chairman of the House Armed Services Committee, said:

> There is serious doubt whether the muscular naval battle groups bought for the cold war, centered around the nuclear aircraft carrier, are necessary or even appropriate for the more delicate missions of the new era.

Are we sure, for instance, that we want to continue to build nuclear carriers? According to the Navy, we will decommission our first nuclear carrier 20 years from now. By then, we will have an all-nuclear carrier force. How will we handle the additional nuclear fuel disposal? How much will environmentally sound disposal cost? Early Navy estimates place the costs at over

10 times that for decommissioning a conventional carrier. Is nuclear power justified from a military viewpoint? When we consider the military capabilities of the CVN–76 design, let us compare CVN–76 to a contemporary conventional carrier design in order to judge the value of nuclear power. Instead, the Navy is all too anxious to compare CVN–76 to the carrier it is scheduled to replace—the USS *Kitty Hawk* which was built in 1961.

Finally, I would be remiss if I did not again recognize another critical aspect of this debate.

I am sure that my colleagues will be eager to remind me of President Clinton's exhortation last January in his State of the Union address, "No more defense cuts." And as I said earlier, I still cannot accept the rationale for that position. I do not understand how shielding certain departments of the Executive from deficit-minded scrutiny by this Congress either strengthens that department or strengthens the country. I also suspect that my colleagues will remind me of how the Navy proudly heralds a comment made by President Clinton during his 1993 visit as a new President to the U.S.S. *Theodore Roosevelt*. According to the President:

> When word of a crisis breaks out in Washington, it's no accident that the first question that comes to everyone's lips is: where is the nearest carrier?

I do not dispute the President's view and this bill takes that into account. But I would note that, in the same speech the President said:

> A changed security environment demands not less security but a change in our security arrangements. * * * You've changed your crew and your equipment to reflect the new challenges of the post-cold war era. * * * That enables you to operate perhaps with fewer ships and personnel but with greater efficiency and effectiveness. This isn't downsizing for its own sake. It's right-sizing for security's sake. The changes on board the *Theodore Roosevelt* preview the changes I believe we must pursue throughout the military.

I offer this bill as an essential step toward the same goal. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2148

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 "The CVN–76 Procurement Termination and Deficit Reduction Act of 1994".

SEC. 2. LIMITATION ON CVN–76 AIRCRAFT CARRIER PROGRAM.

No contract may be entered into for procurement of (including advance procurement of long lead items for) a CVN–76 aircraft carrier before October 1, 1999. Any such contracts entered into before the date of the enactment of this Act shall be terminated.

By Mr. COHEN:

S. 2149. A bill to amend title XVIII of the Social Security Act to establish a special enrollment period under part B of the Medicare Program for certain military retirees and dependents living near military bases that are closed and to provide for the payment by the Department of Defense of the late enrollment penalty imposed on such enrollment, and for other purposes; to the Committee on Finance.

MEDICARE ELIGIBLE MILITARY RETIREE PROTECTION ACT

• Mr. COHEN. Mr. President, I am pleased to introduce legislation today that will exempt Medicare-eligible military retirees living in base closure areas from the late-enrollment penalty imposed upon individuals who defer enrollment in Medicare part B. The bill will provide a degree of financial relief to retirees who are facing significant increases in their out-of-pocket health costs due to a base closing in their area and the resultant loss of the medical facilities upon which they had come to depend for their care. This issue has been raised again and again in community meetings in my State as we have attempted to assess the impact of the closing of Loring Air Force Base, and I know that it is of concern to thousands of military retirees in other parts of the country as well.

Mr. President, we all recognize the necessity of base closure and realignment. However, particularly in my role as ranking minority member of the Senate Special Committee on Aging, I believe that we must be sensitive not only to the effect that these closings will have on civilian employees and the surrounding communities, but also on our Nation's military retirees.

Many retirees have purposely selected their retirement homes based upon their proximity to military health care, commissary, exchange, and other facilities. In fact, the Retired Officers' Association estimates that almost 70 percent of its members deliberately located near military installations so that they would have ready access to health care services. While these retirees were never officially guaranteed that the bases would remain open indefinitely, most can recite "chapter and verse" about how their recruiters, commanders, and retention counselors advertised free health care for life for themselves and their dependents as an inducement to extend their service obligations.

Mr. President, as you know, eligibility for Medicare part A—which primarily covers inpatient hospital and skilled nursing care—is automatic for Social Security-eligible individuals aged 65 or over. However, participation in part B—which is financed by a combination of beneficiary premiums and general revenues and which covers physician and other outpatient care—is voluntary. Beneficiaries who want part B must file an application within 4 months of becoming eligible. Those who fail to apply are allowed to apply for coverage later during an annual general enrollment period. However, they are assessed a steep late penalty, an additional 10 percent of the premium for each full 12-month period they could have been enrolled in the part B program but were not.

For example, the part B premium is currently $41.10 a month. Therefore, an individual who had deferred enrollment for 12 months would pay, in 1994, $45.21 a month for part B coverage. If they had deferred enrollment for 10 years, the premium would double to $82.20 a month or $986.40 a year.

Military retirees become eligible for Medicare when they turn 65, and most do, in fact, enroll in part B. While we do not have good national statistics on the Medicare status of military retirees in base closure areas, of the 6,600 Medicare-eligible retirees and spouses living near Fort Ord in California, all but 214 individuals—almost all of whom were lower grade enlisted retirees—had part B coverage.

However, military health care has many advantages over Medicare, particularly for lower-income retirees. There are no premiums, copayments, or deductibles and prescription drugs are generally provided free of charge. Therefore, many retirees living near bases have continued to rely upon military facilities for their health care needs and have elected not to enroll in part B. If that base is slated for closing, they are therefore understandably concerned that, not only will they lose access to the free health care services they believe they were promised, but also that they are going to be socked with a substantial financial penalty—in addition to the new premiums, deductibles, and copayments—when they do enroll in Medicare.

The burden of this late enrollment penalty will be particularly onerous for the retired enlisted personnel who make up the bulk of the military retiree population and who have average incomes of between $12,000 and $15,000 a year. For the 75-year-old retired E–7 and his wife, living on a military retirement income of about $13,000 a year, coming up with the $986.40 a year to cover their Medicare monthly premiums will be difficult.

To impose a late-enrollment penalty on this couple would be almost usurious, exacting far more than the proverbial "pound of flesh." It would effectively double their annual out-of-pocket costs for Medicare premiums alone to almost $2,000, or 15 percent of their total military retirement income. And the older the retiree, the greater the penalty is likely to be.

The legislation I am introducing today would establish a special, one-time only part B enrollment period for Medicare-eligible retirees living in

base closure areas and would exempt them from the premium penalty if they enroll during this time. I understand the Health Care Financing Administration's concern that granting a straight group waiver would set a dangerous precedent and have therefore provided that the Department of Defense pay the late enrollment penalty for these retirees. This is consistent with the action taken when the Commonwealth of Pennsylvania applied for a waiver of the late enrollment penalty for its retirees when Medicare coverage became mandatory for State and local employees and the State phased out its retiree health program.

Mr. President, this legislation will help to protect military retirees adversely affected by base closures from dramatic increases in their out-of-pocket health care costs, and I urge my colleagues to join me in cosponsoring the measure.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 2149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF MEDICARE SPECIAL ENROLLMENT PERIOD FOR CERTAIN MILITARY RETIREES AND DEPENDENTS AND PAYMENT OF LATE ENROLLMENT PENALTY BY DEPARTMENT OF DEFENSE.

(a) SPECIAL ENROLLMENT PERIOD.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

"(j) In the case of an individual described in section 1839(g)(2), there shall be a 90-day special enrollment period—

"(1) beginning 45 days before the scheduled date of the closure of the individual's military treatment facility (as defined in section 1839(g)(3)(C)), or

"(2) in the case of a military treatment facility that closed prior to January 1, 1995, beginning January 1, 1995.".

(b) COVERAGE PERIOD FOR SPECIAL ENROLLMENTS.—Section 1838 of the Social Security Act (42 U.S.C. 1395q) is amended by adding at the end the following new subsection:

"(f) Notwithstanding subsection (a), in the case of an individual who enrolls during a special enrollment period pursuant to section 1837(j), the coverage period shall begin on the first day of the month that begins at least 15 days after the date of such enrollment.".

(c) PAYMENT BY DEPARTMENT OF DEFENSE OF MEDICARE PART B LATE ENROLLMENT PENALTY.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended by adding at the end the following new subsection:

"(g)(1) The increase in premiums under subsection (b) due to late enrollment under this party by an individual described in paragraph (2) who enrolls under this program during a special enrollment period provided under section 1837(j) shall be paid by the Secretary of the military department concerned.

"(2) An individual described in this paragraph is an individual who, as of the date of the announcement of the closure of the individual's military treatment facility—

"(A) is 65 years of age or older;

"(B) is eligible for health care under section 1074(b) or 1076(b) of title 10, United States Code;

"(C) has never, since attaining the age of 65, been enrolled under this part; and

"(D) has continuously maintained a primary residence within 65 miles of a military treatment facility since attaining the age of 65.

"(3) For purposes of this subsection:

"(A) The date of the announcement of the closure of a military treatment facility is the date of the submission to Congress under a base closure law of a report recommending the closure of the military base at which the facility is located.

"(B) The term 'base closure law' has the meaning given such term in section 2825(d) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2687 note).

"(C) The term 'closure of the individual's military treatment facility' means, with respect to an individual, the closure under a base closure law of the last military treatment facility within 65 miles of the primary residence of the individual.

"(D) The term 'military treatment facility' means a facility of a uniformed service referred to in section 1074(a) of title 10, United States Code, in which health care is provided.".

THE MILITARY COALITION,
Alexandria, VA, May 10, 1994.

Hon. WILLIAM S. COHEN,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The Military Coalition (List enclosed)—a consortium of nationally prominent military and veterans associations representing 3.7 million members of the seven uniformed services—is greatly concerned that many Medicare-eligible military retirees and spouses, who did not apply for Medicare Part B coverage when they became 65, will be further impacted as a result of closure of their military treatment facility (MTF). Many thought the base hospital would always be there for them and never close. With the closure of the MTF, beneficiaries who now enroll in Medicare Part B must pay a 10 percent per year penalty for late enrollment.

Over 500,000 retirees have lost or will lose their access to military health care as a result of MTF closures. With the fourth round of closures scheduled for 1995, the impact will be even greater for many more beneficiaries in the years to come. DoD's BRAC Beneficiary Working Group, which was mandated by Congress in the Defense Authorization Act for 1993 (P.L. 102-484) has conducted 15 site visits through December 1993. At each "Town Hall Meeting" retirees strongly stated they believed that medical care would always be provided through the MTF. It was the main reason for retiring near a military installation. Many strongly expressed their objection for now having to pay a penalty for late enrollment into Medicare's Part B program. MTFs have aided military Medicare-eligible retirees in obtaining individual waivers through their local Social Security Administration (SSA) office. Individual letters signed by the retiree provided the rationale that they were not informed about the potential of the MTF closing and believed that MTF-based care would "always be there for them". We understand that most SSA offices have honored these requests on the basis that they had been "misinformed" about the equipment for enrolling in Medicare Part B. Such waivers are subjective and it is our understanding that they may not be granted in the future.

Two solutions are offered to avoid financial penalties for older military retirees, especially those who are enlisted retirees, and who are on limited retirement incomes. The Coalition supports waiving the penalty by means of statutory provision and overcoming the subjective determination of SSA program managers. If this approach is politically objectionable and not viable because it would be precedent-setting, we propose that DoD funds, which are set aside for base closures, be used to pay for any penalties brought on by Congressionally approved base closings. Under no circumstances would we support funds being taken from military pay accounts or the operation of DoD health care programs.

The Coalition greatly appreciates your initiative to free military members and their spouses from the unintended consequences of base closures. Further, we enthusiastically urge you to introduce your bill seeking statutory relief for those Medicare-eligible military retirees who may incur penalties for late enrollment in Medicare Part B and who have been, and will be, adversely impacted as a result of base closures.

Sincerely,

PAUL W. ARCARI,
Colonel, USAF (Ret.), The Retired Officers Assn., Co-Chairman.

MICHAEL QUELLETTE,
Sgt. Maj., USA (Ret.), Non Commissioned Officers Assn., Co-Chairman.●

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2150. A bill to establish a Native Hawaiian housing program; to the Committee on Indian Affairs.

NATIVE HAWAIIAN HOUSING ASSISTANCE ACT OF 1994

● Mr. INOUYE. Mr. President today I am introducing a measure which seeks to ensure that native Hawaiian families are eligible to receive the very same housing benefits available to all other qualified American families.

This bill, entitled "The Native Hawaiian Housing Assistance Act of 1994" seeks to provide assistance to those families most in need of housing in Hawaii—lower income native Hawaiian families.

At the time of the arrival of captain Cook to Hawaii's shores in 1778, There was a thriving community of nearly one million indigenous inhabitants. But over time, diseases and the devastating physical, cultural, social, emotional, and spiritual effects of western contact nearly decimated the native Hawaiian population. In 1826, the population had decreased to an estimated 142,650 Hawaiians, and by 1919, the native Hawaiian population had declined to an alarming 22,600 people.

In recognition of this catastrophic decline, in 1921, the Congress enacted the Hawaiian Homes Commission Act, which set aside 200,000 acres of ceded public lands for homesteading by native Hawaiians. Congress sought to return the Hawaiian people to the lands, thereby revitalizing "a dying race."

Then Secretary of the Interior Franklin K. Lane was quoted in the Committee report to the Hawaiian Homes Commission Act is saying:

One thing that impressed me * * * was the fact that the natives of the islands who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many are in poverty.

And yet, despite what arguably were good intentions, the Congress subsequently and systematically failed to appropriate sufficient funds for the administration of the Hawaiian Homes Commission Act. Faced with no means of securing the necessary funding which would enable the development of infrastructure or housing, the administrators of the Hawaiian homelands were forced to lease large tracts of the homelands to non-Hawaiians for commercial and other purposes in order to generate revenue to administer and operate the program, Hawaiians were thereby denied the benefits of residing on those very lands set aside for their survival as the indigenous inhabitants of Hawaii.

In recent years, I am sad to report, this Government has taken the anomalous legal position that native Hawaiians must be excluded from access to Federal Housing and infrastructure development programs in which other Americans are entitled to participate. They had maintained that the expenditure of Federal funds to benefit the Hawaiian homelands was somehow unconstitutional, because the lands had been set aside exclusively for native Hawaiians.

While the Clinton administration has now reversed this position—arguing before the Ninth Circuit Court of Appeals that the homelands were not set aside exclusively for native Hawaiians—there are those in the Department of Housing and Urban Development who seem to want it both ways.

They want to deny any Federal responsibility flows from the provisions of a Federal law, and yet they want to bar native people from their equal right of access to programs that are intended to address the housing needs of all Americans.

It is this reverse discrimination that I find repugnant and unacceptable, and why I believe that one of the most important justifications for this measure is that Federal housing assistance that is intended to benefit every citizen of the United States will no longer be denied to native Hawaiians.

It is unconscionable that low-income native Hawaiian families are precluded from qualifying for low-income rental assistance, or mutual help homeownership programs, or community development block grant funds, merely because they reside on lands set aside for their benefit by the Congress.

The congressionally-mandated national commission on American Indian, Alaska Native, and native Hawaiian housing found that:

(1) Native Hawaiians are seriously over-represented in the States homeless population;

(2) Of those applicants on the waiting list for Hawaiian homelands, 19.5 percent of the applicants and 17.8 percent of their spouses are unemployed at a substantially higher rate than that of the general State population;

(3) The average household size is 4.25 persons, as compared to the statewide average of 2.97 persons; and

(4) The median family income is substantially below the 1988 State average of $39,600.

These are families in need by any standard.

Moreover, the commission's investigation documented that native Hawaiians have the worst housing conditions in the State of Hawaii and the highest percentage of homelessness, representing over 30 percent of the State's homeless population.

This measure seeks to provide greater housing opportunities to low-income native Hawaiian families, but this bill does not attempt to do so by creating a gamut of new Federal housing programs.

This bill would enable native Hawaiian families, who qualify in every single respect, to secure access to existing housing programs.

This bill would authorize the creation of a native Hawaiian housing authority, and would enable that authority to establish, develop, and manage low-income rental programs, a mutual help homeownership program, and a section 8 rental assistance program.

This bill would also establish a native Hawaiian loan guarantee program, and would earmark 0.2 percent of the annual Federal appropriations for the "home" program and for the community development block grants for native Hawaiian housing.

I hope that my colleagues will join me in this effort to correct a longstanding injustice. It could not have been the intent of the Congress in 1921 to set aside lands for native Hawaiians, only to have that very act of the Congress be held against those families who seek to reside on those lands.

Let us move towards swift consideration and favorable action on this measure. I thank you, Mr. President, for this opportunity to introduce a measure of great importance to the native people of the State of Hawaii.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2152. A bill to provide for the transfer of lands contiguous to the Holloman Air Force Base, NM, by the Secretary of the Interior to the Department of the Air Force for the construction of evaporation ponds to support a wastewater treatment facility, and for other purposes; to the Committee on Energy and Natural Resources.

HOLLOMAN AIR FORCE BASE LAND TRANSFER ACT OF 1994

Mr. DOMENICI. Mr. President, I rise today along with my colleague from New Mexico, Senator BINGAMAN, to introduce legislation which will transfer approximately 1,200 acres of Bureau of Land Management land in New Mexico to the U.S. Air Force. This land will allow the Air Force to construct a greatly needed wastewater treatment facility near Holloman Air Force Base, in Alamagordo, NM.

The Air Force will be responsible for managing the lands to ensure compliance with all applicable environmental laws of the Federal Government and the State of New Mexico.

Holloman Air Force Base is the home of the F-117 Stealth fighter, and this facility will help to assure the increased operations at the base take place in an environmentally sound manner.

This bill has the support of the Bureau of Land Management and the U.S. Air Force. I look forward to the Senate's swift consideration of this matter.

By Mr. JEFFORDS:

S. 2154. A bill to amend title 10, United States Code, to repeal the requirement that amounts paid to a member of the Armed Forces under the Special Separation Benefits program of the Department of Defense, or under the Voluntary Separation Incentive program of that Department, be offset from amounts subsequently paid to that member by the Department of Veterans Affairs as disability compensation; to the Committee on Veterans Affairs.

MILITARY VOLUNTARY SEPARATION ACT OF 1994

Mr. JEFFORDS. Mr. President, I rise today to introduce a bill which will correct a great injustice made to our Nation's veterans. As we all know, the cold war is over, however, this does not mean that military service is obsolete. In fact, we have called on service men and women most recently for military support in Saudi Arabia during the Persian Gulf war, in Somalia, and in Haiti. Many of these men and women, especially those returning from the Persian Gulf war were given an opportunity to assist the Department of Defense in it's downsizing by being offered one of two options, a special separation bonus [SSB] or a voluntary separation incentive [VSI], for voluntary separation from the military. Unfortunately, provisions in the National Defense Authorization Act for fiscal years 1992 and 1993 states that any military personnel who receives the SSB lump sum payment or the VSI monthly payments cannot receive any disability compensation from the Department of Veterans Affairs concurrently, until the separation compensation is offset completely.

This is indeed an injustice and I am introducing a bill today which will re-

peal these provisions and allow for concurrent receipt. SSB and VSI separation compensation is for services rendered and compensation for assisting the Department of Defense in it's downsizing. Veterans' disability compensation pay is compensation for a physical or mental disability incurred from service. These are two separate issues and two compensations for very different purposes. Why should veterans be penalized by having these two compensations offset when they are serving different means? They should not.

Many veterans who chose to receive one of these voluntary separation incentives after returning from the Persian Gulf war are now coming down with strange illnesses which are believed to be related to their service in the Persian Gulf. Not only are these men and women suffering physically, but also financially, as many cannot continue to work under the physical conditions they are suffering. On top of this, after devoting their service to our country, the Government tells them that if they are eligible to receive VA disability compensation and they separated from the military with SSB or VSI, they must incur an offset in their compensations. This is not good policy.

This bill will repeal provisions not allowing concurrent receipt of SSB or VSI and VA disability compensation. The legislation is also retroactive so that service members not able to receive payment concurrently since 1991 will be reimbursed for their lost compensation. It is important that Congress works to correct these injustices. Our Nation's veterans have devoted their service to our country and deserve proper care and compensation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR CONCURRENT RECEIPT OF SPECIAL SEPARATION BENEFIT OR VOLUNTARY SEPARATION INCENTIVE AND DISABILITY COMPENSATION.

(a) SPECIAL SEPARATION BENEFIT.—Section 1174a(g) of title 10, United States Code, is amended by striking out "subsection (e)(2)(A)" and inserting in lieu thereof "subsections (e)(2)(A) and (h)(2)".

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 1175(e) of such title is amended by striking out paragraph (4).

(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall take effect as of December 5, 1991.

By Mr. HATFIELD:

S. 2155. A bill to authorize the appropriation of funds for the Federal share of the cost of the construction of a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, OR, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOREST ECOSYSTEM LABORATORY AUTHORIZATION ACT OF 1994

• Mr. HATFIELD. Mr. President, the forests of Oregon and the Pacific Northwest are among the most magnificent and productive in the world. They produce a host of important products, services, and values. Due to the broad range of values they represent, the forests of the Pacific Northwest are at the center of an intense national debate about how resources should be used.

As a participant in this debate, I am constantly aware of the importance of sound scientific information to the development of effective natural resource policy. In order to improve our ability to understand the complexities of these important national assets, I am pleased to introduce legislation to authorize the construction of the Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, OR. The total cost of this project is $20 million. A State level match of $10 million is already in place. This legislation would authorize an equal $10 million Federal match through USDA's Cooperative State Research Service [CSRS].

Oregon State University is a national focal point for forestry research. The goal of the legislation I introduce today is to provide a modern facility to support innovative research in critical areas of forest ecology and utilization. The laboratory will improve the capacity of ongoing research activities of the Oregon Forest Research Laboratory, founded at Oregon State University in 1941. It will also unite the personnel of the existing departments of Forest Science and Forest Products with the Forest Research Laboratory. Research conducted in the Forest Ecosystem Research Laboratory will focus on such important questions as the impact of climate change on forests, forest health, biotechnology, the structure and function of forests, sustainable forestry, and designing new products from a changing resource base.

Mr. President, recent developments across the Nation are ushering in a new wave of land management based on the natural boundaries established through the evolution of river basins and watersheds. I have long recognized the need to manage resources on a landscape level. In fact, I first suggested that the forests of the Pacific Northwest be managed on an ecosystem basis in 1991. It is true that I do not support every effort now being undertaken by the Federal Government to facilitate ecosystem management, but I strongly believe the Oregon Forest Ecosystem Research Laboratory will provide us with a uniquely valuable tool for the development of sound, scientifically-based ecosystem management planning for the 21st century.

I thank my colleagues for their consideration of this legislation. I look forward to working with members of the Senate Committee on Agriculture, Nutrition, and Forestry to gain the necessary review of this proposal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2155

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 "Forest Ecosystem Research Laboratory Authorization Act of 1994".

SEC. 2. FOREST ECOSYSTEM RESEARCH LABORATORY.

(a) IN GENERAL.—Subject to the availability of funds appropriated under subsection (c), the Secretary of Agriculture, acting through the Cooperative State Research Service, shall provide the Federal share of the cost of planning and constructing a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, Oregon.

(b) FEDERAL SHARE.—The Federal share provided under subsection (a) shall be 50 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.•

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. ROTH, and Mr. STEVENS):

S. 2156. A bill to provide for the elimination and modification of reports by Federal departments and agencies to the Congress, and for other purposes; to the Committee on Governmental Affairs.

THE REPORTS ELIMINATION AND MODIFICATION ACT OF 1994

Mr. LEVIN. Mr. President, today, Senator COHEN and I are introducing legislation which would eliminate or modify nearly 300 outdated or unnecessary congressionally mandated reporting requirements. Senators GLENN, ROTH, and STEVENS are original cosponsors of the bill.

This is the second wave of reports elimination from the Subcommittee on Oversight of Government Management which I chair and on which Senator COHEN serves as the ranking Republican. In 1985, under Senator COHEN's chairmanship of the Oversight Subcommittee, we were able to enact a reports elimination bill that, as introduced, contained 127 recommendations for eliminations or modifications for an estimated savings of $5 million; 8 years later it is again time to take a large number of these reporting requirements off our books. But, as we learned in 1985, that is not an easy process. There are literally thousands, over 5,000, different congressionally mandated reporting requirements. Each was enacted into law for some

seemingly legitimate reason at the time and now that reason must be identified and evaluated as to whether it remains valid. That times time, and reasonable people will differ about the conclusions.

To begin this process, we decide to start with the agencies; in most cases the agencies have the greatest self-interest in eliminating unnecessary reporting requirements. The 1985 legislation was based on a list of agency recommendations generated by the Office of Management and Budget. This time around, there was no such list available, so we had to generate our own. Last year, Senator COHEN and I wrote to all 89 executive and independent agencies and asked that they identify reports required by law that they believe are no longer necessary or useful and, therefore, that could be eliminated or modified. In our request letter, we stressed the importance of a clear and substantiated justification for each recommendation made. In 1985, some recommendations had inadequate or no justifications, and, not surprisingly, those recommendations were not enacted.

To date, we have received responses from about 80 percent of the agencies and, while many agencies made a serious effort to review and recommend a respectable number of reporting requirements for elimination, others were surprisingly less aggressive. Certain agencies already had report elimination projects underway. For example, the Department of Defense is currently conducting a review of the congressionally mandated reporting requirements imposed on all its services to achieve eliminations or modifications.

After receiving the agency responses, a member of the subcommittee staff generated a master list of all the agency recommendations. At the same time we sent to the chairman and ranking member of each of the relevant Senate committees, for their review and comment, the recommendations made by the agencies under their respective jurisdictions. Feedback from the committees of jurisdiction is necessary to ensure that this effort eliminates as many reporting requirements as possible without losing needed information. We also asked that the committees provide us with any additional recommendations for eliminations or modifications they might have. Many, but not all, committees have supplied their comments. We have adjusted the list of eliminations and modifications based on those committee comments. Subcommittee staff then worked with the Senate legislative counsel's office to check statutory references to make sure we are addressing the correct provisions in law. This was time-consuming, painstaking work.

Having followed these steps, it is time to introduce this bill and begin moving it through the legislative process. We will continue to be open to, and actively seek the comments of, the committees and individual Members. In fact, once introduced and printed, we plan to circulate the bill, again, to the committees of jurisdiction for a final comment.

While most of the recommendations we received from the agencies and included in the bill concern targeted, agency-specific reporting requirements, we did receive several recommendations regarding Governmentwide reporting requirements. Again, we turned to the committees of jurisdiction for guidance on how or whether to enact these Governmentwide agency recommendations. A number of these recommendations concerned reporting requirements that fall under various financial management statutes such as the Chief Financial Officers Act. Our bill does not address these particular recommendations due to the proposal contained in H.R. 3400 and other legislation to allow the administration to set up a pilot program aimed at streamlining the reporting and other requirements contained in these laws.

We are in the process of reviewing other Governmentwide reporting requirements to see if some changes can be made. For instance, there were several recommendations to change inspector general [IG] reports from semiannual to annual. From our initial discussions with the IG community and the relevant committee staff it seems that it might be possible to make this shift without jeopardizing the oversight responsibilities of the IG's. We will continue to discuss this recommendation to see if we cannot achieve some change. Another issue that we will be looking at is creating thresholds for Governmentwide reporting requirements. We received several recommendations from smaller agencies that talked of the burden of complying with certain Governmentwide reporting requirements that have no relevance to their small agency.

An additional issue which we are working on is a sunset provision to achieve an ongoing review of congressionally mandated reporting requirements. The Vice President's National Performance Review and the Joint Committee on The Organization of Congress have made recommendations for sunset provisions. Individual committees have also begun placing sunset provisions in new reporting requirements and Members, such as Senator MCCAIN, have introduced sunset bills.

I support the concept of sunsetting reporting requirements, but we have to be careful about how we go about doing it with respect to current reporting requirements to make sure we do not gut those requirements that are necessary to the oversight of Federal programs.

In that regard, Senator COHEN and I wrote in March to the Senate committees and asked them to specify those congressionally mandated reports that they believe are important to continue. This request requires committees to identify the reports they want to save instead of selecting out those reports they are willing to eliminate. We did this in preparation for a possible sunset provision that would address all the current reporting requirements not covered by the bill we are introducing today. Committees have begun to respond to this request, and we will continue to develop this approach.

With the bill we are introducing today, we are trying to get at those reports that no one uses. These are the reports that come into our offices and sit in staff in-boxes for weeks, maybe months, until they are either rerouted to someone else or filed in that popular circular file drawer. On numerous occasions in the process of drafting this legislation, agencies told us that, for whatever reason, they had not been doing or had never done the reporting requirement they were now seeking to eliminate. Apparently no one had noticed the agency's failure to report or, if they did, no one complained.

Every reporting requirement takes away resources that could be used elsewhere in the agency. Sometimes the burden is slight—as low as a few hundred dollars. Sometimes the burden is great—as high as a few million dollars. And, the cumulative burden can be surprising. The Department of Agriculture is currently required by Congress to produce over 280 reports to the tune of over $40 million dollars. This is money and staff time taken away from program needs.

The legislation we are introducing today eliminates a substantial number of requirements, and that should free-up money and staff time for more effective program use. I am convinced there are hundreds, perhaps thousands, more reports that could be included in our bill, but neither the agencies nor the committees of jurisdiction have identified them. We have taken care to be aggressive in identifying reports, but deferential to the committees with substantive responsibility that may use these reports. I welcome suggestions from my colleagues on other reports we can include in this bill and am willing to listen to arguments for retaining some of the reports we have included. I hope to move this through the Governmental Affairs Committee fairly quickly, however, since so much time has gone into the drafting of the bill. I also want to take this opportunity to express my appreciation to Tony Coe of the Senate legislative counsel's office for all his hard work in getting this bill in final form.

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

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

S. 2156

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 "Federal Report Elimination and Modification Act of 1994".

SEC. 2. TABLE OF CONTENTS.

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TITLE I—DEPARTMENTS

CHAPTER 1—DEPARTMENT OF AGRICULTURE

SEC. 1011. REPORTS ELIMINATED.

(a) REPORT ON EFFECTS OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504) is repealed.

(b) REPORT ON MONITORING AND EVALUATION.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(c) REPORT ON RETURN ASSETS.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking "(a) IMPROVING" and all that follows through "FORECASTS.—"; and

(2) by striking subsection (b).

(d) REPORT ON FARM VALUE OF AGRICULTURAL PRODUCTS.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(e) REPORT ON ORIGIN OF EXPORTS OF PEANUTS.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed.

(f) REPORT ON REPORTING OF IMPORTING FEES.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(g) REPORT ON FOREIGN DEBT BURDENS.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(h) REPORT ON AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND.—Section 1420 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

(i) REPORT ON POTATO INSPECTION.—Section 1704 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(j) REPORT ON MULTIPLE COMPONENT PRICING.—Section 116 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 608c note) is repealed.

(k) REPORT ON COSMETIC APPEARANCE RESEARCH.—Section 1352 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1622 note) is amended by striking subsection (f).

(l) REPORT ON TRANSPORTATION OF FERTILIZER AND AGRICULTURAL CHEMICALS.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 4077) is repealed.

(m) APHIS SCREWWORM PROGRAM.—The Secretary of Agriculture shall terminate the program for the eradication of screwworms established under the first section of the Act of February 28, 1947 (61 Stat. 7, chapter 8; 21 U.S.C. 114b).

(n) REPORT ON UNIFORM END-USE VALUE TESTS.—Section 307 of the Futures Trading Act of 1986 (Public Law 99-641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(o) REPORT ON PROJECT AREAS WITH HIGH FOOD STAMP PAYMENT ERROR RATES.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(p) REPORT ON EFFECT OF EFAP DISPLACEMENT ON COMMERCIAL SALES.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(q) REPORT ON WIC EXPENDITURES AND PARTICIPATION LEVELS.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraphs (8) and (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively.

(r) REPORT ON WIC MIGRANT SERVICES.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (j).

(s) REPORT ON DEMONSTRATIONS INVOLVING INNOVATIVE HOUSING UNITS.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(t) REPORT ON ANNUAL UPWARD MOBILITY PROGRAM ACTIVITY.—Section 2(a)(6)(A) of the

Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking "including upward mobility" and inserting "excluding upward mobility".

(u) REPORT ON LAND EXCHANGES IN COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(v) REPORT ON INCOME AND EXPENDITURES OF CERTAIN LAND ACQUISITIONS.—Section 2(e) of Public Law 96-586 (94 Stat. 3382) is amended by striking the second sentence.

(w) REPORT ON SPECIAL AREA DESIGNATIONS.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed.

(x) REPORT ON EVALUATION OF SPECIAL AREA DESIGNATIONS.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(y) REPORT ON AGRICULTURAL PRACTICES AND WATER RESOURCES DATA BASE DEVELOPMENT.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking "(a) REPOSITORY.—"; and

(2) by striking subsection (b).

(z) REPORT ON PLANT GENOME MAPPING.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(aa) REPORT ON FEDERAL AGRICULTURAL RESEARCH FACILITIES.—Section 1431 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1556) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

(bb) REPORT ON APPRAISAL OF PROPOSED BUDGET FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(cc) REPORT ON ECONOMIC IMPACT OF ANIMAL DAMAGE ON AQUACULTURE INDUSTRY.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking "(1)"; and

(2) by striking paragraph (2).

(dd) REPORT ON AWARDS MADE BY THE NATIONAL RESEARCH INITIATIVE AND SPECIAL GRANTS.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(ee) REPORT ON PAYMENTS MADE UNDER RESEARCH FACILITIES ACT.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(ff) REPORT ON FINANCIAL AUDIT REVIEWS OF STATES WITH HIGH FOOD STAMP PARTICIPATION.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(*l*)) is amended by striking ", and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days".

(gg) REPORT ON RURAL TELEPHONE BANK.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

SEC. 1012. REPORTS MODIFIED.

(a) REPORT ON ANIMAL WELFARE ENFORCEMENT.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

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

"(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830)."

(b) REPORT ON HORSE PROTECTION ENFORCEMENT.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking "On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon" and inserting the following: "As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on".

(c) REPORT ON AGRICULTURAL QUARANTINE INSPECTION FUND.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) REPORT ON ESTIMATED EXPENDITURES UNDER FOOD STAMP PROGRAM.—The third sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended—

(1) by striking "by the fifteenth day of each month" and inserting "for each quarter or other appropriate period"; and

(2) by striking "the second preceding month's expenditure" and inserting "the expenditure for the quarter or other period".

(e) REPORT ON COMMODITY DISTRIBUTION.—Section 3(a)(3)(D) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100-237; 7 U.S.C. 612c note) is amended by striking "annually" and inserting "biennially".

(f) REPORT ON PRIORITIES FOR RESEARCH, EXTENSION, AND TEACHING.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking "ANNUAL REPORT" and inserting "REPORT"; and

(2) by striking "Not later than June 30 of each year" and inserting "At such times as the Joint Council determines appropriate".

(g) 5-YEAR PLAN FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(h) REPORT ON EXAMINATION OF FEDERALLY SUPPORTED AGRICULTURAL RESEARCH AND EXTENSION PROGRAMS.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting "may provide" before "a written report".

CHAPTER 2—DEPARTMENT OF COMMERCE

SEC. 1021. REPORTS ELIMINATED.

(a) REPORT ON VOTING REGISTRATION.—Section 207 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-5) is repealed.

(b) REPORT ON ESTIMATE OF SPECIAL AGRICULTURAL WORKERS.—Section 210A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1161(b)(3)) is repealed.

(c) REPORT ON LONG RANGE PLAN FOR PUBLIC BROADCASTING.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(d) REPORT ON STATUS, ACTIVITIES, AND EFFECTIVENESS OF UNITED STATES COMMERCIAL CENTERS IN ASIA, LATIN AMERICA, AND AFRICA AND PROGRAM RECOMMENDATIONS.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(e) REPORT ON AUTOMOTIVE PRODUCTS TRADE ACT OF 1965.—Section 502 of the Automotive Products Trade Act of 1965 (19 U.S.C. 2032) is repealed.

(f) REPORT ON KUWAIT RECONSTRUCTION CONTRACTS.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(g) REPORT ON UNITED STATES-CANADA FREE TRADE AGREEMENT.—Section 409(a)(3)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

"(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

"(A) the issues being considered by the working group; and

"(B) as appropriate, the objectives and strategy of the United States in the negotiations.".

(h) REPORT ON ESTABLISHMENT OF AMERICAN BUSINESS CENTERS AND ON ACTIVITIES OF THE INDEPENDENT STATES BUSINESS AND AGRICULTURE ADVISORY COUNCIL.—Section 305 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(i) REPORT ON FOREIGN FISH ALLOCATION.—Section 201(f) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1821(f)) is repealed.

(j) REPORT ON FISHERMAN'S CONTINGENCY FUND REPORT.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(k) REPORT ON USER FEES ON SHIPPERS.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(l) REPORT ON FIRE SAFETY SYSTEMS.—Section 31(b)(1)(B) of the Federal Fire Prevention and Control Act of 1974 is amended by striking out clause (iii).

(m) REPORT ON APPROVED ACCOMMODATION PERCENTAGE.—Section 5 of the Hotel and Motel Fire Safety Act of 1990 (Public Law 101-391; 5 U.S.C. 5707 note) is amended by striking out subsection (b).

CHAPTER 3—DEPARTMENT OF DEFENSE

SEC. 1031. REPORTS ELIMINATED.

(a) REPORT ON DEFENSE DEPARTMENT CHANGES TO ALLOWABLE COST PROVISIONS.—Section 2324(1) of title 10, United States Code, is amended to read as follows:

"(*l*) The Comptroller General shall periodically evaluate the implementation of this section by the Secretary of Defense. Such evaluation shall consider the extent to which—

"(1) such implementation is consistent with congressional intent;

"(2) such implementation achieves the objective of eliminating unallowable costs charged to defense contracts; and

"(3) such implementation (as well as the provisions of this section and the regulations prescribed under this section) could be improved or strengthened.".

(b) REPORT ON SEMATECH.—Section 274 of The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(c) REPORT ON REVIEW OF DOCUMENTATION IN SUPPORT OF WAIVERS FOR PEOPLE ENGAGED IN ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) CLERICAL AMENDMENT TO TABLE OF CONTENTS.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

CHAPTER 4—DEPARTMENT OF EDUCATION

SEC. 1041. REPORTS ELIMINATED.

(a) REPORT ON PERSONNEL REDUCTION AND ANNUAL LIMITATIONS.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended—

(1) in paragraph (2), by striking all beginning with "and shall," through the end thereof and inserting a period; and

(2) by redesignating paragraph (3) as paragraph (2).

(b) REPORT ON SURVEYS.—(1) Section 182 of title 13, United States Code, is repealed.

(2) The table of sections for chapter 5 of title 13, United States Code, is amended by striking out the item relating to section 182.

(c) REPORT ON PROJECTS FUNDED BY THE FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING.—Section 3232 of the Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4832) is amended—

(1) in the section heading, by striking "and reporting";

(2) in subsection (a), by striking "(a) EXEMPLARY PROJECTS.—"; and

(3) by striking subsections (b) and (c).

(d) REPORT ON THE SUCCESS OF FIRST ASSISTED PROGRAMS IN IMPROVING EDUCATION.—Section 6215 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4832 note) is amended—

(1) by amending the section heading to read as follows:

"**SEC. 6215. EXEMPLARY PROJECTS.**";

(2) in subsection (a), by striking "(a) EXEMPLARY PROJECTS.—"; and

(3) by striking subsections (b) and (c).

(e) REPORT ON SUPPORTED EMPLOYMENT ACTIVITIES.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (20 U.S.C. 777a(c) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(f) REPORT ON THE CLIENT ASSISTANCE PROGRAM.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (20 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking "such report or for any other" and inserting "any".

(g) REPORT ON THE SUMMARY OF LOCAL EVALUATIONS OF COMMUNITY EDUCATION EMPLOYMENT CENTERS.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking "and report";

(2) in subsection (a), by striking "(a) LOCAL EVALUATION.—"; and

(3) by striking subsection (b).

(h) REPORT ON THE ADMINISTRATION OF THE VOCATIONAL EDUCATION ACT OF 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(i) REPORT BY THE INTERDEPARTMENTAL TASK FORCE ON COORDINATING VOCATIONAL EDUCATION AND RELATED PROGRAMS.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(j) REPORT ON THE EVALUATION OF THE GATEWAY GRANTS PROGRAM.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking "and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

(k) REPORT ON THE BILINGUAL VOCATIONAL TRAINING PROGRAM.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(*l*) REPORT ON ADVISORY COUNCILS.—Section 448 of the General Education Provisions Act (20 U.S.C. 1233g) is repealed.

SEC. 1042. REPORTS MODIFIED.

(a) REPORT ON THE CONDITION OF BILINGUAL EDUCATION IN THE NATION.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking "**REPORT ON**" and inserting "**INFORMATION REGARDING**"; and

(2) by striking the matter preceding paragraph (1) and inserting "The Secretary shall collect data for program management and accountability purposes regarding—".

(b) REPORT TO CONGRESS ON THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Subsection (b) of section 724 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11434(b)) is amended by striking paragraph (4) and the first paragraph (5) and inserting the following:

"(4) The Secretary shall prepare and submit a report to the appropriate committees of the Congress at the end of every other fiscal year. Such report shall—

"(A) evaluate the programs and activities assisted under this part; and

"(B) contain the information received from the States pursuant to section 722(d)(3).".

(c) REPORT TO GIVE NOTICE TO CONGRESS.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking "the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice" and inserting "a deadline included in the calendar described in subsection (a) is not met"; and

(2) by striking the second sentence.

(d) ANNUAL REPORT ON ACTIVITIES UNDER THE REHABILITATION ACT OF 1973.—Section 13 of the Rehabilitation Act of 1973 (20 U.S.C. 712) is amended by striking "twenty" and inserting "eighty".

(e) REPORT TO THE CONGRESS REGARDING REHABILITATION TRAINING PROGRAMS.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (20 U.S.C. 774(c)) is amended by striking "simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration" and inserting "by September 30 of each fiscal year".

(f) REPORT PREPARED BY THE DEPARTMENT OF THE INTERIOR ON INDIAN CHILDREN AND THE BILINGUAL EDUCATION ACT.—

(1) REPEAL.—Subsection (c) of section 7022 of the Bilingual Education Act (20 U.S.C. 3292) is repealed.

(2) ANNUAL REPORT.—Paragraph (3) of section 7051(b)(3) of the Bilingual Education Act (20 U.S.C. 3331(b)(3)) is amended—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period and inserting a semicolon; and

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

"(F) the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

"(G) the extent to which the needs described in subparagraph (F) are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.".

(g) ANNUAL EVALUATION REPORTS.—Section 417 of the General Education Provisions Act (20 U.S.C. 1226c) is amended—

(1) in the section heading, by striking "ANNUAL" and inserting "BIENNIAL"; and

(2) in subsection (a)—

(A) by striking "December" and inserting "March";

(B) by striking "each year," and inserting "every other year"; and

(C) by striking "an annual" and inserting "a biennial";

(3) in subparagraph (B), by striking "previous fiscal year" and inserting "2 preceding fiscal years"; and

(4) in subparagraph (C), by striking "previous fiscal year" and inserting "2 preceding fiscal years".

(h) ANNUAL AUDIT OF STUDENT LOAN INSURANCE FUND.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

"(b) FINANCIAL OPERATIONS RESPONSIBILITIES.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.".

CHAPTER 5—DEPARTMENT OF ENERGY

SEC. 1051. REPORTS ELIMINATED.

(a) REPORTS ON PERFORMANCE AND DISPOSAL OF ALTERNATIVE FUELED HEAVY DUTY VEHICLES.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed.

(b) REPORT ON WIND ENERGY SYSTEMS.—Section 9(a)(3) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)(3)) is repealed.

(c) REPORT ON COMPREHENSIVE PROGRAM MANAGEMENT PLAN FOR OCEAN THERMAL ENERGY CONVERSION.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) REPORTS ON SUBSEABED DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Subsections (a) and (b)(5)

of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) REPORT ON FUEL USE ACT.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) REPORT ON TEST PROGRAM OF STORAGE OF REFINED PETROLEUM PRODUCTS WITHIN THE STRATEGIC PETROLEUM RESERVE.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) REPORT ON NAVAL PETROLEUM AND OIL SHALE RESERVES PRODUCTION.—Section 7434 of title 10, United States Code, is repealed.

(h) REPORT ON EFFECTS OF PRESIDENTIAL MESSAGE ESTABLISHING A NUCLEAR NONPROLIFERATION POLICY ON NUCLEAR RESEARCH AND DEVELOPMENT COOPERATIVE AGREEMENTS.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) REPORT ON WRITTEN AGREEMENTS REGARDING NUCLEAR WASTE REPOSITORY SITES.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: "If such written agreement is not completed prior to the expiration of such period, the Secretary shall report to the Congress in writing not later than 30 days after the expiration of such period on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.".

(j) QUARTERLY REPORT ON STRATEGIC PETROLEUM RESERVES.—Section 165(b) of the Energy Policy and Conservation Act (42 U.S.C. 6245(b)) is repealed.

(k) REPORT ON THE DEPARTMENT OF ENERGY.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

SEC. 1052. REPORTS MODIFIED.

(a) REPORTS ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY AND INDUSTRIAL INSULATION AUDIT GUIDELINES.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking "Not later than 2 years after October 24, 1992, and annually thereafter" and inserting "Not later than October 24, 1995, and biennially thereafter";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

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

"(6) the information required under section 133(c).".

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, "October 24, 1992" and inserting "October 24, 1995"; and

(B) inserting "as part of the report required under section 132(d)," after "and biennially thereafter,".

(b) REPORT ON AGENCY REQUESTS FOR WAIVER FROM FEDERAL ENERGY MANAGEMENT REQUIREMENTS.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting ", as part of the report required under section 548(b)," after "the Secretary shall"; and

(2) by striking "promptly".

(c) REPORT ON THE PROGRESS, STATUS, ACTIVITIES, AND RESULTS OF PROGRAMS REGARDING THE PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking "of each year thereafter,"; and inserting "thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,".

(d) REPORT ON THE FEDERAL GOVERNMENT ENERGY MANAGEMENT PROGRAM.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) the information required under section 543(b)(2); and";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

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

"(4) the information required under section 161(d) of the Energy Policy Act of 1992.".

(e) REPORT ON ALTERNATIVE FUEL USE BY SELECTED FEDERAL VEHICLES.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking "and annually thereafter".

(f) REPORT ON THE OPERATION OF STATE ENERGY CONSERVATION PLANS.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking "report annually" and inserting ", as part of the report required under section 657 of the Department of Energy Organization Act, report".

(g) REPORT ON THE DEPARTMENT OF ENERGY.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after "section 15 of the Federal Energy Administration Act of 1974," the following: "section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,".

(h) REPORT ON COST-EFFECTIVE WAYS TO INCREASE HYDROPOWER PRODUCTION AT FEDERAL WATER FACILITIES.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking "The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army," and inserting "The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,"; and

(2) in subsection (b), by striking "the Secretary" and inserting "the Secretary of the Interior, or the Secretary of the Army,".

(i) REPORT ON PROGRESS MEETING FUSION ENERGY PROGRAM OBJECTIVES.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof "The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.".

(j) REPORT ON HIGH-PERFORMANCE COMPUTING ACTIVITIES.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

"(d) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.".

(k) REPORT ON NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) include the report of the Secretary of Energy required by section 203(d); and".

(l) REPORT ON NUCLEAR WASTE DISPOSAL PROGRAM.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

"(d) AUDIT BY GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.".

CHAPTER 6—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 1061. REPORTS ELIMINATED.

(a) REPORT ON COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS.—Section 208 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g) is repealed.

(b) REPORT ON CHILDREN PLACED IN FOSTER CARE.—Subsection (e) of section 102 of the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C. 672 note) is repealed.

(c) REPORT ON THE EFFECTS OF TOXIC SUBSTANCES.—Subsection (c) of section 27 of the Toxic Substance Control Act (15 U.S.C. 2626(c)) is repealed.

(d) REPORT OF THE SURGEON GENERAL.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is repealed.

(e) REPORT ON THE STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION.—Section 1705 of the Public Health Service Act (42 U.S.C. 300u-4) is repealed.

(f) REPORT ON HEALTH SERVICES.—Section 308(a) of the Public Health Service Act (42 U.S.C. 242m(a)) is amended—

(1) in paragraph (1), by striking subparagraph (A); and

(2) by striking paragraph (2).

(g) REPORT ON HEALTH COSTS OF POLLUTION AND OTHER ENVIRONMENTAL CONDITIONS.—Subsection (d) of section 304 of the Public Health Service Act (42 U.S.C. 242b(d)) is repealed.

(h) REPORT ON DISEASE CONTROL ACTIVITIES.—Subsection (h) of section 317 of the Public Health Service Act (42 U.S.C. 246b(h)) is repealed.

(i) REPORT ON ADMINISTRATION OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT.—Section 540 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360qq) is repealed.

(j) REPORT ON COMPLIANCE WITH THE CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(k) REPORT ON EVALUATION OF TITLE VIII PROGRAMS.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(l) REPORT ON RECOMMENDATIONS FOR LONG-TERM HEALTH CARE POLICIES.—Subsection (f) of section 9601 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1395b note) is repealed.

(m) REPORT ON FEASIBILITY OF INCLUDING TIME IN DEFINITION OF VISIT CODES.—Paragraph (4) of section 6102(d) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395w–4 note) is repealed.

(n) REPORT ON MODEL SYSTEM FOR PAYMENT FOR OUT-PATIENT HOSPITAL SERVICES.—Paragraph (6) of section 1135(d) of the Social Security Act (42 U.S.C. 1320b–5(d)(6)) is repealed.

(o) REPORT ON MEDICARE TREATMENT OF UNCOMPENSATED CARE.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(p) REPORT ON ADEQUACY OF MEDICARE PART B PAYMENTS FOR CHEMOTHERAPY.—Subsection (d) of section 4055 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1395l note) is repealed.

(q) REPORT ON MEDICAID DRUG REBATE.—Subsection (d) of section 601 of the Veterans Health Care Act of 1992 (42 U.S.C. 1396r–8 note) is repealed.

(r) REPORT ON PROGRAM TO ASSIST HOMELESS INDIVIDUALS.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) REPORT ON FAMILY PLANNING.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking "each fiscal year" and insert "fiscal year 1994, and each third fiscal year thereafter,".

(b) REPORT ON HEALTH SERVICE RESEARCH ACTIVITIES.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking "September 30, 1993, and annually thereafter" and inserting "December 30, 1993, and each December 30 thereafter".

(c) REPORT ON MEDIGAP LOSS RATIOS AND REFUND OF PREMIUMS.—Paragraph (4) of section 1882(r) of the Social Security Act (42 U.S.C. 1395ss(r)(4)) is amended by striking "1993" and inserting "1994".

(d) REPORT ON STAFFING REQUIREMENTS IN NURSING FACILITIES.—Section 4801(e)(17)(B) of the Omnibus Budget Reconciliation Act of 1990 is amended (Public Law 101–508) is amended by "1992" and inserting "1997".

(e) REPORT ON PREEFFECTUATION REVIEWS.—Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)) is amended by adding at the end thereof the following new sentence: "The annual report required under this section may be consolidated with the annual report required under section 704.".

(f) REPORT ON STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—

(1) IN GENERAL.—Section 105 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11304) is amended—

(A) by striking out "annually" and inserting in lieu thereof "biennially"; and

(B) by striking out "annual" and inserting in lieu thereof "biennial".

(2) CONFORMING AMENDMENTS.—(A) The heading for section 105 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11304) is amended by striking out "Annual" and inserting in lieu thereof "Biennial".

(B) The item relating to section 105 in the table of contents in section 101(b) of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

"Sec. 105. Biennial Program summary by Comptroller General.".

CHAPTER 7—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 1071. REPORTS ELIMINATED.

(a) REPORTS ON PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) INTERIM REPORT ON PUBLIC HOUSING MIXED INCOME NEW COMMUNITIES STRATEGY DEMONSTRATION.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) BIENNIAL REPORT ON INTERSTATE LAND SALES REGISTRATION PROGRAM.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) QUARTERLY REPORT ON ACTIVITIES UNDER THE FAIR HOUSING INITIATIVES PROGRAM.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) COLLECTION OF AND ANNUAL REPORT ON RACIAL AND ETHNIC DATA.—Section 562(b) of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a(b)) is repealed.

SEC. 1072. REPORTS MODIFIED.

(a) REPORT ON HOMEOWNERSHIP OF MULTIFAMILY UNITS PROGRAM.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking "**ANNUAL**"; and

(2) by striking "The Secretary shall annually" and inserting "The Secretary shall biennially".

(b) TRIENNIAL AUDIT OF TRANSACTIONS OF NATIONAL HOMEOWNERSHIP FOUNDATION.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) REPORT ON LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out "(but not less frequently than every three years),".

CHAPTER 8—DEPARTMENT OF THE INTERIOR

SEC. 1081. REPORTS ELIMINATED.

(a) REPORT ON AUDITS IN FEDERAL ROYALTY MANAGEMENT SYSTEM.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) REPORT ON DOMESTIC MINING, MINERALS, AND MINERAL RECLAMATION INDUSTRIES.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) REPORT ON PHASE I OF THE HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROJECT.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) REPORT ON RECLAMATION REFORM ACT COMPLIANCE.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) REPORT ON AFRICAN ELEPHANT CONSERVATION FUND.—Section 2103 of the African Elephant Conservation Act (16 U.S.C. 4213) is repealed.

(f) REPORT ON WETLANDS.—Section 10 of the North American Wetlands Conservation Act (16 U.S.C. 4409) is repealed.

(g) REPORT ON GEOLOGICAL SURVEYS CONDUCTED OUTSIDE THE DOMAIN OF THE UNITED STATES.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(h) REPORT ON RECREATION USE FEES.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(h)) is repealed.

(i) REPORT ON FEDERAL SURPLUS REAL PROPERTY PUBLIC BENEFIT DISCOUNT PROGRAM FOR PARKS AND RECREATION.—Section 203(o)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)(1)) is amended by striking "subsection (k) of this section and".

SEC. 1082. REPORTS MODIFIED.

(a) REPORT ON COST ANALYSIS OF ALL FEDERAL EXPENDITURES FOR ENDANGERED SPECIES.—Section 18 of the Endangered Species Act of 1973 (16 U.S.C. 1544) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ", other than land acquisition expenditures, which shall be included as a separate item only when the primary purpose of the land acquisition is the conservation of endangered or threatened species"; and

(2) in paragraph (2), by inserting before the period the following: ", other than land acquisition expenditures, which shall be included as a separate item only when the primary purpose of the land acquisition is the conservation of endangered or threatened species".

(b) REPORT ON LEVELS OF THE OGALLA AQUIFER.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking "annually" and inserting "biennially"; and

(2) in section 308, by striking "intervals of one year" and inserting "intervals of 2 years".

(c) REPORT ON EFFECTS OF OUTER CONTINENTAL SHELF LEASING ACTIVITIES ON HUMAN, MARINE, AND COASTAL ENVIRONMENTS.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking "each fiscal year" and inserting "every 3 fiscal years".

CHAPTER 9—DEPARTMENT OF JUSTICE

SEC. 1091. REPORTS ELIMINATED.

(a) REPORT ON BANKING ENFORCEMENT ISSUES.—Section 2546 (a)(2) and (b) of the Crime Control Act of 1990 (Public Law 101–647; 104 Stat. 4885) is repealed.

(b) REPORT ON CRIME AND CRIME PREVENTION.—(1) Section 3126 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 206 of title 18, United States Code, is amended by striking out the item relating to section 3126.

(c) REPORT ON DRUG INTERDICTION TASK FORCE.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(d) REPORT ON EQUAL ACCESS TO JUSTICE.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(e) REPORT ON FEDERAL OFFENDER CHARACTERISTICS.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(f) REPORT ON COSTS OF DEATH PENALTY.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(g) MINERAL LANDS LEASING ACT.—Section 8B of the Mineral Lands Leasing Act (30 U.S.C. 208–2) is repealed.

(h) SMALL BUSINESS ACT.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(i) ENERGY POLICY AND CONSERVATION ACT.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking ", at least once every 6

months, a report" and inserting ", at such intervals as are appropriate based on significant developments and issues, reports".

CHAPTER 10—DEPARTMENT OF LABOR

SEC. 1101. REPORTS ELIMINATED.

(a) REPORT ON THE ARMED FORCES EMPLOYMENT AND TRAINING PILOT PROGRAM.—Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

(b) REPORT ON THE ECONOMIC EFFECTS OF THE APPLICATION OF WAGE AND HOUR EXEMPTIONS.—Section 4(d)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(2)) is amended by striking the second sentence.

(c) REPORT ON THE BLACK LUNG COMPENSATION INSURANCE FUNDS.—Section 433 of the Black Lung Benefits Act (30 U.S.C. 943) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

(d) REPORT ON LABOR STATISTICS EXPENDITURES.—Section 8 of the Act entitled "An Act to establish a Department of Labor", approved June 13, 1888 (29 U.S.C. 6) is amended by striking the third sentence.

(e) REPORT ON JOBS FOR EMPLOYABLE, DEPENDENT INDIVIDUALS.—Section 508 of the Job Training Partnership Act (29 U.S.C. 1791g) is amended to read as follows:

"SEC. 508. EVALUATION.

"(a) IN GENERAL.—The Secretary shall conduct or provide for an evaluation of the incentive bonus program assisted under this title.

"(b) CONSIDERATIONS.—The Secretary shall consider—

"(1) whether the program results in increased service under this Act to absent parents of children receiving aid to families with dependent children under part A of title IV of the Social Security Act and to recipients of Supplemental Security Income under title XVI of the Social Security Act;

"(2) whether the program results in increased child support payments;

"(3) whether the program is administratively feasible and cost-effective;

"(4) whether the services provided to other eligible participants under part A of title II are affected by the implementation and operation of the incentive bonus program; and

"(5) such other factors as the Secretary determines to be appropriate.".

(f) REPORT ON TRANSITION ASSISTANCE PROGRAM.—Section 408 of the Veterans Education and Employment Amendments of 1989 (Public Law 101-237; 103 Stat. 2084; 38 U.S.C. 2000 note) is amended by striking out subsection (d).

SEC. 1102. REPORTS MODIFIED.

(a) REPORT ON THE ACTIVITIES CONDUCTED UNDER THE FAIR LABOR STANDARDS ACT OF 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended by striking "annually" and inserting "triennially".

(b) STUDY ON PREVENTION OF CURTAILMENT OF EMPLOYMENT OPPORTUNITIES.—Section 4(d)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(3)) is amended by striking in the third sentence "two-year" and inserting "three-year".

(c) ANNUAL REPORT OF THE OFFICE OF WORKERS' COMPENSATION.—

(1) REPORT ON THE ADMINISTRATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking "beginning of each" and all that follows through "Amendments of 1984" and inserting "end of each fiscal year"; and

(B) by adding the following new sentence at the end: "Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8194 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.".

(2) REPORT ON THE ADMINISTRATION OF THE BLACK LUNG BENEFITS PROGRAM.—Section 426(b) of the "Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking "Within" and all that follows through "Congress the" and inserting "At the end of each fiscal year, the"; and

(B) by adding the following new sentence at the end: "Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 944).".

(3) REPORT ON THE ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT.—Chapter 81 of title 5, United States Code, is amended by adding to the end the following new section:

"§ 8194. Annual report

"The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 944).".

(d) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (29 U.S.C. 560) is amended by striking "make a report" and all that follows through "the department" and inserting "prepare and submit to Congress the financial statements of the Department that have been audited".

CHAPTER 11—DEPARTMENT OF STATE

SEC. 1111. REPORTS ELIMINATED.

Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

CHAPTER 12—DEPARTMENT OF TRANSPORTATION

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking "biennially" and inserting "triennially".

(d) REPORT ON DEVELOPMENT OF COLLISION AVOIDANCE SYSTEM.—Section 401 of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. App. 1348 note) is repealed.

(e) REPORT ON APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—Section 307(e)(11) of title 23, United States Code, is repealed.

(f) REPORTS ON HIGHWAY SAFETY IMPROVEMENT PROGRAMS.—

(1) REPORT ON RAILWAY-HIGHWAY CROSSINGS PROGRAM.—Section 130(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(2) REPORT ON HAZARD ELIMINATION PROGRAM.—Section 152(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(g) REPORT ON HIGHWAY SAFETY PERFORMANCE—FATAL AND INJURY ACCIDENT RATES ON PUBLIC ROADS IN THE UNITED STATES.—Section 207 of the Highway Safety Act of 1982 (23 U.S.C. 401 note) is repealed.

(h) REPORTS ON HIGHWAY SAFETY PROGRAM STANDARDS.—

(1) REPORT ON NONPRIORITY PROGRAMS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(2) REPORT ON DEMONSTRATION PROJECTS.—Section 403 of title 23, United States Code, is amended—

(A) in subsection (e) by striking out the last sentence; and

(B) in subsection (f) by striking out the last sentence.

(i) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(j) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(k) REPORT ON FEDERAL RAILROAD SAFETY ACT OF 1970.—Section 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440) is repealed.

(l) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(m) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(n) REPORTS ON NEEDS SURVEY AND TRANSFERABILITY.—Section 27 of the Federal Transit Act (49 U.S.C. App. 1623) is repealed.

(o) REPORT ON OBLIGATIONS.—Section 4(b) of the Federal Transit Act (49 U.S.C. App. 1603(b)) is repealed.

(p) REPORT ON SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—Section 26(c)(11) of the Federal Transit Act (49 U.S.C. App. 1622(c)(11)) is repealed.

(q) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(r) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

(s) REPORTS ON PIPELINE SAFETY.—

(1) REPORT ON NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

(2) REPORT ON HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 213 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012) is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON TRANSPORTATION SECURITY.—Section 315(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356(b)) is amended—

(1) in paragraph (1), by striking "December 31 of calendar year 1991" and inserting "March 31 of calendar year 1995"; and

(2) in paragraph (2)(A), by striking "in the 12-month period ending on the date of such report" and inserting "for the previous calendar year".

(b) REPORT ON MAJOR ACQUISITION PROJECTS.—Section 337 of the Department of

Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-338; 106 Stat. 1551) is amended—

(1) by striking "quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report" and inserting "half of any fiscal year beginning after December 31, 1995, unless the Commandant of the Coast Guard first submits a semiannual report"; and

(2) by striking "quarter." and inserting "half-fiscal year.".

(c) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101-892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(d) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking "September 30 and".

(e) REPORT ON PUBLIC TRANSPORTATION.—Section 308(e)(1) of title 49, United States Code, is amended by striking "January of each even-numbered year" and inserting "March 1994, March 1995, and March of each odd-numbered year thereafter".

(f) REPORT ON NATION'S HIGHWAYS AND BRIDGES.—Section 307(h) of title 23, United States Code, is amended by striking "January 1983, and in January of every second year thereafter" and inserting "March 1994, March 1995, and March of each odd-numbered year thereafter".

CHAPTER 13—DEPARTMENT OF THE TREASURY

SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON MERCHANDISE DAMAGE STATISTICS.—Subsection (c) of section 124 of the Customs and Trade Act of 1990 (19 U.S.C. 2071 note) is repealed.

(d) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

(e) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is repealed.

(f) REPORT ON FORFEITURE FUNDS.—

(1) CUSTOMS.—Section 613A(e) of the Tariff Act of 1930 (19 U.S.C. 1613b(e)) is amended by striking out paragraph (2).

(2) JUSTICE.—Section 524(c) of title 28, United States Code, is amended—

(A) by striking out paragraph (7); and

(B) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

(g) REPORT ON AUDITS AND CONFIDENTIALITY OF TAXPAYER INFORMATION.—Section 719 of title 31, United States Code, is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking "month" and inserting "calendar quarter".

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; and", and

(3) by adding after paragraph (6) the following new paragraph:

"(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.".

CHAPTER 14—DEPARTMENT OF VETERANS AFFAIRS

SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON FURNISHING CONTRACT CARE SERVICES.—Section 1703(c) of title 38, United States Code, is repealed.

(b) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of such title is amended—

(1) by striking out subsection (*l*); and

(2) by redesignating subsection (m) as subsection (*l*).

(d) REPORT ON LEVEL OF TREATMENT CAPACITY.—Section 8110(a)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out "(A)"; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out subparagraph (B).

(e) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (A), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)"; and

(C) in subparagraph (B), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)".

TITLE II—INDEPENDENT AGENCIES

CHAPTER 1—ACTION

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking "(2)" and inserting "(b)"; and

(B) in paragraph (1)—

(i) by striking "(1)(A)" and inserting "(1)"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(2)"; and

(II) by striking "subparagraph (A)" and inserting "paragraph (1)".

CHAPTER 2—ENVIRONMENTAL PROTECTION AGENCY

SEC. 2021. REPORTS ELIMINATED.

(a) REPORT ON ALLOCATION OF WATER.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) REPORT ON THE EFFECTS OF POLLUTION ON ESTUARIES.—Section 104(n) of the Federal Water Pollution Control Act (33 U.S.C. 1254(n)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) REPORT ON VARIANCE REQUESTS.—Section 301(n) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)) is amended by striking paragraph (8).

(d) REPORT ON WATER QUALITY IN LAKES.—Section 314(a) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(e) REPORT ON IMPLEMENTATION OF CLEAN LAKES PROJECTS.—Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(f) REPORT ON NONPOINT SOURCE MANAGEMENT PROGRAMS.—Section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) is amended—

(1) by striking subsection (m); and

(2) by redesignating subsection (n) as subsection (m).

(g) REPORT ON MEASURES TAKEN TO IMPLEMENT THE FEDERAL WATER POLLUTION CONTROL ACT.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(3) by redesignating subsection (g) as subsection (e).

(h) REPORT ON USE OF MUNICIPAL SECONDARY EFFLUENT AND SLUDGE.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) (as amended by subsection (g)) is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(i) REPORT ON CERTAIN WATER QUALITY STANDARDS AND PERMITS.—Section 404 of the Water Quality Act of 1987 (Public Law 100-4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(j) REPORT ON CLASS V WELLS.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h-5) is amended—

(1) in subsection (a), by striking "(a) MONITORING METHODS.—"; and

(2) by striking subsection (b).

(k) REPORT ON SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h-6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(l) REPORT ON SUPPLY OF SAFE DRINKING WATER.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h-6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(m) REPORT ON REGISTRATION PROCESS UNDER FIFRA.—

(1) Section 29 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-4) is repealed.

(2) Such Act is amended by redesignating sections 30 and 31 (7 U.S.C. 136x and 136y) as sections 29 and 30, respectively.

(3) The table of contents in section 1(b) of such Act (7 U.S.C. prec. 121) is amended—

(A) by striking the item relating to section 29; and

(B) by redesignating the items relating to sections 30 and 31 as relating to sections 29 and 30, respectively.

(n) REPORT ON NONNUCLEAR ENERGY AND TECHNOLOGIES.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(o) REPORT ON EMISSIONS AT COAL-BURNING POWERPLANTS.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(p) 5-YEAR PLAN FOR ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

(q) 5-YEAR ACTION PLAN BY INTERAGENCY COORDINATING COMMITTEE.—Section 2001(b) of the Solid Waste Disposal Act (42 U.S.C. 6911(b)) is amended by striking paragraph (3).

(r) REPORT ON ACTIVITIES OF THE OFFICE OF SOLID WASTE.—

(1) Section 2006 of the Solid Waste Disposal Act (42 U.S.C. 6915) is repealed.

(2) The table of contents in section 1001 of such Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 2006.

(s) COOPERATIVE REPORT ON ENVIRONMENTAL ISSUES ASSOCIATED WITH USED OIL.—Section 9 of the Used Oil Recycling Act of 1980 (Public Law 96-463; 42 U.S.C. 6932 note) is repealed.

(t) INTERIM REPORTS OF NATIONAL ADVISORY COMMISSION ON RESOURCE CONSERVATION AND RECOVERY.—Section 33(a) of the Solid Waste Disposal Act Amendments of 1980 (Public Law 96-482; 42 U.S.C. 6981 note) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(u) PLAN ON ASSISTANCE TO STATES FOR RADON PROGRAMS.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(v) REPORT ON RADON MITIGATION DEMONSTRATION PROGRAM.—Section 118(k)(2) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499; 42 U.S.C. 7401 note) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(w) REPORT ON COSTS OF AIR POLLUTION CONTROL.—Section 812 of the Clean Air Act Amendments of 1990 (Public Law 101-549; 42 U.S.C. 7612 note) is amended—

(1) in subsection (a) by striking out "(a) ECONOMIC IMPACT ANALYSES.—"; and

(2) by striking out subsection (b).

CHAPTER 3—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "including" and inserting "including information, presented in the aggregate, relating to";

(2) in clause (i), by striking "the identity of each person or entity" and inserting "the number of persons and entities";

(3) in clause (ii), by striking "such person or entity" and inserting "such persons and entities"; and

(4) in clause (iii)—

(A) by striking "fee" and inserting "fees"; and

(B) by striking "such person or entity" and inserting "such persons and entities".

CHAPTER 4—FEDERAL AVIATION ADMINISTRATION

SEC. 2041. REPORTS ELIMINATED.

Section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out "GAO"; and

(2) by striking out "the Comptroller General" and inserting in lieu thereof "the Department of Energy Inspector General".

CHAPTER 5—FEDERAL COMMUNICATIONS COMMISSION

SEC. 2051. REPORTS ELIMINATED.

(a) REPORT TO THE CONGRESS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) REIMBURSEMENT FOR AMATEUR EXAMINATION EXPENSES.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

CHAPTER 6—FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2237; 22 U.S.C. 1825 note) is amended by adding at the end thereof the following new sentence: "A report shall not be required to be submitted under this paragraph for any quarter in which the Corporation has not borrowed funds from the Treasury.".

CHAPTER 7—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 2071. REPORTS ELIMINATED.

Section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)) is amended by striking the second proviso.

CHAPTER 8—FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

SEC. 2081. REPORTS ELIMINATED.

Chapter 95 of title 31, United States Code, is amended—

(1) in the table of sections by amending the item relating to section 9503 to read as follows:

"9503. Government pension plans.";

(2) in section 9503—

(A) in the section heading by striking out "**Reports about**"; and

(B) in subsection (a)—

(i) by striking out paragraphs (1) and (4);

(ii) by redesignating paragraphs (2), (3), and (5) as paragraphs (1), (2), and (3), respectively; and

(iii) in paragraph (2) (as redesignated by clause (ii) of this paragraph) by adding "and" after the semicolon; and

(3) in section 9504(1) by striking out "to decide whether the reporting requirements of section 9503 are adequate to carry out section 9501 of this title".

CHAPTER 9—GENERAL SERVICES ADMINISTRATION

SEC. 2091. REPORTS ELIMINATED.

(a) REPORT ON PROPERTIES CONVEYED FOR HISTORIC MONUMENTS AND CORRECTIONAL FACILITIES.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)".

(b) REPORT ON PROPOSED SALE OF SURPLUS REAL PROPERTY AND REPORT ON NEGOTIATED SALES.—Section 203(e)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(6)) is repealed.

(c) REPORT ON PROPERTIES CONVEYED FOR WILDLIFE CONSERVATION.—Section 3 of the Act entitled "An Act authorizing the transfer of certain real property for wildlife, or other purposes.", approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out "and shall be included in the annual budget transmitted to the Congress".

CHAPTER 10—INTERSTATE COMMERCE COMMISSION

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

"(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.".

CHAPTER 11—LEGAL SERVICES CORPORATION

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out "The" and inserting in lieu thereof "Upon request, the".

CHAPTER 12—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

"(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND INDUSTRIAL APPLICATION CENTERS.—The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are au-

thorized and directed to cooperate with small business development centers participating in the program.".

CHAPTER 13—NATIONAL COUNCIL ON DISABILITY

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

CHAPTER 14—NATIONAL SCIENCE FOUNDATION

SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

CHAPTER 15—NATIONAL TRANSPORTATION SAFETY BOARD

SEC. 2151. REPORTS ELIMINATED.

Section 305 of the Independent Safety Board Act of 1974 (49 U.S.C. 1904) is repealed.

CHAPTER 16—NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

CHAPTER 17—NUCLEAR REGULATORY COMMISSION

SEC. 2171. REPORTS ELIMINATED.

(a) REPORT ON REACTOR SAFEGUARDS.—Section 29 of the Atomic Energy Act of 1954 (42 U.S.C. 2039) is amended by striking the last 2 sentences.

(b) REPORT ON SAFEGUARDS INFORMATION.—Section 147(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2167(e)) is repealed.

(c) REPORT ON THE PRICE-ANDERSON ACT.—Section 170(p) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is repealed.

SEC. 2172. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking "each quarter a report listing for that period" and inserting "an annual report listing for the previous fiscal year".

CHAPTER 18—OFFICE OF PERSONNEL MANAGEMENT

SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON CAREER RESERVED POSITIONS.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d)(3) of title 5, United States Code, is repealed.

(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347 of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out "(a)"; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE POSITIONS.—Section 3135(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out ", and the projected number of Senior Executive Service positions to be authorized for the next 2 fiscal years, in the aggregate and by agency";

(2) by striking out paragraphs (3) and (8); and

(3) by redesignating paragraphs (4), (5), (6), (7), (9), and (10) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(b) REPORT ON DISTRICT OF COLUMBIA RETIREMENT FUND.—Section 145 of the District of Columbia Retirement Reform Act (Public Law 96–122; 93 Stat. 882) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking out "(1)";

(ii) by striking out "and the Comptroller General shall each" and inserting in lieu thereof "shall"; and

(iii) by striking out "each"; and

(B) by striking out paragraph (2); and

(2) in subsection (d), by striking out "the Comptroller General and" each place it appears.

(c) REPORT ON REVOLVING FUND.—Section 1304(e)(6) of title 5, United States Code, is amended by striking out "at least once every three years".

CHAPTER 19—OFFICE OF THRIFT SUPERVISION

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out "annually";

(2) by striking out "audit, settlement," and inserting in lieu thereof "settlement"; and

(3) by striking out ", and the first audit" and all that follows through "enacted".

CHAPTER 20—PANAMA CANAL COMMISSION

SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

CHAPTER 21—POSTAL SERVICE

SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 2402 of title 39, United States Code, is amended in the last sentence by striking out "the Congress" and inserting in lieu thereof "include such report in the report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)".

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out "transmit such report to the Congress" and inserting in lieu thereof "include such report in the report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)".

CHAPTER 22—RAILROAD RETIREMENT BOARD

SEC. 2221. REPORTS MODIFIED.

Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1) is amended by striking "On or before July 1, 1985, and each calendar year thereafter" and inserting "As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))".

CHAPTER 23—THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

SEC. 2231. REPORTS MODIFIED.

(a) REPORT ON THE RESOLUTION TRUST CORPORATION, THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD, AND THE FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 21A(k)(5)(A) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(5)(A)) is amended by striking out all following "Congress" and inserting in lieu thereof "an annual report for each calendar year no later than June 30 following such calendar year on the activities and efforts of the Corporation, the Federal Deposit Insurance Corporation, and the Thrift Depositor Protection Oversight Board.".

(b) REPORT ON TROUBLED THRIFTS.—Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out "the end of each calendar quarter" and inserting in lieu thereof "June 30 and December 31 of each calendar year".

CHAPTER 24—UNITED STATES INFORMATION AGENCY

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) BUDGET INFORMATION ON CONSULTING SERVICES.—(1) Section 1114 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1114.

(c) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(e) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(f) REPORT ON FOREIGN LOAN RISKS.—Section 913(d) of the International Lending Supervision Act of 1983 (12 U.S.C. 3912(d)) is repealed.

(g) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j–1) is repealed.

(h) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(i) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense", approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out "all such actions taken" and inserting in lieu thereof "if any such action has been taken".

(j) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102-393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

"(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

"(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

"(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

"(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

"(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.".

TITLE IV—EFFECTIVE DATE

SEC. 4001. EFFECTIVE DATE.

Except as otherwise provided in this Act, the provisions of this Act and amendments made by this Act shall take effect on the date of the enactment of this Act.

Mr. COHEN. Mr. President, I am pleased to be here today to join Senator LEVIN in introducing legislation to eliminate or modify statutory reporting requirements that have outlived their usefulness.

In fiscal year 1993, Congress required executive branch agencies to prepare over 5,000 reports. Senator LEVIN and I have worked in the past to improve the efficiency of agency operations by eliminating or modifying reports to Congress which are redundant or otherwise unnecessary. In 1985, the Senate passed legislation recommending the elimination or modification of 127 reports which the Congressional Budget Office [CBO] estimated would result in savings of $5 million annually reflected either in reduced spending or in a reallocation of resources to other activities. Unfortunately, however, many of these recommendations were stripped from the bill when it was considered by the House of Representatives and, as a result, the bill that became law did not result in the budgetary savings that we had hoped for.

The legislation we are introducing today follows on the work we did in 1985 and is consistent with efforts by the administration and the Congress to reinvent Government and make it more efficient. The administration's National Performance Review [NPR] proposed reducing the burden of congressionally mandated reports by consolidating and simplifying reporting requirements. Legislation to implement several of the NPR recommendations, H.R. 3400, the Government Reform and Savings Act, was considered by the Governmental Affairs Committee in March. The bill contains a provision to allow the Director of OMB to "publish annually in the President's Budget his recommendations for consolidation, elimination, or adjustments in frequency and due dates of statutorily required periodic reports to the Congress or its committees." Our bill contains nearly 300 recommendations to eliminate or modify congressionally-mandated reporting requirements that are no longer useful. While the bill has not yet been scored by the Congressional Budget Office [CBO], it is expected to free up money and staff time that is currently being used to produce unnecessary reports and allow these funds to be used for other programs.

Our legislation is the product of nearly a year's worth of discussions with executive branch agencies and congressional committees. Last year, Senator LEVIN and I, in our capacities as Chairman and Ranking Minority Member of the Governmental Affairs Subcommittee on Oversight of Government Management, wrote to all the executive branch and independent agencies and asked that they identify reports that are no longer necessary or useful.

Mr. President, we are very well aware that not everyone in the Senate would agree with the agencies' assessment of which reports are necessary and which are not. Therefore, we also sent letters to the congressional committees seeking their input on the agency recommendations within their jurisdictions. We have also sought recommendations from the committees for additional eliminations or modifications that were not identified by the agencies.

We plan to distribute copies of the bill to the committees, highlighting the reports recommended for repeal or modification which are under their specific jurisdictions, and solicit additional comments. Although we will remain open to recommendations to retain certain reports, it is my hope that my colleagues will not automatically request the retention of reports but will determine whether or not they are truly needed.

Some Members of Congress and the administration support sunsetting congressionally-mandated reports. Legislation has been introduced in the Senate to sunset all congressionally-mandated reports, except those related to financial accountability, within 5 years. The administration's NPR recommendations also include support for some form of sunsetting provision in reporting requirements adopted by Congress in the future. Certainly, we want to eliminate as many unnecessary reports as possible but there are a number of the 5,000 reports that are required under current law that provide Congress and the public with valuable and useful information. I have concerns about proposals to broadly sunset the majority of congressionally-mandated reports. Such action would require Congress to periodically reauthorize reports it finds useful. This action could, therefore, result in a flood of new reauthorizing legislation and additional paperwork burdens on Federal agencies at a time when we are trying to reduce the Government's paperwork burden. In an effort to address the sunsetting issue, Senator LEVIN and I have asked committees to determine which reporting requirements could be sunsetted in addition to any recommendations for repeal or modification. I look forward to working with supporters of some sunsetting provision to achieve an appropriate balance on this issue.

In closing, I believe the legislation that Senator LEVIN and I are introducing today is a reasonable approach to eliminating unnecessary reporting requirements. It is intended to reduce the paperwork burdens placed on Federal agencies and streamline the information that flows from these agencies to the Congress. I look forward to working with other committees to eliminate as many unnecessary reports as possible and urge my colleagues to support this legislation.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 2158. A bill to require the Secretary of the Treasury to design and issue new counterfeit-resistant $100 currency; to the Committee on Banking, Housing, and Urban Affairs.

THE COUNTERFEITING AND MONEY LAUNDERING DETERRENCE ACT OF 1994

Mr. LEAHY. I rise today to introduce the Counterfeiting and Money Laundering Deterrence Act of 1994.

The purposes of this legislation are twofold: First, it will bring our $100 currency up to date with the rest of the world and stop letting counterfeiters have a free meal ticket. Second, it will put the squeeze on drug traffickers who have to launder vast sums of money to operate—making their costs of doing business significantly higher and hopefully turning piles of their money into worthless paper.

COUNTERFEITING DETERRENCE

The currency of this country faces a serious challenge from new technologies that enable counterfeiters to turn out excellent reproductions. According to the Secret Service, overseas counterfeiting of U.S. currency has increased dramatically. For example, from 1992 to 1993, it increased 300 percent. Just 2 weeks ago, the Secret Service made the largest seizure of counterfeit instruments in its history: 4.1 billion dollars' worth of fake Japanese government bonds.

Other analysts believe the threat to the U.S. currency is urgent. News re-

ports say that intelligence experts in the United States and Israel are aware of a highly skilled group of counterfeiters operating out of Lebanon's Bekaa Valley. These counterfeiters, controlled by Syria and Iran, have turned out as much as $1 billion of extremely high-quality reproductions of the U.S. $100 bill.

We must be very concerned with what nations like Iran or Syria can do with $1 billion in bogus U.S. currency so convincing that it can be passed onto the international market. Would these poor countries use this money to purchase sophisticated weaponry that challenges the security of the region or of this country? Would they use this currency in an effort to destabilize U.S. currency? Would they use it to fund smaller-scale but still serious terrorist activities throughout the world? No one knows.

The opening of the Russian Republics and the Eastern bloc has also resulted in increased counterfeiting activity. Because the situation is changing in this part of the world so fast, it is difficult to determine the amount of counterfeiting that occurs there. According to the chief of the Russian Interior Ministry's department of economic crimes, the amount of counterfeit U.S. currency confiscated by Russian authorities increased 10 times from 1992 to 1993. With organized crime increasingly taking hold in the republics, counterfeiting has become a national cottage industry according to Moscow News reports. Because of mounting inflation of the ruble, foreign currency such as the U.S. $100 bill has a special place in that country's economic system, making it particularly attractive to counterfeiting.

What makes this situation all the more pressing is that the U.S. currency is among the most easy to counterfeit in the world. Although recently updated with a deterrent polyester strip, our bills do not use the watermarks or sophisticated dying and engraving techniques that other countries employ to make it difficult to reproduce their bills convincingly. Nor do we change the appearance of our currency from time-to-time to discourage counterfeiters as other countries do.

To address this threat, this legislation requires the Secretary of the Treasury to design a new $100 bill that incorporates some of the counterfeit-resistant features that other countries have adopted. The Treasury Department has already done substantial design work on a new $100 bill, and it is the intention of this legislation to permit the Secretary to draw on that work in meeting the requirements of the Act.

MONEY LAUNDERING DETERRENCE

But aside from bringing our currency into modern times to address state-of-the-art counterfeiting technology, this legislation is designed to put a full court press on money laundering. We need to realize that the international drug industry is a multi-billion dollar, highly-sophisticated enterprise. An essential component of that business is the ability efficiently to convert U.S. hard currency to transferable bank deposits without invoking currency transaction reporting requirements. We are considering crime legislation which addresses violent and drug crime on many fronts. But if we are really going to stop international drug trafficking, we need to focus more on stopping the ease with which the cartels move their money internationally to finance this mega-businesses.

My bill strikes two blows against money launderers. First, The bill requires all existing $100 denomination U.S. currency to be exchanged within a 6-month period. This would make drug traffickers who hoard vast amounts of hard currency hard-pressed to convert their existing cash into the new money. If they cannot convert the money within the specified time frame, their funds become worthless under the bill. Even if drug organizations could somehow convert their money within the exchange period, the likelihood of their being traced by currency transaction reporting increases substantially, as does the cost of laundering their ill-gotten gains. Of course, there is an exception for hardship cases in the bill where money has not been derived from unlawful activity.

Second, the bill establishes two new versions of the $100 bill: One for use at home and one for use abroad. The only business that relies on exporting large amounts of hard currency is drug trafficking. This provision would make money smuggled out of the United States worthless, turning the tables on drug traffickers who covertly move money from the streets of this country to foreign banks who launder it without reporting illicit transactions to the Treasury.

A U.S. citizen traveling abroad who wished to bring $100 currency with him would hardly be inconvenienced by this measure: A quick stop at a U.S. bank to convert their greenbacks into different-colored foreign-use bills would be all that is necesasary—just like purchasing travelers' checks. The only ones inconvenienced would be drug traffickers who would hate to exchange their greenbacks for foreign use currency at a U.S. bank because of currency transaction reporting requirements.

To the extent drug traffickers cannot exchange their $100 bills within the timeframe and they become worthless, this is a debt against the U.S. Treasury that can be written off to finance the costs of this legislation, and further, to pay off other obligations of the U.S. Treasury.

LET'S BEGIN A DISCUSSION ON THESE ISSUES

I know there will be opposition from some quarters to this proposal. The Federal Reserve likes the current situation and believes the good-old, easily-copied $100 bill provides welcome stability to the international monetary system. The banks feel burdened by the currency transaction reporting requirements. Adding new counterfeit-resistant features to bills is not costless. The Drug Enforcement Administration believes we should go further and establish domestic and foreign use versions of all our currency.

But let us begin a serious discussion and debate on the steps we should take to address hi-tech counterfeiting and money laundering. If this proposal is not the best way to go, then let's work to fashion a measure that will take strong steps against these threats. I am not comfortable with the current situation: We face the threat of potentially billions of passable counterfeit U.S. dollars going into the hands of terrorists. We must do more to cripple the big business of drug trafficking. Continuing to put our collective heads in the sand will not suffice. So I encourage my colleagues and the relevant agencies and others with expertise in these areas to get together and take the strong steps necessary to address these important issues.

By Mr. SMITH:

S.J. Res. 196. A joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag; to the Committee on the Judiciary.

NATIONAL POW/MIA RECOGNITION DAY

• Mr. SMITH. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 196

Whereas the United States has fought in many wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

Whereas, in the Joint Resolution entitled "Joint Resolution designating September 21, 1990, as 'National POW/MIA Recognition Day', and recognizing the National League of Families POW/MIA flag", approved August 10, 1990, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to accounting, as fully as possible, for Americans whom are still prisoners of war, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of the Americans whom are still missing in action and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 16, 1994, is designated "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—The POW/MIA flag shall be displayed, as a symbol of the concern and commitment of the United States to accounting, as fully as possible, for Americans whom are still prisoners of war, missing in action, or unaccounted for and to ending the uncertainty for their families and the Nation—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 30, 1994 (Memorial Day), September 16, 1994 (National POW/MIA Recognition Day), and November 11, 1994 (Veteran's Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 16, 1994.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House;

(2) the Capitol Building; and

(3) the buildings containing the primary offices of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service Commission.

(c) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of the Joint Resolution entitled "Joint Resolution designating September 21, 1990, as 'National POW/MIA Recognition Day', and recognizing the National League of Families POW/MIA flag", approved August 10, 1990 (36 U.S.C. 189).●

ADDITIONAL COSPONSORS

S. 916

At the request of Mr. CRAIG, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 916, a bill to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings by increasing efficiency and economy in Federal procurement, promote small and minority business participation in Federal contracting, increase competition for Federal construction contracts, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes.

S. 1412

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1412, a bill to amend title 13, United States Code, to require that any data relating to the incidence of poverty, produce or published by the Secretary of Commerce for subnational areas is corrected for differences in the cost of living in those areas.

S. 1464

At the request of Mr. SIMON, the name of the Senator from Massachusetts [Mr. KERRY] 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. 1521

At the request of Mr. GORTON, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1521, a bill to reauthorize and amend the Endangered Species Act of 1973 to improve and protect the integrity of the programs of such act for the conservation of threatened and endangered species, to ensure balanced consideration of all impacts of decisions implementing such act, to provide for equitable treatment of non-Federal persons and Federal agencies under such act, to encourage non-Federal persons to contribute voluntarily to species conservation, and for other purposes.

S. 1573

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1573, a bill to provide equal leave benefits for adoptive parents.

S. 1719

At the request of Mr. LIEBERMAN, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Arizona [Mr. DECONCINI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. CRAIG], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 1719, a bill to amend title XI of the Social Security Act to delay the penalty for failure of employers to file certain reports with respect to the Medicare and Medicaid Coverage Data Bank.

S. 1735

At the request of Mr. SIMON, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1735, a bill to establish a Privacy Protection Commission, and for other purposes.

S. 1757

At the request of Mrs. FEINSTEIN, her name was withdrawn as a cosponsor of S. 1757, a bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1863

At the request of Mr. BRADLEY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1863, a bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes.

S. 1942

At the request of Mr. EXON, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1942, a bill to authorize appropriations for the local rail freight assistance program.

S. 2029

At the request of Mr. BREAUX, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 2029, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

S. 2047

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2047, a bill to amend title 38, United States Code, to provide that receipt of additional disability compensation for dependents not depend upon the waiver of receipt of an equal amount of retired or retirement pay.

S. 2048

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2048, a bill to amend title 38, United States Code, to provide that the reduction by waiver of retired pay due to receipt of compensation or pension not apply to retired pay attributable to pay for extraordinary heroism.

S. 2085

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 2085, a bill to amend title IV of the Social Security Act to require States to establish a 2-digit fingerprint matching identification system in order to prevent multiple enrollments by an individual for benefits under such act, and for other purposes.

S. 2098

At the request of Mr. GRAMM, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Indi-

ana [Mr. LUGAR] were added as cosponsors of S. 2098, a bill to amend section 217 of the Internal Revenue Code of 1986 to provide that military moving expense reimbursements are excluded from income without regard to the deductibility of the expenses reimbursement.

S. 2109

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2109, a bill to amend the Public Health Service Act and the Social Security Act to provide improved and expanded access to comprehensive primary health care and related services for medically underserved and vulnerable populations through the provision of financial support for the development of community-based health networks and plans, to permit federally assisted health centers to expand their capacity and develop and operate new sites to serve underserved and vulnerable populations, to provide certain financial and other protections for such networks, plans, and health centers, and to facilitate the involvement of, and payment to, entities serving underserved and vulnerable populations in the training and education of primary care health professionals, and for other purposes.

SENATE JOINT RESOLUTION 166

At the request of Mr. SPECTER, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. SASSER], the Senator from Maryland [Mr. SARBANES], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Washington [Mr. GORTON], the Senator from Alaska [Mr. STEVENS], the Senator from Kansas [Mr. DOLE], the Senator from Idaho [Mr. CRAIG], the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mrs. FEINSTEIN], the Senator from Rhode Island [Mr. PELL], the Senator from Florida [Mr. GRAHAM], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 166, a joint resolution to designate the week of May 29, 1994, through June 4, 1994, as "Pediatric and Adolescent AIDS Awareness Week."

SENATE JOINT RESOLUTION 175

At the request of Mr. MCCAIN, the names of the Senator from West Virginia [Mr. BYRD], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 175, a joint resolution to designate the week beginning June 13, 1994, as "National Parkinson Disease Awareness Week."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. HATCH], the Senator from Kansas [Mr. DOLE], the Senator from Tennessee [Mr. SASSER], and the Senator from Louisiana [Mr. BREAUX] 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 Tennessee [Mr. SASSER], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 183

At the request of Mr. ROTH, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Joint Resolution 183, a joint resolution designating the week beginning May 1, 1994 as "Arson Awareness Week."

SENATE JOINT RESOLUTION 185

At the request of Mr. PELL, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Missouri [Mr. BOND], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Indiana [Mr. COATS], the Senator from North Dakota [Mr. CONRAD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. HATCH], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 185, a joint resolution to designate October 1994 as "National Breast Cancer Awareness Month."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Delaware [Mr. ROTH], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. MATHEWS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Virginia [Mr. WARNER], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 148

At the request of Mr. SIMON, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Resolution 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

SENATE CONCURRENT RESOLUTION 70—RELATING TO THE RECESS OR ADJOURNMENT OF THE SENATE

Mr. LEVIN (for Mr. MITCHELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, May 25, 1994, Thursday, May 26, 1994, Friday, May 27, 1994, or Saturday, May 28, 1994, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until 12:00 noon on Tuesday, June 7, 1994, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, May 26, 1994, it stand adjourned until 12:00 noon on Wednesday, June 8, 1994, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

Sec. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 216—RELATIVE TO BREAST AND CERVICAL CANCER SCREENING

Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. LUGAR, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 216

Whereas mammography is the most reliable method of detecting the early onset of breast cancer in women;

Whereas Pap smears are the most reliable method of detecting the onset of cervical and uterine cancers in women;

Whereas 180,000 women are diagnosed with breast cancer each year and 46,000 die from the disease;

Whereas 45,500 women are diagnosed with cervical and uterine cancers each year and 10,000 die from these diseases;

Whereas the American College of Obstetrics and Gynecology recommend that women have annual pelvic exams and Pap smears beginning at the age of 18 or when a woman becomes sexually active; and

Whereas the American College of Obstetrics and Gynecology, the American Cancer Society, the American Medical Association, and the American Medical Womens' Association recommend that women between the ages of 40 and 50 have mammograms every 1 to 2 years: Now, therefore, be it

Resolved, That it is the sense of the Senate that any comprehensive health care reform measures passed by the Senate contain provisions that maintain that early detection and preventative screening for breast and cervical cancers not be artificially limited by Federal mandates, but be provided in a manner consistent with sound scientific research, allowing for physician discretion.

• Mr. MURKOWSKI. Mr. President, today, I submit a sense-of-the-Senate resolution supporting the ability of women to receive, and physicians to provide appropriate breast and cervical cancer screening under health care reform.

Every year, 45,500 women are diagnosed with cervical and uterine cancers and 10,000 die from these diseases. Breast cancer afflicts even greater numbers of women. Each year, 183,000 women are diagnosed with breast cancer and 46,000 die from it. One in eight women will develop breast cancer in her lifetime—it is the leading cause of death of women between the ages of 35 to 54.

Alaskan women are particularly vulnerable to these diseases. Breast cancer is the No. 1 cause of death in Alaskan women, while cancer ranked as the second leading cause of death in Alaskan men and second for both sexes nationally. In 1986 and 1987, Alaska was ranked 23d among all States in breast cancer mortality and, when analyzed by race, Alaska tied with New York for the second highest state rate of breast cancer mortality in caucasian women. While cervical cancer deaths have declined overall in the past 40 years, during the decade 1980 to 1989, the rate of cervical cancer for Native Alaskan women was four times greater than the non-Native rate. This increase rate in Native Alaskan women is suspected to be due to increased rates of undetected and untreated sexually transmitted diseases.

The American College of Obstetrics and Gynecology, the American Cancer Society, and other notable physician and scientific organizations recommend annual Pap smears and pelvic exams for women 18 years of age and over, or when they become sexually active. Pap smears are inexpensive tests, particularly when compared with other cancer screening measures. When there are many cancers that physicians are not capable of detecting except through the most expensive tests, it seems appropriate that Congress would support, not limit, preventative screening measures, like Pap smears, that provide the most effective means of early detection.

I, and many of my colleagues, recently became concerned with the National Cancer Institute's change in position regarding mammography screening for women between the ages of 40 and 49. The NCI no longer recommends that baseline mammography occur at 40, instead they believe age 50 is adequate. Yet, just last week, a study conducted at Case Western Reserve University found that younger breast cancer victims tend to have more aggressive and deadly forms of cancer. Those under the age of 45 were determined to have more rapid recurrences of the disease and shorter survival time. While there is some controversy surrounding age appropriate screening, what is not disputed is that mammograms are the only method available to detect breast cancer at the earliest stages when it is most curable and that mammography has been proven to reduce mortality for women with breast cancer.

These issues are not partisan issues. We may have our differences regarding managing and financing health reform, but I think we all endorse accessible and affordable health care that preserves patient choice and physician discretion. For years, Democrats and Republicans have supported increased funding for research, education and preventative screening services for breast and cervical cancers. My wife Nancy was the founding director of the Breast Cancer Detection Center in Fairbanks, AK, back in 1974, and she and I continue to support this centers mission to provide free mammograms to low income and underserved women in the Interior of Alaska. Our commitment to maintaining these services and expanding them to more remote areas of our state remains strong.

As Congress pursues reforms of the health care system, it is of the utmost importance that we ensure appropriate screening for breast and cervical cancers is available to women when they want them or when their doctor determines they may need them. The purpose of this resolution is not to mandate one service at the expense of another, but to express the sense of the Senate that it is not the role of the Federal Government to place artificial limitations on these services, particularly when physicians and scientific organizations do not concur with these limitations. This resolution simply states that any comprehensive health care reform measures passed by the Senate not establish artificial limits on early detection and preventive screening for breast and cervical cancers. Rather, screening should be provided in a manner consistent with sound scientific research, allowing for physician discretion.•

SENATE RESOLUTION 217—RELATING TO WHITEWATER DEVELOPMENT CORPORATION

Mr. D'AMATO (for himself, Mr. DOLE, Mr. WALLOP, Mr. MURKOWSKI, Mr. GRAMM, Mr. MACK, Mr. BOND, Mr. FAIRCLOTH, Mr. BENNETT, Mr. DOMENICI, Mr. ROTH, Mr. NICKLES, Mr. SIMPSON, Mr. LOTT, Mr. MCCAIN, Mr. STEVENS, Mrs. HUTCHISON, Mr. KEMPTHORNE, Mr. SMITH, Mr. HATCH, Mr. CRAIG, Mr. HELMS, Mr. COVERDELL, Mr. PRESSLER, Mr. THURMOND, Mr. MCCONNELL, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 217

Resolved,

ESTABLISHMENT OF THE SPECIAL SUBCOMMITTEE

SECTION 1. (a) There is established a special subcommittee within the Committee on Banking, Housing, and Urban Affairs to be known as the Special Subcommittee on Certain Allegations Concerning Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, and Capital Management Services, Inc., and Related Issues (hereafter in this resolution referred to as the "special subcommittee").

(b) The purpose of the special subcommittee is—

(1) to conduct an investigation into, and study of, all matters which have any tendency to reveal the full facts about—

(A) the operations, solvency, and regulation of Madison Guaranty Savings and Loan Association, including the alleged use of federally insured funds as campaign contributions;

(B) the relationship among Madison Guaranty Savings and Loan Association, other federally insured institutions, and Whitewater Development Corporation;

(C) the management and business activities of Whitewater Development Corporation and its shareholders, including issues of personal, corporate, and partnership tax liability;

(D) the policies of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies regarding legal representation of the agencies, including conflicts of interest and cost controls;

(E) the independence of the Resolution Trust Corporation, Federal banking agencies, and other Federal regulatory agencies, including any improper contacts among officials of the White House, the Department of the Treasury, the Resolution Trust Corporation, the Office of Thrift Supervision, and any other Federal agency;

(F) the Resolution Trust Corporation's internal handling of the criminal referrals concerning Madison Guaranty Savings and Loan Association;

(G) the pursuit by the Resolution Trust Corporation of civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association;

(H) the pursuit by the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the Federal Savings and Loan Insurance Corporation of administrative and civil causes of action against potentially liable parties associated with Madison Guaranty Savings and Loan Association;

(I) the Department of Justice's handling of the Resolution Trust Corporation's criminal

referrals relating to Madison Guaranty Savings and Loan Association;

(J) the delayed recusal of the United States Attorney for the Eastern District of Arkansas from the investigation or prosecution of David Hale, Capital Management Services, Inc., and Whitewater Development Corporation;

(K) the sources of funding and the lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including loans to Susan McDougal and the alleged diversion of funds to Whitewater Development Corporation;

(L) the Park Police investigation into the death of White House Deputy counsel Vincent Foster;

(M) the operations and underwriting activities of the Arkansas Development Finance Authority;

(N) the circumstances surrounding and the propriety of the commodities-futures trading activities of Hillary Rodham Clinton;

(O) the investment activities of Value Partners I, including the compliance of these activities with Federal laws governing conflicts of interest;

(P) any other issues related to the matters referred to in subparagraphs (A) through (O); and

(Q) any issues developed during, or arising out of, the hearings conducted by the special subcommittee; and

(2)(A) to make such findings of fact as are warranted and appropriate;

(B) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special subcommittee may determine to be necessary or desirable; and

(C) to fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

(c) For purposes of this section, the term "Madison Guaranty Savings and Loan Association" includes any subsidiary company, affiliated company, or business owned or controlled, in whole or in part, by Madison Guaranty Savings and Loan Association, its officers, directors, or principal shareholders.

MEMBERSHIP AND ORGANIZATION OF THE SPECIAL SUBCOMMITTEE

SEC. 2. (a)(1) The special subcommittee shall consist of—

(A) 5 members of the Committee on Banking, Housing, and Urban Affairs appointed by the chairman;

(B) 5 members of the Committee on Banking, Housing, and Urban Affairs appointed by the ranking member;

(C) 3 members of the Senate appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(D) 3 members of the Senate appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) Vacancies in the membership of the special subcommittee shall not affect the authority of the remaining members to execute the functions of the special subcommittee and shall be filled in the same manner as original appointments to it are made.

(3) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the special subcommittee shall not be taken into account.

(b)(1) The chairman and ranking member of the Committee on Banking, Housing, and Urban Affairs shall be cochairmen of the special subcommittee.

(2) A majority of the members of the special subcommittee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that a quorum shall not be necessary for the purpose of taking testimony before the special subcommittee or for conducting the other business of the special subcommittee.

(c)(1) The special subcommittee shall promptly adopt appropriate rules and procedures consistent with this resolution.

(2) The rules and procedures of the special subcommittee shall—

(A) govern the proceedings of the special subcommittee; and

(B) consistent with section 6 of this resolution—

(i) provide for the security of the records of the special subcommittee; and

(ii) prevent the unauthorized disclosure of information and materials obtained by the special subcommittee in the course of its investigation and study.

STAFF OF THE SPECIAL SUBCOMMITTEE

SEC. 3. (a)(1) Committee staff from committees having jurisdiction over matters described in section 1(b) shall be detailed to the special subcommittee, subject to availability, as requested by the cochairmen.

(2) In addition to staff detailed pursuant to paragraph (1) and to assist the special subcommittee in its investigation and study, the cochairmen, after approval of the special subcommittee, may appoint special subcommittee staff.

(3) All staff detailed pursuant to paragraph (1) or appointed pursuant to paragraph (2) shall work for the special subcommittee as a whole, shall report to the two cochairmen and, except as otherwise provided by the special subcommittee, shall be under the direction of the cochairmen.

(b) To assist the special subcommittee in its investigation and study, the Senate Legal Counsel and Deputy Senate Legal Counsel shall work with and under the jurisdiction and authority of the special subcommittee.

(c) The Majority and Minority Leaders of the Senate may each designate one staff person to serve on the staff of the special subcommittee to serve as their liaison to the special subcommittee.

(d) The Comptroller General of the United States is requested to provide from the General Accounting Office whatever personnel, investigatory, material, or other appropriate assistance may be required by the special subcommittee.

PUBLIC ACTIVITIES OF THE SPECIAL SUBCOMMITTEE

SEC. 4. (a) Consistent with the rights of persons subject to investigation and inquiry, the special subcommittee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government and other persons and entities with respect to the matters under investigation and study as described in section 1.

(b) In furtherance of the public's and Congress' right to know, the special subcommittee—

(1) shall hold, as either cochairman considers appropriate, open hearings on specific subjects, subject to consultation and coordination within the independent counsel appointed pursuant to chapter 28, part 600, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall make a final comprehensive public report to the Senate which contains a description of all relevant factual determinations consistent with subsection (a) of this section and section 1(b)(2) and which contains recommendations for new legislation, if necessary.

POWERS OF THE SPECIAL SUBCOMMITTEE

SEC. 5. (a) The special subcommittee shall do everything necessary and appropriate under the laws and Constitution of the United States to make the investigation and study specified in section 1.

(b) The special subcommittee is authorized to issue subpoenas for obtaining testimony and for the production of documentary or physical evidence. A subpoena may be authorized and issued by the special subcommittee, acting through either cochairman or any other member designated by either cochairman, and may be served by any person designated by either cochairman or other member anywhere within or without the borders of the United States to the full extent permitted by law. Either cochairman of the special subcommittee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the subcommittee.

(c) The special subcommittee is authorized to do the following:

(1) To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the special subcommittee considers necessary or appropriate.

(2) To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(3) To hold hearings, take testimony under oath, and to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study.

(4) To request a grant of immunity under section 6005 of title 18, United States Code, after consultation with the independent counsel.

(5) To require by subpoena or order the attendance, as witnesses before the special subcommittee or at depositions, of any person either cochairman determines may have knowledge or information concerning any of the matters the special subcommittee is authorized to investigate and study.

(6) To take depositions and other testimony under oath anywhere within the United States, to issue orders by either cochairman or any other member designated by either cochairman which require witnesses to answer written interrogatories under oath, and to make application for issuance of letters rogatory.

(7) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special subcommittee, acting through either cochairman, may authorize and issue, and may delegate to designated staff members the power to authorize and issue, commissions and deposition notices.

(8) To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government,

(B) any person or entity purporting to act under color or authority of State or local law, or

(C) any private person, firm, corporation, partnership, or other organization,

to produce for its consideration or for use as evidence in the investigation or study of the

special subcommittee any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions such subcommittee is authorized to investigate and study which they or any of them may have in their custody or under their control.

(9) To make to the Senate any recommendations, including recommendations for criminal or civil enforcement, which the special subcommittee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in obedience to a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during his appearance as a witness before such subcommittee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government,

(ii) any person or entity purporting to act under color or authority of State or local law, or

(iii) any private person, partnership, firm, corporation, or organization,

to produce before the subcommittee, or at a deposition, or at any time or place designated by the subcommittee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material in obedience to any subpoena or order.

(10) To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(11) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(12) To use, with the prior consent of the chairman or ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such other Senate committee whenever the special subcommittee or either cochairman consider that such action is necessary or appropriate to enable the special subcommittee to make the investigation and study provided for in this resolution.

(13) To have access through the agency of any members of the special subcommittee, staff director, chief counsel, or any of its investigatory assistants designated by either cochairman, to any data, evidence, information, report, analysis, document, or paper—

(A) which relates to any of the matters or questions which the special subcommittee is authorized to investigate or study;

(B) which is in the possession, custody, or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States without regard to the jurisdiction or authority of any other Senate committee; and

(C) which will aid the special subcommittee to prepare for or conduct the investigation and study authorized and directed by this resolution.

(14) To report violations of any law to the appropriate Federal, State, or local authorities.

(15) To expend, to the extent the special subcommittee determines necessary and appropriate, any money made available to such subcommittee by the Senate to make the investigation, study, and reports authorized by this resolution.

(16) Under sections 6103(f)(3) and 6104(a)(2) of the Internal Revenue Code of 1986, to inspect and receive for the fiscal years 1977–1992 any tax return, return information, or other tax-related material, held by the Secretary of the Treasury, related to individuals and entities named by the special subcommittee as possible participants, beneficiaries, or intermediaries in the transactions under investigation.

(d) The level of compensation payable to any employee of the special subcommittee shall not be subject to any limitation on compensation otherwise applicable to an employee of the Senate. No employee of the special subcommittee may receive pay at a rate of pay in excess of the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

PROTECTION OF CONFIDENTIAL INFORMATION

SEC. 6. (a) All staff members and consultants shall, as a condition of employment, agree in writing to abide by the conditions of an appropriate nondisclosure agreement promulgated by the special subcommittee.

(b) The case of any Senator who violates the security procedures of the special subcommittee may be referred to the Select Committee on Ethics of the Senate for the imposition of sanctions in accordance with the rules of the Senate. Any staff member or consultant who violates the security procedures of the special subcommittee shall immediately be subject to removal from office or employment with the special subcommittee or shall be subject to such other sanction as may be provided in the rules of the special subcommittee.

(c) Upon the termination of the special subcommittee pursuant to section 9 of this resolution, all records, files, documents, and other materials in the possession, custody, or control of the special subcommittee, under appropriate conditions established by such subcommittee, shall be transferred to the National Archives.

RELATION TO OTHER INVESTIGATIONS

SEC. 7. (a) In order to—

(1) expedite the thorough conduct of the investigation and study authorized by this resolution;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such investigation,

the special subcommittee is encouraged—

(A) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel;

(B) to seek the full cooperation of all relevant investigatory bodies; and

(C) to seek access to all information which is acquired and developed by such bodies.

(b) The cochairmen shall meet with the independent counsel to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the special subcommittee.

(c) The Senate requests that the independent counsel make available to the special subcommittee, as expeditiously as possible, all documents and information which may assist the special subcommittee in its investigation and study.

SALARIES AND EXPENSES

SEC. 8. Such sums as are necessary shall be available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the special subcommittee under this resolution, which shall include sums which shall be available for the procurement of the services of individual consultants or organizations thereof, in accordance with section 5(c)(9). Payment of expenses shall be disbursed upon vouchers approved by either cochairman of the special subcommittee, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

REPORTS; TERMINATION

SEC. 9. (a)(1) The special subcommittee shall make a final public report to the Senate of the results of the investigation and study conducted by such subcommittee pursuant to this resolution, together with its findings and any recommendations at the earliest practicable date.

(2) The final report of the special subcommittee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(b) After submission of its final report, the special subcommittee shall conclude its business and close out its affairs as expeditiously as practicable.

SUBCOMMITTEE JURISDICTION AND RULE XXV

SEC. 10. The jurisdiction of the special subcommittee is granted pursuant to this resolution notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

Mr. D'AMATO. Mr. President, on behalf of myself and Senators DOLE, WALLOP, MURKOWSKI, GRAMM of Texas, MACK, BOND, FAIRCLOTH, BENNETT, DOMENICI, ROTH, NICKLES, SIMPSON, LOTT, MCCAIN, STEVENS, HUTCHISON, KEMPTHORNE, SMITH, HATCH, CRAIG, HELMS, COVERDELL, PRESSLER, THURMOND, MCCONNELL, and COCHRAN, I send a resolution to the desk, and I ask for its appropriate referral.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. D'AMATO. Mr. President, on March 17, more than 2 months ago, the Senate unanimously voted to hold congressional oversight hearings on the Whitewater affair. Every single Member of this body who was present on March 17—98 Senators—voted in favor of holding Whitewater hearings.

Ninety-eight Senators voted to uphold the Senate's constitutional obligation to conduct oversight hearings concerning White House efforts to interfere with ongoing Government investigations into the failure of Madison Guaranty Savings and Loan Association in Little Rock, AR.

Ninety-eight Senators voted to investigate whether there was a diversion of taxpayer funds from a federally backed small business investment company and a federally insured savings and loan to the Whitewater Development Co.

Ninety-eight Senators voted to support the American people's right to

find out the truth about the President and Mrs. Clinton's investments in the Whitewater Development Co.

Ninety-eight Senators also authorized the majority leader and the Republican leader to meet in order to determine the timetable, the procedures, and the forum for Congressional oversight hearings. Despite the efforts of the two leaders, there is still no agreement on when or where the hearings will be held and, in fact, if they ever will be held.

Mr. President, in light of the unanimous vote by the Senate to hold hearings, I am confident that the Senate can also reach agreement on when and where Whitewater hearings should be held. That is why I have introduced a resolution that establishes a special subcommittee of the Senate Banking Committee to investigate and hold hearings on all Whitewater-related issues.

Under the resolution, the special subcommittee would be authorized to investigate and hold hearings on matters involving:

Improper contacts between the White House and Government agencies investigating the failure of Madison Guaranty Savings and Loan;

The financial collapse of Madison Guaranty Savings and Loan Association and the diversion of federally insured funds from Madison to the Whitewater Development Corp.;

The diversion of federally backed funds from Capital Management Services, Inc. to the Whitewater Development Corp.;

Conflicts of interest involving the Rose Law Firm's representation of the Federal Government in actions to recover money lost by insolvent savings and loans; the circumstances surrounding Mrs. Clinton's commodities-futures trading activities;

The Park Police investigation into the death of White House Deputy Counsel Vincent Foster; and

The operations and underwriting practices of the Arkansas Development and Finance Authority.

To ensure that the investigation is thorough, balanced, and nonpartisan, the membership of the special subcommittee would be evenly divided between Democrats and Republicans. Ten members of the subcommittee would be chosen from among the current members of the full Banking Committee. In addition, the majority leader and the Republican leader would each be permitted to select three additional members from other committees, to serve on this special subcommittee. The chairman and ranking member of the Banking Committee will serve as co-chairmen of the special subcommittee. Both co-chairman can schedule hearings, issue subpoenas, or authorize sworn depositions of witnesses in accordance with rules adopted by the subcommittee governing the investigation and hearings.

Banking Committee staff will be used by the special subcommittee, and staff from other committees may be detailed to the special committee, with the approval of the appropriate chairmen and ranking members. Further, the special subcommittee may hire additional staff if necessary.

The special subcommittee is encouraged to coordinate, to the extent practicable, its activities with the independent counsel and to seek the full cooperation of others conducting investigations. To ensure efficiency and to eliminate duplication of effort, the special subcommittee will have access to information gathered in connection with other investigations.

The special subcommittee is to issue a final report of its findings and recommendations at the conclusion of the hearings.

Mr. President, virtually every Member of the Senate agreed more than 2 months ago that Whitewater hearings should be conducted. It is now time to agree on the forum and timing of those hearings.

Mr. President, there have been those who have been critical of the efforts to bring forth these hearings. They have suggested that somehow we would impede the operation of Government. They have suggested that by our request, somehow we would divert attention from the problems that this Nation faces. That is not this Senator's intent or the intent of the sponsors of this resolution. But it is our intent not to fall victim to that kind of cry that, for all time, would preclude the Congress from exercising our proper constitutional oversight responsibility. Any President, any administration, now or in the future, could preclude any hearings, regardless of the merit and validity of those hearings, by simply using that specious argument—that we have very important matters, both international and national, to deal with. It is a fallacious argument that should be set aside.

We want a nonpartisan investigation to determine whether or not there has been abuse of power. That it is our constitutional responsibility.

Mr. President, no one can say that we have not provided an ample opportunity to work out a format for these hearings. In the light of circumstances, we have been very, very restrained in not coming to this floor. We have not impeded the business of the people.

Some people have asked, "Well, Senator, have you abandoned your request or the request of the Congress to move forward with Whitewater hearings?" No, we have not. We have attempted to be more than fair. We have attempted to see to it that there was sufficient time and opportunity to work out an agreement between the leadership on the proper structure and timing of hearings. At this point in time, this Senator says—and I believe a majority of my colleagues feel—that we have been more than patient. Accordingly, when we return, if we do not have an agreement that is fair, that is bipartisan, then this Senator and others will be prepared to offer the resolution which I have outlined on every single bill that comes forward, at every single opportunity. We will debate this and debate it, and seek votes on it and seek votes on it, until we have Whitewater hearings.

Mr. President, this is our constitutional obligation and responsibility. As the majority leader wrote, along with Senator COHEN, from Maine: The Congress has a responsibility to drag the facts into the light of day as it relates to activities of the Administration that may have been improper. I am paraphrasing from their book called "Men of Zeal." But the fact is that it is our responsibility. The fact is that it demonstrates the strength of a democracy that it can deal with some of the shortcomings that may exist or may have taken place in the Administration. We have learned from it. We go on and we are better for it.

That is the strength of this great democracy of ours, and that is our responsibility, whether there be a Republican in the White House or a Democrat; whether this be a Democratic Congress or a Republican Congress. To those in the media who seek to characterize my efforts as they do, I say: That is your right. But I will continue, because I know that this is my obligation.

SENATE RESOLUTION 218—RELATING TO THE WAR IN NAGORNO-KARABAKH

Mr. SIMON (for himself and Mr. REID) submitted a resolution; which was referred to the Committee on Foreign Relations:

S. RES. 218

Whereas, the ongoing war between Nagorno-Karabakh Armenians, supported in part by Armenia, and Azerbaijanis has caused untold suffering on all sides, including economic deprivations, military and civilian casualties, and substantial movements of refugees;

Whereas, this prolonged conflict is undermining the ability of both Armenia and Azerbaijan to establish their identities as fully sovereign and independent members of the international community, which the United States supports;

Whereas, the Minsk Group of the Conference on Security and Cooperation in Europe, under the chairmanship of Jan Eliasson of Sweden and with the participation of U.S., Armenian, Nagorno-Karabakh Armenian, and Azerbaijani representatives, succeeded in creating a package of confidence-building measures including delivery of humanitarian supplies and access to or the release of prisoners of war;

Whereas, the Government of Azerbaijan has indicated a willingness to resume normal economic relations with Armenia and to negotiate a status for Nagorno-Karabakh based on substantial autonomy, a willingness that should be explored;

Whereas, the Government of Armenia and, to a lesser extent, the leadership of Nagorno-Karabakh have demonstrated their willingness to resolve the conflict on mutually agreeable terms;

Whereas, Section 907 of P.L. 102-511 ("Freedom Support Act of 1992") prohibits the provision of U.S. assistance to the Government of Azerbaijan until the President determines that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh;

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) The President should direct that halting the war between Nagorno-Karabakh Armenians and Armenians on one side, and Azerbaijanis on the other, should be a high priority of United States foreign policy;

(2) The President, acting through the Secretary of State, should immediately launch a new high-level diplomatic initiative to stop the war, based on the Minsk process, including representatives of Russia and other parties to the conflict, and making clear that:

(a) The United States calls on the parties to adopt and implement substantial confidence-building measures including the lifting of barriers to shipment of humanitarian supplies, and take immediate concrete steps to lift economic blockades and resume normal economic relations;

(b) The United States calls on the parties immediately to discontinue all offensive military operations on territory which both Armenia and Azerbaijan acknowledge to be the territory of the other state, and to withdraw their forces from such territory and show full respect for the sovereignty and integrity of territory which is not disputed;

(c) The United Nations should be enlisted to send observers to the region—including U.S. observers—to monitor the implementation of an effective cease-fire agreed by all the parties;

(d) The United States can only support a settlement of the conflict which is accepted by all the parties with the backing of the Conference on Security and Cooperation in Europe;

(e) The United States will use all its influence to oppose any further sale, provision, or transfer, by any country, of weapons and war material to Armenia, to the Nagorno-Karabakh Armenians, or to Azerbaijan which could be used for purposes of prolonging the war, and

(f) The United States is prepared to launch a Trans-Caucasus Enterprise Fund, to include Armenia, Azerbaijan, and Georgia, as an incentive for the lifting of blockades and implementation of an effective cease-fire, which will promote regional peace and economic prosperity;

(3) The Senate welcomes the administration's efforts to provide kerosene, seed wheat, and other urgently-needed humanitarian supplies to Armenia, as well as technical assistance for the transformation to the market economy;

(4) The Senate welcomes steps taken by the administration to extend U.S. assistance to Azerbaijan through the vehicle of nongovernmental organizations;

(5) Section 907 of the Freedom Support Act (P.L. 102-511) was not intended as an anti-Azeri initiative, is not so viewed today, and it should be repealed as soon as Azerbaijani blockades are lifted.

AMENDMENTS SUBMITTED

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND THE LITTLE RIVER BAND OF OTTAWA INDIANS ACT

INOUYE AMENDMENT NO. 1745

Mr. MITCHELL (for Mr. INOUYE) proposed an amendment to the bill (S. 1357) to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes; as follows:

In section 2(5), strike "(25 U.S.C. et seq.;" and insert "(25 U.S.C. 461 et seq.;".

PLANT VARIETY PROTECTION ACT AMENDMENTS OF 1994

KERRY AMENDMENT NO. 1746

Mr. MITCHELL (for Mr. KERREY) proposed an amendment to the bill (S. 1406) to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) REFERENCES TO PLANT VARIETY PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"SEC. 41. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(B) METHODS.—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEED.—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) TUBER PROPAGATED.—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(9) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NONREPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result of experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The

filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) DISTINCTNESS.—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) PUBLICLY KNOWN VARIETIES.—

"(A) IN GENERAL.—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) DESCRIPTION.—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) OTHER MEANS.—A variety may become publicly known and a matter of common knowledge by other means.".

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"SEC. 42. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

"(a) IN GENERAL.—The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) MULTIPLE APPLICANTS.—

"(1) IN GENERAL.—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

"(2) REQUIREMENTS COMPLETED ON SAME DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) VARIETIES INDISTINGUISHABLE.—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants.".

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary.";

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new."; and

(5) in paragraph (4) (as redesignated by paragraph (3)), by inserting "(including any propagating material)" after "basic seed".

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

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

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority ; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right.".

SEC. 6. NOTICE OF REFUSAL; RECONSIDERATION.

The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "six months" and inserting "at least 30 days, and not more than 180 days"; and

(2) by striking "in exceptional circumstances".

SEC. 7. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a)—

(A) by designating the first through fourth sentences as paragraphs (1) through (4), respectively; and

(B) by striking paragraphs (2) and (3) (as so designated) and inserting the following new paragraphs:

"(2) If the owner so elects, the certificate shall—

"(A) specify that seed of the variety shall be sold in the United States only as a class of certified seed; and

"(B) if so specified, conform to the number of generations designated by the owner.

"(3) An owner may waive a right provided under this subsection, other than a right that is elected by the owner under paragraph (2)(A).";

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: *Provided, however*, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 8. PRIORITY CONTEST.

(a) PRIORITY CONTEST; EFFECT OF ADVERSE FINAL JUDGMENT OR INACTION.—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) INTERFERING PLANT VARIETY PROTECTION.—

(1) REDESIGNATION.—Chapter 9 of title II (7 U.S.C. 2501 et seq.) is amended by redesignating section 94 (7 U.S.C. 2504) as section 92.

(2) AMENDMENTS.—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) APPEAL OR CIVIL ACTION IN CONTESTED CASES.—

(1) TRANSFER.—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) REPEAL.—Section 73 (as amended by paragraph (1)) is repealed.

(d) CONFORMING AMENDMENTS.—

(1) Section 71 (7 U.S.C. 2461) is amended by striking "92,".

(2) Section 102 (7 U.S.C. 2532) is amended by inserting "or tuber propagable" after "sexually reproducible" each place it appears.

SEC. 9. PROMPT PAYMENT.

Chapter 9 of title II (7 U.S.C. 2501 et seq.) (as amended by section 8) is further amended by adding at the end the following new section:

"SEC. 93. PROMPT PAYMENT.

"If a seed grower contracts with the holder of a certificate of plant variety protection issued under this Act, or a licensee of the holder, to produce lawn, turf, or forage grass seed, alfalfa, or clover seed, protected under this Act, payments due the grower under the contract shall be completed not later than the earlier of—

"(1) 30 days after the contract payment date; or

"(2) May 1 of the year following the production of the seed.".

SEC. 10. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) in paragraph (3), by inserting ", or propagate by a tuber or a part of a tuber," after "sexually multiply";

(E) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(G) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation, except to the extent that the conditioning is related to the activities permitted under section 113;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b) The owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided by this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that has been sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes.".

SEC. 11. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: *Provided*, That" and all that follows through the period and inserting "section.".

SEC. 12. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 13. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended—

(1) by inserting "or tubers or parts of tubers" after "plant material"; and

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

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate, except that lawn, turf, or forage grass seed, alfalfa, or clover seed may be sold without a variety name unless use of the name of a variety for which a certificate of protection has been issued under this Act is required under State law.".

SEC. 14. ELIMINATION OF GENDER-BASED REFERENCES.

(a) The last sentence of section 7(a) (7 U.S.C. 2327(a)) is amended by striking "his designee shall act as chairman" and inserting "the designee of the Secretary shall act as chairperson".

(b) Section 10(a) (7 U.S.C. 2330(a)) is amended by striking "he" and inserting "the Secretary".

(c) Section 23 (7 U.S.C. 2353) is amended—

(1) in the second sentence, by striking "he" and inserting "the officer"; and

(3) in the third sentence, by striking "he" and inserting "the person".

(d) Section 24 (7 U.S.C. 2354) is amended—

(1) in the first sentence of subsection (a), by striking "him" and inserting "the witness"; and

(2) in the second sentence of subsection (c)—

(A) by striking "his fees and traveling expenses" and inserting "the fees and traveling expenses of the witness"; and

(B) by striking "him" and inserting "the witness".

(e) The last sentence of section 27 (7 U.S.C. 2357) is amended by striking "he" each place it appears " and inserting "the person".

(f) The first sentence of section 44 (7 U.S.C. 2404) is amended by striking "he" and inserting "the Secretary".

(g) Section 53 (7 U.S.C. 2423) is amended—

(1) in subsection (a), by striking "one (or his successor)" and inserting "one person (or the successor of the person)"; and

(2) in subsection (b), by striking "he" and inserting "the Secretary".

(h) Section 54 (7 U.S.C. 2424) is amended by striking "his successor in interest" and inserting "the successor in interest of the breeder".

(i) Section 55 (7 U.S.C. 2425) is amended—

(1) in subsection (a)(2) (as redesignated by section 5(1)), by striking "his application" and inserting "the application filed in the United States"; and

(2) in subsection (b), by striking "his predecessor in title" and inserting "the predecessor in title of the person".

(j) The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "him" and inserting "an applicant";

(2) by striking "an applicant shall" and inserting "the applicant shall"; and

(3) by striking "he" and inserting "the Secretary".

(k) The second sentence of section 72 (7 U.S.C. 2462) is amended by striking "his variety as specified in his application" and inserting "the variety as specified in the application".

(l) Section 82 (7 U.S.C. 2482) is amended by striking "his signature" and inserting "the signature of the Secretary".

(m) Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a) (as amended by section 7(1)(A))—

(A) in paragraph (1), by striking "(or his successor in interest)" and inserting "(or the successor in interest of the breeder)"; and

(B) in paragraph (4), by striking "his discretion" and inserting "the discretion of the Secretary"; and

(2) in subsection (c), by striking "he" and inserting "the last owner".

(n) Section 86 (7 U.S.C. 2486) is amended—

(1) in the first sentence, by striking "him" and inserting "the Secretary"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(o) Section 91(c) (7 U.S.C. 2501(c)) is amended by striking "he" and inserting "the Secretary".

(p) The fourth sentence of section 92(b) (as transferred by section 8(c)(1)) is amended by striking "he" and inserting "the Secretary".

(q) The first sentence of section 111(f) (as redesignated by section 9(2)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

(r) Section 112 (7 U.S.C. 2542) is amended by striking "his successor in interest" and inserting "the successor in interest of the person".

(s) Section 113 (7 U.S.C. 2543) is amended—

(1) in the first sentence—

(A) by striking "him" and inserting "the person"; and

(B) by striking "his farm" and inserting "the farm of the person"; and

(2) in the third sentence, by striking "his actions" and inserting "the actions of the purchaser".

(t) Section 121 (7 U.S.C. 2561) is amended by striking "his".

(u) Section 126(b) (7 U.S.C. 2566(b)) is amended by striking "his" and inserting "the".

(v) Section 128(a) (7 U.S.C. 2568(a)) is amended by striking "he" and inserting "the Secretary".

(w) Section 130(a) (7 U.S.C. 2570(a)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

SEC. 15. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Except as provided in this section, any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) APPLICATIONS REFILED.—

(1) IN GENERAL.—An applicant may refile a pending application on or after the effective date of this Act.

(2) EFFECT OF REFILING.—If a pending application is refiled on or after the effective date of this Act—

(A) eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act; and

(B) for purposes of section 42 of the Plant Variety Protection Act, as amended by section 3 of this Act, the date of filing shall be the date of filing of the original application.

(c) LABELING.—

(1) IN GENERAL.—To obtain the protection provided to an owner of a protected variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) (as amended by this Act), a notice given by an owner concerning the variety under section 127 of the Plant Variety Protection Act (7 U.S.C. 2567) shall state that the variety is protected under such Act (as amended by this Act).

(2) SANCTIONS.—Any person that makes a false or misleading statement or claim, or uses a false or misleading label, concerning protection described in paragraph (1) shall be subject to the sanctions described in section 128 of the Plant Variety Protection Act (7 U.S.C. 2568).

SEC. 16. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

VETERANS' HEALTH PROGRAMS IMPROVEMENT ACT OF 1994

ROCKEFELLER (AND MURKOWSKI) AMENDMENT NO. 1747

Mr. MITCHELL (for Mr. ROCKEFELLER for himself and Mr. MURKOWSKI) proposed an amendment to the bill (S. 1030) to amend chapter 17 of title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma counseling for veterans and to improve certain Department of Veterans Affairs programs for women veterans as follows:

On page 10, strike out "1993" and insert in lieu thereof "1994".

On page 21, strike out line 11 and all that follows through page 21, line 20, and insert in lieu thereof the following:

"(A) Papanicolaou tests (pap smears).

"(B) Breast examinations and mammography.

"(C) Maternity care, including pre-natal care, delivery, and post-natal care.

"(D) Menopause.".

On page 30, line 7, strike out "'December 31, 1993'" and insert in lieu thereof "'June 30, 1994'".

On page 30, strike out line 9 and all that follows through page 33, line 7, and insert in lieu thereof the following:

SEC. 202. EXTENSION OF PERIOD OF ELIGIBILITY FOR PRIORITY HEALTH CARE FOR VETERANS OF THE PERSIAN GULF WAR.

(a) INPATIENT CARE.—Section 1710(e)(3) of title 38, United States Code, is amended by striking out "after December 31, 1994" and inserting in lieu thereof "after September 30, 2003".

(b) OUTPATIENT CARE.—Section 1712(a)(1)(D) of such title is amended by striking out "before December 31, 1994" and inserting in lieu thereof "before October 1, 2003".

On page 52, between lines 11 and 12, insert the following:

SEC. 206. REVISION OF AUTHORITY ON USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

Section 526(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1715 note) is amended—

(1) in paragraph (1), by striking out "establishes and maintains—" and inserting in lieu thereof "may establish and maintain—"; and

(2) in paragraph (2), by striking out "provides access" and all that follows through "paragraph (1)" and inserting in lieu thereof "if such an area is established, provides access to the area".

On page 60, line 7, strike out "'December 31, 1993'" and insert in lieu thereof "'December 31, 1994'".

On page 60, line 12, strike out "'March 31, 1994'" and insert in lieu thereof "'December 31, 1994'".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, this is to notify my colleagues and the public of a change in the Subcommittee on Water and Power hearings scheduled for June 8 and June 9, 1994, to receive testimony on water quality and quantity problems and opportunities facing the lower Colorado River area.

On June 8, the hearing will commence at 2:30 p.m. and end at 5:30 p.m. On June 9, the hearing will commence at 9:30 a.m. and extend through most of the afternoon.

For further information, please contact Dana Sebren Cooper, Counsel for the Subcommittee at (202) 224-4531 or Leslie Palmer at (202) 224-6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony from the scientific community on the scientific and technological basis for radon policy. Indoor radon is receiving some attention in this session of Congress, and bills are pending in the House and Senate that would substantially increase the amount and scope of government regulation related to radon. Research supported by programs under the jurisdiction of the Committee on Energy and Natural Resources can provide important insights into the feasibility and desirability of some of these proposed changes.

The hearing will take place on Thursday, June 23, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building. Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Dr. Robert M. Simon.

For further information, please contact Dr. Robert M. Simon of the committee staff at 202/224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 25, from 10 a.m. to 5 p.m. in SD-106 to conduct a hearing on the U.S. chemical and biological warfare—related dual use exports to Iraq and the possible impact on the health consequences of the Persian Gulf war.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 25, 1994, at 10:30 a.m. on S. 1822 and education and telecommunication infrastructure.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 25, 1994, at 2 p.m. to hold a hearing on "health care fraud".

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, May 25, 1994.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 25, 1994, to hold a hearing on the nominations of Diana G. Motz of Baltimore, MD, to be U.S. circuit judge for the fourth circuit, Robert Henry Parker of Tyler, TX, to be U.S. circuit judge for the fifth circuit, Paul L. Friedman of Washington, DC, to be U.S. States district judge for the District of Columbia, William F. Downes of Casper, WY, to be U.S. district judge for the district of Wyoming, Denis Page Hood of Detroit, MI, to be U.S. district judge for the eastern district of Michigan, Richard A. Paez of Los Angeles, CA, to be U.S. district judge for the central district of California and Richard M. Urbina of Washington, DC, to be U.S. district judge for the District of Columbia.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on May 25, 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.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 25, 1994, immediately following the first floor vote, to hold a business meeting to vote on pending business.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Perma-

nent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, May 25, 1994, to hold a hearing on international organized crime and its impact on the United States.

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

ADDITIONAL STATEMENTS

CUBAN INDEPENDENCE DAY

• Mr. LAUTENBERG. Mr. President, I rise today to commemorate May 20, Cuban Independence Day.

Ninety-two years ago, the Cuban Republic was born. It emerged after many years of struggle when United States forces withdrew from Cuba and turned over the government to the first elected President of Cuba.

Cuban independence was a long time in coming. It was the last country in Latin America to win its independence from the Spanish empire. Throughout much of the 19th century Cubans wanted to join their independent Latin American neighbors, Mexico to the north and Argentina to the south. In fact, the first Cuban War of Independence began in 1868, but it would take 34 years before Cubans would finally secure their independence from Spain.

The Cuban people's struggle continues today, as they strive to end years of oppression under the totalitarian Castro regime. In the Senate, I have long supported American efforts to promote democracy, human rights, and eventually prosperity in a country just 90 miles off Florida's shore.

Our embargo against Cuba is one important tool to bring long-awaited democratic reforms to that country. I supported the Cuba Democracy Act because I believed, and I still believe, it holds the promise of expediting democratic reforms and bringing greater respect for human rights for the Cuban people.

With the recent inauguration of Nelson Mandela in South Africa, we have witnessed the democratic reforms which economic sanctions can bring about. While there are some who would have us lift the current sanctions against Cuba, clearly, we must continue to allow the sanctions more time to work.

As I rise today to commemorate the birth of the Cuban Republic 92 years ago, I also look forward to the day when the Cuban people can live with the freedoms afforded to citizens of a democracy, and when United States-Cuban relations will be constructive and based on mutual respect.•

RECOGNITION OF THE C–STARS PROGRAM

• Mr. GORTON. Mr. President, today, I am proud to honor and recognize the Center for the Study and Teaching of At-Risk Students [C–STARS] in the West Valley School District for innovation and excellence in education.

While at home over the January recess, I organized a meeting of over 200 parents, teachers, administrators, and students. At this conference I listened carefully to the concerns and ideas of those in attendance. While I heard many varied and different suggestions, one theme was constant. Innovative and resourceful programs which educators work hard to plan and execute deserve more recognition. I therefore promised to recognize, on a monthly basis, a school or school program that is outstanding and innovative. The implementation of the C–STARS program in Spokane, WA is worthy of such recognition.

The Center for the Study and Teaching of At-Risk Students is a division of the Institute for the Study of Educational Policy located at the University of Washington and the College of Education at Washington State University. The mission of C–STARS is to channel interdisciplinary university research, training and technical assistance in support of school, social, and health services efforts to collectively redefine and redirect services to families with students at risk of school failure.

The key to the success of the C–STARS program is the cooperation and dedication of service between the agencies, schools, and families. In the West Valley School District in Spokane, over 40 agencies such as the Spokane County Health District, Red Cross, Teen Aid, Job Corps, Child Protective Services, and the Salvation Army, participate in this collaborative effort to assist at-risk youth. The community involvement in the C–STARS program is truly exceptional. Programs such as this are the key to the future of education.

The Center for the Study and Teaching of At-Risk Students in the West Valley School District should continue to be promoted throughout Washington State, as well as the entire United States. Recognizing that a problem exists and taking the initiative to develop successful programs is the key to improving our education system.•

THE 25TH ANNIVERSARY OF THE CAPITOLAIRES DRUM AND BUGLE CORPS

• Mr. FEINGOLD. Mr. President, 1994 marks the 25th anniversary of the CapitolAires, an all-female drum and bugle corps that was formed in 1969 and originated in Madison, WI. I rise today to pay special tribute to this organization and to provide you with a background of their accomplishments and activities.

Currently there are only five all-female drum and bugle corps in the world. The CapitolAires was formed to give young women from Madison and the surrounding area the same opportunity to participate in an activity that had previously been open only to young men through the Madison Scouts Organization. The corps has an open membership to any girl between the ages of 13 and 21. A dedicated and qualified musical staff assists in providing instruction since no experience is required to become a member of the corps.

While the goal of the corps is to provide young women with the opportunity for a high degree of musical education, it also offers young women the opportunity to travel throughout North America and participate in various competitions. In fact, the CapitolAires has an outstanding record in competition.

Formed in 1969, the corps had already won their first nation championship in 1973 at the American International Open in Butler, PA. They went on to repeat this victory in 1974, 1975, and 1982 as well. The corps also won three U.S. Open National championships held in Marion, OH in 1974, 1975, and 1976; the only all-girl group to win this title three consecutive years. In addition to this, the corps finished second in the all girl division at the Drum Corps International World Championships in both 1975 and 1976.

In more recent years, the corps has proceeded to the finals at the Drum Corps Midwest Championships in 1991, 1992, and 1993. In 1992 and 1993 they also made the finals at the Canadian Open in Kitchener, ON, and the Drum Corps International World Championships, where they placed third out of 21 corps in 1993.

The list of accomplishments of the CapitolAires is exceptional. Impressive, as well, is the their commitment to expand opportunities to young women. It is this dedication that has driven the CapitolAires to achieve the success and respect they rightfully deserve. I applaud them on their 25th anniversary and wish them every success in the years to come.•

IN TRIBUTE TO THE 100TH ANNIVERSARY OF THE KOSCIUSZKO FEDERAL SAVINGS BANK

• Ms. MIKULSKI. Mr. President, I rise to pay tribute to the Kosciuszko Federal Savings Bank in Baltimore, MD. Kosciuszko has been serving my home town for 100 years.

The Kosciuszko Savings Bank was founded by my grandfather, Michael Kutz, and other immigrants—shop owners in the neighborhood who pooled their resources to open up opportunities for other immigrant families. My grandfather had a grocery store, while someone else owned a tavern. One was a cabinet maker, one a dentist, a shoemaker, a barber, an attorney and an in-

surance agent. They all put money up together when so-and-so in the neighborhood wanted to buy a house. They knew everybody in the neighborhood, and they helped get people started in the community. The Kosciuszko bank was founded on the principle of helping others.

His son Peter Kutz runs Kosciuszko now, and has kept to the roots of the original home town savings and loan. He knows how important it is that we do not forget the little guys, families that have passed their savings through generations as they have grown.

The Kosciuszko bank has served these families for 100 years, through the Depression and the Savings and Loan crisis. My grandfather made sure that the bank stayed open through the Depression without foreclosing on any loans. They operated with a pledge of honesty and developed confidence and trust with their customers.

And in the 1980's, when those big boys with Gucci shoes were making real estate deals, Peter Kutz was running the Kosciuszko Savings and Loan the same way its founders had: with two tellers, no hours on Wednesday, and no speculative business deals. The Savings and Loan crisis caused many Maryland S&L's to shut down, but the old neighborhood thrift in East Baltimore didn't even have long lines.

Mr. President, the Kosciuszko Federal Savings Bank has been providing my community with security and stability since 1894. It has helped families grow through two and three generations. Its reputation of honesty and trust has spread by word of mouth, and it now serves over 1,000 people. Over the last 100 years—through the Great Depression, several wars and recessions, and the Savings and Loan crisis—the Kosciuszko bank has been a rock and foundation of East Baltimore. I am proud to recognize the Kosciuszko Savings Bank, and to pay tribute to its 100 years of service to the community.•

THE NAMING OF AMBASSADOR GABRIEL LEWIS GALINDO AS FOREIGN MINISTER OF PANAMA

• Mr. DODD. Mr. President, I rise to bring to the attention of my colleagues the recent announcement that Ambassador Gabriel Lewis Galindo has been named foreign minister of the newly elected Government of Panama. I want to commend the President-elect of Panama, Ernesto Perez Balladares, for this impressive and well-considered appointment.

Mr. President, in naming Ambassador Lewis, President-elect Perez Balladares chose a man with a long history of service to Panama and to the principles of democracy and hemispheric cooperation. Over the course of the past two decades, Ambassador Lewis has distinguished himself as a successful businessman, as a capable diplomat, and as an ardent advocate for progressive political development in his home country.

Perhaps the finest hour for Ambassador Lewis came during the negotiations over the Panama Canal Treaties during 1977 and 1978. Ambassador Lewis served as Panama's Ambassador to the United States during a crucial phase of the negotiations over these treaties as well as during their consideration by the United States Senate. Those Americans who worked across the table from him at the time came to know him as a man of ingenuity as well as integrity.

One of those Americans was William Jorden, who served as the American Ambassador to Panama during much of the Panama Canal negotiations and came to know Ambassador Lewis well. In his 1984 book entitled "Panama Odyssey," Mr. Jorden wrote the following:

> Lewis became the most effective ambassador that Panama had had in Washington during its seventy-five years as an independent nation. I have never seen any foreign envoy move so adroitly through the Washington jungle, avoiding the social and political traps that usually ensnare the unwary new envoy. Among other things, he never got bogged down in the endless requirements of protocol—to the chagrin of many colleagues in the diplomatic corps who waited confidently for him to stub his toe on the rocks of tradition. They waited in vain.

Mr. President, Ambassador Lewis did not bring an end to his political activities after the completion of the Panama Canal treaties. Indeed, during the late 1980's, Ambassador Lewis would become one of the most outspoken opponents of the military regime of Manuel Noriega. He came to Washington in 1987 and he used his visibility here to encourage the United States to stand up for democratic reform in Panama. He made his arguments with clarity and conviction, and his views on the situation in Panama would eventually carry the day.

Mr. President, I know I speak for all of my colleagues in the Chamber when I commend President-elect Perez Balladares for the thoughtful appointment of Ambassador Gabriel Lewis Galindo to the position of foreign minister. I congratulate Ambassador Lewis on his new position and I look forward to the opportunity to work with him once again.•

SET A GOOD EXAMPLE THROUGH POSITIVE ACTIONS

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the students and staff of H.C. Sharp School of Camden, William Cruise Elementary School of Passaic, Riverside Public School of Riverside, South Hampton Jr. High School of Vincentown, and Archway Upper School of Atco, which have earned Top Fifty national honors in the nationwide American "Set A Good Example" Contest.

Ten years ago, the Concerned Businessmen's Association of America responded to the crisis of drugs and campus killings with the American "Set A Good Example" Contest. They devised and piloted an effective project that was targeted to winning the war on drugs and violence in our Nation's schools.

The "Set A Good Example" campaign is an annual contest that recognizes and awards student-designed and run projects that effectively help to prevent drug abuse, crime, and violence. First initiated in 1983, this program has proven to be both successful and an inspirational way of getting educators, youth counselors and students behind the efforts to eradicate the drugs, crime, and violence that have invaded our Nation's schools.

Over 8,300 schools representing all States have enrolled over 7 million students in this competition as of 1994. Inspiring is just one way of describing the efforts of New Jersey school children in that regard. Taking five Top Fifty honors from among 1,300 schools enrolled is no small feat and their local communities have benefited from the effectiveness of their efforts.

I am proud to acknowledge and praise the work of these children, their teachers, school faculties, contest sponsors, and parents. They are to be congratulated for providing leadership, inspiration and guidance for the students to take a bold stand against the violence.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise once again in my effort to put a face on the health care crisis in our country. Today, I would like to share the story of Jessica Alagna, a 5½-year-old child from DeWitt, MI. Two months ago surgeons performed an intestinal transplant on Jessica to correct a birth defect. The transplant cost $500,000. It saved her life, but because her health insurance considers it to be an experimental procedure they refuse to cover the transplant or any of her care. Jessica's story has received a lot of attention in my home State of Michigan due to the work of the nonprofit foundation, Jessica & Friends.

Jessica was born on September 11, 1988, with her intestines knotted outside of her body, a rare condition called omphalocele. Emergency surgery 7 hours after birth saved her life. After 11 days in the hospital, Jessica was able to go home with her mother, only to have to return for many additional surgeries to remove infection in her intestines. Jessica was left with only 8 percent of her intestine remaining.

Until her transplant Jessica was unable to eat solid food. For her entire 5 ½ years of life the only way she could get food was through extremely expen-

sive nutritional supplements supplied through a permanent catheter. Although these supplements kept Jessica alive, they caused extensive liver damage and other complications. Last summer Jessica's physician told her mother that the liver damage was so severe, Jessica would die within 6 months if she didn't get an intestinal transplant.

Jessica's mother, Sonia, married Patrick Witty in June 1993. Patrick, 28, works as a supervisor with the Parks and Recreation Department of the city of Grand Ledge. Sonia, 25, is currently working on a nursing degree through the local community college. Patrick has employer-provided health insurance, but the insurance company refuses to cover Jessica because of her pre-existing condition. And because of Patrick's income, the family is not eligible for Medicaid coverage either.

Sonia purchased a private health insurance policy for Jessica. The cost is high even though it did not cover the transplant. Primary insurance coverage costs $1,150 per month. In addition, Jessica has secondary insurance offered through a State program for chronically disabled children that costs $1,600 per month. Altogether the family pays $33,000 a year for health coverage for their little girl. Sonia and Patrick must rely on help from family and friends to meet these insurance costs.

In an effort to raise the money needed to pay for the intestinal transplant, Jessica's family formed a foundation called Jessica & Friends. Bake sales, concerts, and craft shows have raised about $75,000 toward the half-million dollar cost of the surgery.

Intestinal transplants have been performed since 1990 and they have a phenomenal 98 percent success rate. Fourteen other States now cover this innovative procedure through their State Medicaid and disabled children's programs because they have been sued by families just like Jessica's. Sonia and Patrick do not want to have to take the State of Michigan or their insurance company to court. Ironically, Jessica's insurance plans have already paid $1 million to keep her on her nutritional supplements, but they would not pay for the one surgical procedure that can save her life. Overall cost savings and enhanced quality of life for the patient are not considered in these insurance coverage policies.

Since the transplant on March 25 at the University of Nebraska, Jessica is doing very well and has even begun to eat regular food in a puree form. Jessica was discharged from the hospital on April 7 after passing a critical period for organ rejection. She no longer requires the catheter and meets her nutritional requirements through a feeding tube directly connected to her intestine. Her doctors believe that she could have a normal lifespan. She and her parents will spend the next 3 months in Omaha, NE, while Jessica's recovery is closely monitored on an outpatients basis.

Jessica's family is resigned to having their medical bills submitted to the insurance company and subsequently rejected. Luckily, the medical center is willing to wait, accepting further payments through the ongoing fundraising efforts on Jessica's behalf. But the bills are still piling up because none of Jessica's follow-up care is being covered by her insurance policies. These insurance companies refuse coverage because the follow up care is related to the initial procedure they defined as experimental. The family has considered the possibility that the financial burden of these medical costs will lead them to declaring bankruptcy. But they feel it is worth whatever it takes for Jessica to have the life of a normal child.

Mr. President, the experience of Jessica and her family illustrate what is wrong in our current health care system. Insurance companies today either refuse coverage or charge incredibly high premiums to avoid covering sick children. They have incentives to not cover lifesaving procedures, in order to save money. Families like Jessica's should not be faced with declaring bankruptcy so that their child can live a normal life. Our current system is neither fair or efficient. I will continue to work with the President and my fellow Members of Congress to enact comprehensive health care reform this year.●

NATIONAL CHRONIC FATIGUE IMMUNE DYSFUNCTION SYNDROME DAY

● Mr. CHAFEE. Mr. President, the month of May is Chronic Fatigue Dysfunction Immune Syndrome Awareness Month. In my home State of Rhode Island, Governor Bruce Sundlun has declared the week of May 9 to 13 Chronic Fatigue Immune Dysfunction Syndrome Awareness Week. I would like to bring to my colleagues' attention this debilitating and mysterious illness, for which there is no treatment or cure, and I wish to honor the women and men who have been fighting hard to shed light on this growing health threat.

Chronic fatigue immune dysfunction syndrome [CFIDS]/myalgic encephalomyelitis [ME] is a disease of the immune system principally characterized by muscle and joint pain, headache, loss of memory, shortness of breath, respiratory symptoms, and incapacitating fatigue. According to the National CFIDS association, an estimated 1 to 2 million people are affected nationally.

The Rhode Island Chronic Fatigue and Immune Dysfunction Syndrome Association, Inc. [RI CFIDS] has been the primary advocate for CFIDS sufferers in my home State. This association has 150 members all who are known for their outstanding dedication and fortitude. Founded by Linda Dooley, of Coventry, RI, when she was diagnosed with CFIDS in 1987, this association has established support groups for both adults and children, and organized seminars to teach doctors about CFIDS/ME. The association is working in concert with similar organizations across the Nation and around the world to increase awareness about this growing health concern.

May 12 has been designated by the CFIDS Association of America as International Chronic Fatigue Immune Dysfunction Syndrome Awareness Day. On this day, the Rhode Island CFIDS Association organized a rally to turn the spotlight on CFIDS. The 50 RI CFIDS members who attended received a gubernatorial proclamation declaring May 9 to 12 as CFIDS Awareness Week.

I ask my colleagues to join me in praising the women and men who make up the CFDIS associations throughout the Nation.●

THE SOCIAL SECURITY ACT AMENDMENTS OF 1994

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 431, H.R. 4278, the Social Security Act Amendments bill, and that all after the enacting clause be stricken and the text of calendar 415, S. 1231, the Social Security Domestic Employment Reform Act of 1994 be inserted in lieu thereof, the bill be read a third time and passed, the motion to reconsider laid upon the table, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees; that the preceding all occur without intervening action or debate, and that any statements thereon appear in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, I shall not object. I want the RECORD to reflect Senator PACKWOOD, the ranking Republican on the Finance Committee, supports the action taken by the chairman as do I and every other Republican on this side.

Mr. MOYNIHAN. As does, if I may say, Mr. President, a unanimous Finance Committee which reported out the measure which we have just proposed as a substitute. It was completely bipartisan—nonpartisan. Every Republican member voted for it. Every Democratic member did. We are proud of it. Not to extend this debate, but I would like to make the point that 45 years ago the United States Congress decided that cleaning women should be eligible for Social Security. Forty-five

years later, only 25 percent of households with domestic workers report wages paid to these employees. And this is simply not acceptable.

We found an arrangement, user friendly arrangement where the payments are to be made on 1040's once a year. We do not turn housewives into accountants. But we want to have people who are entitled to their Social Security get it when they need it. Our provision—we have an amendment—our provision simply provides that when you earn the amount of money that entitles you to one quarter of coverage, that amount is paid, and when you acquired 40 quarters of coverage you are vested in Social Security.

I thank the majority leader, who voted for this, the Republican leader, who voted for this, and say we are very pleased that this matter, long overdue, is now about to be done.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4278) was read the third time and passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 4278) entitled "An Act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Domestic Employment Reform Act of 1994".

SEC. 2. SIMPLIFICATION OF EMPLOYMENT TAXES ON DOMESTIC SERVICES.

(a) THRESHOLD REQUIREMENT FOR SOCIAL SECURITY TAXES.—

(1) AMENDMENTS OF INTERNAL REVENUE CODE.—

(A) GENERAL RULE.—Subparagraph (B) of section 3121(a)(7) of the Internal Revenue Code of 1986 (defining wages) is amended to read as follows:

"(B) cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (including domestic service described in subsection (g)(5)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in subsection (x)) for such year;".

(B) APPLICABLE DOLLAR THRESHOLD.—Section 3121 of such Code is amended by adding at the end thereof the following new subsection:

"(x) APPLICABLE DOLLAR THRESHOLD.—For purposes of subsection (a)(7)(B), the term 'applicable dollar threshold' means the amount required for a quarter of coverage as determined under section 213(d)(2) of the Social Security Act for calendar year 1995. In the case of calendar years after 1995, the Secretary of Health and Human Services shall adjust such amount at the same time and in the same manner as the amount under section 213(d)(2) of the Social Security Act, except that such adjustment shall not take effect in any year in which the otherwise adjusted amount does not exceed the amount in effect under this subsection for the preceding calendar year by at least $50."

(C) EMPLOYMENT OF DOMESTIC EMPLOYEES UNDER AGE 18 EXCLUDED FROM COVERAGE.—Section 3121(b) of such Code (defining employment) is amended—

(i) by striking "or" at the end of paragraph (19),

(ii) by striking the period at the end of paragraph (20) and inserting "; or", and

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

"(21) domestic service in a private home of the employer performed in any year by an individual under the age of 18 during any portion of such year.".

(D) CONFORMING AMENDMENTS.—The second sentence of section 3102(a) of such Code is amended—

(i) by striking "calendar quarter" each place it appears and inserting "calendar year", and

(ii) by striking "$50" and inserting "the applicable dollar threshold (as defined in section 3121(x)) for such year".

(2) AMENDMENT OF SOCIAL SECURITY ACT.—

(A) GENERAL RULE.—Subparagraph (B) of section 209(a)(6) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended to read as follows:

"(B) Cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (including domestic service described in section 210(f)(5)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in section 3121(x) of the Internal Revenue Code of 1986) for such year;".

(B) EMPLOYMENT OF DOMESTIC EMPLOYEES UNDER AGE 18 EXCLUDED FROM COVERAGE.—Section 210(a) of such Act (42 U.S.C. 410(a)) is amended—

(i) by striking "or" at the end of paragraph (19),

(ii) by striking the period at the end of paragraph (20) and inserting "; or", and

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

"(21) Domestic service in a private home of the employer performed in any year by an individual under the age of 18 during any portion of such year.".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(B) EXCLUDED EMPLOYMENT.—The amendments made by paragraphs (1)(C) and (2)(B) shall apply to services performed after December 31, 1994.

(b) COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT WITH COLLECTION OF INCOME TAXES.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end thereof the following new section:

"SEC. 3510. COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT TAXES WITH COLLECTION OF INCOME TAXES.

"(a) GENERAL RULE.—Except as otherwise provided in this section—

"(1) returns with respect to domestic service employment taxes shall be made on a calendar year basis,

"(2) any such return for any calendar year shall be filed on or before the 15th day of the 4th month following the close of the employer's taxable year which begins in such calendar year, and

"(3) no requirement to make deposits (or to pay installments under section 6157) shall apply with respect to such taxes.

"(b) DOMESTIC SERVICE EMPLOYMENT TAXES SUBJECT TO ESTIMATED TAX PROVISIONS.—

"(1) IN GENERAL.—Solely for purposes of section 6654, domestic service employment taxes imposed with respect to any calendar year shall be treated as a tax imposed by chapter 2 for the taxable year of the employer which begins in such calendar year.

"(2) SPECIAL RULE WHERE TAXES ARE PAID ON OR BEFORE APRIL 15.—If, on or before the date described in subsection (a)(2) or, if earlier, the date the return is filed, the employer pays in full the domestic service employment taxes computed on such return as payable for any calendar year, then no addition to tax shall be imposed under section 6654(a) with respect to any underpayment of any required installment of such taxes for the taxable year beginning in such calendar year.

"(3) ANNUALIZATION.—Under regulations prescribed by the Secretary, appropriate adjustments shall be made in the application of section 6654(d)(2) in respect of the amount treated as tax under paragraph (1).

"(4) TRANSITIONAL RULE.—For purposes of applying section 6654 to a taxable year beginning in 1995, the amount referred to in clause (ii) of section 6654(d)(1)(B) shall be increased by 90 percent of the amount treated as tax under paragraph (1) for such preceding taxable year.

"(c) DOMESTIC SERVICE EMPLOYMENT TAXES.—For purposes of this section, the term 'domestic service employment taxes' means—

"(1) any taxes imposed by chapter 21 or 23 on remuneration paid for domestic service in a private home of the employer, and

"(2) any amount withheld from such remuneration pursuant to an agreement under section 3402(p).

For purposes of this subsection, the term 'domestic service in a private home of the employer' includes domestic service described in section 3121(g)(5).

"(d) EXCEPTION WHERE EMPLOYER LIABLE FOR OTHER EMPLOYMENT TAXES.—To the extent provided in regulations prescribed by the Secretary, this section shall not apply to any employer for any calendar year if such employer is liable for any tax under this subtitle with respect to remuneration for services other than domestic service in a private home of the employer.

"(e) GENERAL REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section. Such regulations may treat domestic service employment taxes as taxes imposed by chapter 1 for purposes of coordinating the assessment and collection of such employment taxes with the assessment and collection of domestic employers' income taxes.

"(f) AUTHORITY TO ENTER INTO AGREEMENTS TO COLLECT STATE UNEMPLOYMENT TAXES.—

"(1) IN GENERAL.—The Secretary is hereby authorized to enter into an agreement with any State to collect, as the agent of such State, such State's unemployment taxes imposed on remuneration paid for domestic service in a private home of the employer. Any taxes to be collected by the Secretary pursuant to such an agreement shall be treated as domestic service employment taxes for purposes of this section.

"(2) TRANSFERS TO STATE ACCOUNT.—Any amount collected under an agreement referred to in paragraph (1) shall be transferred by the Secretary to the account of the State in the Unemployment Trust Fund.

"(3) SUBTITLE F MADE APPLICABLE.—For purposes of subtitle F, any amount required to be collected under an agreement under paragraph (1) shall be treated as a tax imposed by chapter 23.

"(4) STATE.—For purposes of this subsection, the term 'State' has the meaning given such term by section 3306(j)(1)."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end thereof the following:

"Sec. 3510. Coordination of collection of domestic service employment taxes with collection of income taxes."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(4) EXPANDED INFORMATION TO EMPLOYERS.—The Secretary of the Treasury or his delegate shall prepare and make available information on the Federal tax obligations of employers with respect to employees performing domestic service in a private home of the employer. Such information shall also include a statement that such employers may have obligations with respect to such employees under State laws relating to unemployment insurance and workers compensation.

SEC. 3. ADDITIONAL DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 204 of the Social Security Act (42 U.S.C. 404) is amended by adding at the end the following new subsection:

"(f)(1) With respect to any delinquent amount, the Secretary may use the collection practices described in sections 3711(f), 3716, and 3718 of title 31, United States Code, as in effect on April 1, 1994.

"(2) For purposes of paragraph (1), the term 'delinquent amount' means an amount—

"(A) in excess of the correct amount of payment under this title;

"(B) paid to a person after such person has attained 18 years of age; and

"(C) determined by the Secretary, under regulations, to be otherwise unrecoverable under this section after such person ceases to be a beneficiary under this title.".

(b) CONFORMING AMENDMENT.—Section 3701(d) of title 31, United States Code, is amended by inserting ", except to the extent provided under section 204(f) of such Act (42 U.S.C. 404(f)), " after "the Social Security Act (42 U.S.C. 301 et seq.)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to collection activities begun on or after the date of the enactment of this Act and before October 1, 1999.

SEC. 4. PROHIBITION ON PAYMENT OF BENEFITS TO CERTAIN INDIVIDUALS CONFINED BY COURT ORDER TO PUBLIC INSTITUTIONS.

(a) IN GENERAL.—Section 202(x)(1) of the Social Security Act (42 U.S.C. 402(x)(1)) is amended—

(1) by inserting "(A)" after "(1)", and

(2) by adding at the end the following new subparagraph:

"(B) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section or under section 223 to any individual for any month during which such individual is confined in any public institution by a court order pursuant to a verdict or finding that the individual is—

"(i) guilty of an offense described in subparagraph (A), but insane (or having a similar condition, such as a mental disease, a mental defect, or mental incompetence); or

"(ii) not guilty of such an offense by reason of insanity (or by reason of a similar finding, such as a mental disease, a mental defect, or mental incompetence).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended by striking "any individual" and all that follows and inserting "any individual confined as described in paragraph (1) if the jail, prison, penal institution, correctional facility, or other public institution to which such individual is so confined is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

(2) The heading for section 202(x) of such Act is amended by inserting "and Certain Other Inmates of Public Institutions" after "Prisoners".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months commencing after 90 days after the date of the enactment of this Act.

SEC. 5. NURSING HOMES REQUIRED TO REPORT ADMISSIONS OF SSI RECIPIENTS.

(a) IN GENERAL.—Section 1631(e)(1) (42 U.S.C. 1383(e)(1)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of making determinations under section 1611(e), the requirements prescribed by the Secretary pursuant to subparagraph (A) shall require each administrator of a nursing home, extended care facility, or intermediate care facility to report to the Secretary of the admission of any eligible individual or eligible spouse receiving benefits under this title within 2 weeks of such admission.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to admissions occurring on or after October 1, 1995.

The PRESIDING OFFICER (Mr. GRAHAM) appointed Mr. MOYNIHAN, Mr. BAUCUS, Mr. BREAUX, Mr. PACKWOOD and Mr. DOLE conferees on the part of the Senate.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate number be indefinitely postponed.

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

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I commend my colleague, the distinguished chairman of the Senate Finance Committee, for the legislation which has just been approved by the Senate. He provided not only leadership in getting the bill prepared, ushered through the Finance Committee, but also extraordinary perseverance and tenacity in getting it through the Senate in such fashion.

It is not easy to do. Tax bills frequently require a lengthy process with a lot of amendments, and I think it is clear to all concerned that this bill would not have progressed to this point but for the leadership and the perseverance of the chairman, and I commend him for it. It is an important measure, as he has noted.

I wish also to thank the distinguished Republican leader for his cooperation in making this possible.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I thank the majority leader for his gracious remarks. This was an entirely collective effort on behalf of the Finance Committee, and it is characteristic of him to be gracious to colleagues.

I would like to return the compliment and say to the Republican leader that we very much appreciate his help. This matter will now be done, and I fully predict a White House South Lawn ceremony with ice cream, balloons and the distinguished Republican leader on hand.

Mr. President, I yield the floor.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 906, Carrye Burley Brown, to be Administrator of the U.S. Fire Administration.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that upon confirmation, the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY

Carrye Burley Brown, of the District of Columbia, to be Administrator of the United States Fire Administration.

STATEMENT ON THE NOMINATION OF CARRYE BURLEY BROWN

Mr. HOLLINGS. Mr. President, today the Senate is considering the nomination of Carrye Burley Brown, of the District of Columbia, to be Administrator of the U.S. Fire Administration within the Federal Emergency Management Agency [FEMA]. This position is an important one, and this nominee will bring to the position a thorough knowledge of fire safety issues.

If confirmed as U.S. Fire Administrator, Ms. Brown will be responsible for coordination, direction, control, and administration of FEMA's fire prevention and control programs. The U.S. Fire Administration is responsible for mitigating, researching, planning, and disseminating fire prevention information to the Nation's firefighters and the general public. It is also responsible for the activities of the National Fire Academy, the National Fire Data Center, and management of the National Emergency Management Training Center, while providing a Federal focus on fire prevention.

The nominee has strong experience in fire service and fire safety issues. Ms. Brown has been a Professional Staff Member for the Committee on Science, Space, and Technology of the U.S.

House of Representatives since 1977. While there, she has been involved in drafting legislation such as the Hotel and Motel Fire Safety Act, the Firefighters' Safety Study Act, and the Arson Prevention Act of 1994. Ms. Brown began her career as a high school teacher in Matador, TX in 1974.

Mr. President, Ms. Brown is very qualified and I urge the Senate to confirm her as soon as possible.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE READ FIRST TIME—S. 2153

Mr. MITCHELL. Mr. President, I understand that S. 2153, Advancement of Health Care Reform Act of 1994, introduced earlier today by Senator KEMPTHORNE and others, is at the desk; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2153) to improve access to quality health care, to reform medical malpractice liability standards, to reduce paperwork and simplify administration of health care claims, to establish safe harbors from the application of the antitrust laws for certain activities of providers of health care services, to prevent fraud and abuse in the health care delivery system, and for other purposes.

Mr. MITCHELL. Mr. President, I now ask for its second reading.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be read on the next legislative day.

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND THE LITTLE RIVER BAND OF OTTAWA INDIANS ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 425, S. 1357, a bill relating to the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1357) to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MITCHELL. Mr. President, on behalf of Senator INOUYE, I send a technical amendment to the desk and ask unanimous consent that the amendment be agreed to and the motion to reconsider laid upon the table.

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

So the amendment (No. 1745) was agreed to as follows:

In section 2(5), strike "(25 U.S.C. et seq.;" and insert "(25 U.S.C. 461 et seq.;".

Mr. MITCHELL. Mr. President, I ask unanimous consent that the bill, as amended, be read three times, passed and the motion to reconsider be laid upon the table; and further, that any statements on this measure appear in the appropriate place in the RECORD as though read.

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

So the bill (S. 1357) was deemed read the third time and passed, as amended, as follows:

S. 1357

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 "Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are descendants of, and political successors to, signatories of the 1836 Treaty of Washington and the 1855 Treaty of Detroit.

(2) The Grand Traverse Band of Ottawa and Chippewa Indians, the Sault Ste. Marie Tribe of Chippewa Indians, and the Bay Mills Band of Chippewa Indians, whose members are also descendants of the signatories to the 1836 Treaty of Washington and the 1855 Treaty of Detroit, have been recognized by the Federal Government as distinct Indian tribes.

(3) The Little Traverse Bay Bands of Odawa Indians consists of at least 1,000 eligible members who continue to reside close to their ancestral homeland as recognized in the Little Traverse Reservation in the 1836 Treaty of Washington and 1855 Treaty of Detroit, which area is now known as Emmet and Charlevoix Counties, Michigan.

(4) The Little River Band of Ottawa Indians consists of at least 500 eligible members who continue to reside close to their ancestral homeland as recognized in the Manistee Reservation in the 1836 Treaty of Washington and reservation in the 1855 Treaty of Detroit, which area is now known as Manistee and Mason Counties, Michigan.

(5) The Bands filed for reorganization of their existing tribal governments in 1935 under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"). Federal agents who visited the Bands, including Commissioner of Indian Affairs, John Collier, attested to the continued social and political existence of the Bands and concluded that the Bands were eligible for reorganization. Due to a lack of Federal appropriations to implement the provisions of such Act, the Bands were denied the opportunity to reorganize.

(6) In spite of such denial, the Bands continued their political and social existence with viable tribal governments. The Bands, along with other Michigan Odawa/Ottawa groups, including the tribes described in paragraph (2), formed the Northern Michigan Ottawa Association in 1948. The Association subsequently pursued a successful land claim with the Indian Claims Commission.

(7) Between 1948 and 1975, the Bands carried out many of their governmental functions through the Northern Michigan Ottawa Association, while retaining individual Band control over local decisions.

(8) In 1975, the Northern Michigan Ottawa Association petitioned under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), to form a government on behalf of the Bands. Again in spite of the Bands' eligibility, the Bureau of Indian Affairs failed to act on their request.

(9) The United States Government, the government of the State of Michigan, and local governments have had continuous dealings with the recognized political leaders of the Bands from 1836 to the present.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Bands" means the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians;

(2) the term "member" means those individuals enrolled in the Bands pursuant to section 7; and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 4. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians is hereby reaffirmed. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), which are not inconsistent with any specific provision of this Act shall be applicable to the Bands and their members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Bands and their members shall be eligible for all services and benefits provided by the Federal Government to Indians because of their status as federally recognized Indians, and notwithstanding any other provision of law, such services and benefits shall be provided after the date of the enactment of this Act to the Bands and their members without regard to the existence of a reservation or the location of the residence of any member on or near any Indian reservation.

(2) SERVICE AREAS.—

(A) LITTLE TRAVERSE BAY BANDS.—For purposes of the delivery of Federal services to the enrolled members of the Little Traverse Bay Bands of Odawa Indians, the area of the State of Michigan within 70 miles of the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs "third" and "fourth" of the Treaty of 1855, 11 Stat. 621, shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after the date of the enactment of this Act. Services may be provided to members outside the named service area unless prohibited by law or program regulations.

(B) LITTLE RIVER BAND.—For purposes of the delivery of Federal services to enrolled members of the Little River Band of Ottawa Indians, the Counties of Manistee, Mason, Wexford and Lake, in the State of Michigan,

shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after the date of the enactment of this Act. Services may be provided to members outside the named Counties unless prohibited by law or program regulations.

SEC. 5. REAFFIRMATION OF RIGHTS.

(a) IN GENERAL.—All rights and privileges of the Bands, and their members thereof, which may have been abrogated or diminished before the date of the enactment of this Act are hereby reaffirmed.

(b) EXISTING RIGHTS OF TRIBE.—Nothing in this Act shall be construed to diminish any right or privilege of the Bands, or of their members, that existed prior to the date of enactment of this Act. Except as otherwise specifically provided in any other provision of this Act, nothing in this Act shall be construed as altering or affecting any legal or equitable claim the Bands might have to enforce any right or privilege reserved by or granted to the Bands which were wrongfully denied to or taken from the Bands prior to the enactment of this Act.

SEC. 6. TRANSFER OF LAND FOR THE BENEFIT OF THE BANDS.

(a) LITTLE TRAVERSE BAY BANDS.—The Secretary shall acquire real property in Emmet and Charlevoix Counties for the benefit of the Little Traverse Bay Bands. The Secretary shall also accept any real property located in those Counties for the benefit of the Little Traverse Bay Bands if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed.

(b) LITTLE RIVER BAND.—The Secretary shall acquire real property in Manistee and Mason Counties for the benefit of the Little River Band. The Secretary shall also accept any real property located in those Counties for the benefit of the Little River Band if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed.

(c) ADDITIONAL LANDS.—The Secretary may accept any additional acreage in each of the Bands' service area specified by section 4(b) of this Act pursuant to his authority under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act").

(d) RESERVATION.—Subject to the conditions imposed by this section, the land acquired by or transferred to the Secretary under or pursuant to this section shall be taken in the name of the United States in trust for the Bands and shall be a part of the respective Bands' reservation.

SEC. 7. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Bands shall submit to the Secretary membership rolls consisting of all individuals currently enrolled for membership in such Bands. The qualifications for inclusion on the membership rolls of the Bands shall be determined by the membership clauses in such Bands' respective governing documents, in consultation with the Secretary. Upon completion of the rolls, the Secretary shall immediately publish notice of such in the Federal Register. The Bands shall ensure that such rolls are maintained and kept current.

SEC. 8. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall conduct, by secret ballot, elections for the purposes of adopting new constitutions for the Bands. The elections shall be held according to the procedures applicable to elections under section 16 of the Act of June 18, 1934 (25 U.S.C. 476; commonly referred to as the "Indian Reorganization Act").

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as new constitutions are adopted under paragraph (1), the governing documents in effect on the date of the enactment of this Act shall be the interim governing documents for the Bands.

(b) OFFICIALS.—

(1) ELECTION.—Not later than 6 months after the Bands adopt constitutions and bylaws pursuant to subsection (a), the Bands shall conduct elections by secret ballot for the purpose of electing officials for the Bands as provided in the Bands' respective governing constitutions. The elections shall be conducted according to the procedures described in the Bands' constitutions and bylaws.

(2) INTERIM GOVERNMENTS.—Until such time as the Bands elect new officials pursuant to paragraph (1), the Bands' governing bodies shall be those governing bodies in place on the date of the enactment of this Act, or any new governing bodies selected under the election procedures specified in the respective interim governing documents of the Bands.

AGRICULTURE MEDIATION ACT OF 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2145, a bill relating to State mediation programs; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

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

So the bill (S. 2145) was deemed read the third time and passed, 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.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of calendar Nos. 429 and 430; that the committee amendment, where appropriate, be agreed to; that the bills be read three times, passed and the motions to reconsider be laid upon the table en bloc; that any statements related to these calendar items appear at the appropriate place in the RECORD; and that the consideration for these items appear individually in the RECORD.

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

DISTRICT OF COLUMBIA JUSTICE REFORM ACT OF 1994

The Senate proceeded to consider the bill (H.R. 1631) to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia, which had been reported from the Committee on Governmental Affairs, with an amendment on page 1, line 5, to strike "1993", and insert in lieu thereof "1994".

So as to make the bill read:

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 "District of Columbia Justice Reform Act of 1994".

SEC. 2. INCREASE IN MAXIMUM AMOUNT IN CONTROVERSY PERMITTED FOR CASES UNDER JURISDICTION OF SMALL CLAIMS AND CONCILIATION BRANCH OF SUPERIOR COURT.

(a) IN GENERAL.—Section 11-1321. District of Columbia Code, is amended by striking "$2,000" and inserting "$5,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cases filed with the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT AMENDMENT ACT OF 1994

The bill (H.R. 1632) to amend title 11, District of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Governmental Reorganization Act to remove gender specific references, was considered, ordered to a third reading, read the third time, and passed.

MEDGAR WILEY EVERS POST OFFICE

Mr. MITCHELL Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 3863, naming a post office in Jackson, MS, after Medgar Evers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3863) to designate the Post Office building located at 401 E. South Street in Jackson, MS, as the "Medgar Wiley Evers Post Office."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 3863) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

CHILD SAFETY PROTECTION ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report accompanying H.R. 965, the Toy Safety Act; that the conference report be adopted, the motion to reconsider laid upon the table, and that any statements relating thereto appear in the RECORD as if read.

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

Mr. HOLLINGS. Mr. President, I am pleased the Senate is considering the conference report on H.R. 965, the Child Safety Protection Act. This legislation is designed to promote child safety by reducing the number of accidental deaths and injuries to children.

According to the Consumer Product Safety Commission [CPSC], between January 1991 and September 1992, 31 children died from toy-related causes, with almost one-half of that number, 14, from choking. The CPSC estimates that in 1992 alone there were 177,200 toy-related injuries serious enough to be treated in hospital emergency rooms, with almost one-half of the in-

juries to children under 5 years of age. The CPSC also reports that each year there are approximately 1,200 bicycle-related deaths, and that head trauma is responsible for 70 percent of the deaths.

The Child Safety Protection Act, if enacted, should have a positive impact on these statistics, with the numbers of children's deaths and injuries expected to show a decline. The legislation incorporates two complementary child safety measures introduced in the Senate by Senators BRYAN and GORTON. Companion legislation in the House was introduced by Congresswoman CARDISS COLLINS. The bill requires warning labels on certain toys that may present a choking hazard to children under 3 years of age and requires the CPSC to issue safety standards for bicycle helmets. In addition, an incentive grant program is established, to be administered by the National Highway Traffic Safety Administration, to encourage the use of approved bicycle helmets by children.

The conferees on H.R. 965 have worked over the past few months to craft a measure that will not only achieve the primary goal of enhanced child safety, but also is supported by all interested parties.

Mr. President, I commend the sponsors of this legislation, and I urge my colleagues to support this important child safety measure.

Mr. DANFORTH. Mr. President, I am pleased to support the conference report on H.R. 965, the Child Safety Protection Act. This is important safety legislation which will reduce the incidence of children under age 3 choking on toys, and I commend Senator GORTON for his leadership on this issue. In addition, the conference report includes a title to promote bicycle helmet use by children. This title is based on S. 228, the Children's Bicycle Helmet Safety Act of 1993, which Senator BRYAN and I introduced on January 27, 1993. On May 25, 1993, the Commerce Committee reported this measure by voice vote.

The need to address bicycle safety is clear. A study conducted for the Centers for Disease Control [CDC], which was published in December 1991 in the Journal of the American Medical Association, provides revealing data about the magnitude and severity of head injuries suffered by cyclists. The study found that, between 1984 and 1988, nearly 3,000 people died from head injuries while cycling, and over 900,000 suffered head injuries. This represents 62 percent of all bicycling deaths, and 32 percent of bicycling injuries that required treatment in hospital emergency rooms. The Consumer Product Safety Commission [CPSC] estimates that bicycle-related deaths and injuries cost society $7.6 billion annually.

The statistics regarding children are even more compelling. The CDC study found that 41 percent of head injury deaths and 76 percent of total head injuries occurred among children under age 15. According to the National Head Injury Foundation, the cost of supporting a child who has suffered a severe head injury, on average, is $4.5 million over that individual's lifetime. For the family of a child killed or injured in a bicycle accident, the tragedy is immeasurable.

Their losses are made more tragic by the fact that so many of them could have been prevented by taking one simple step: wearing a protective bicycle helmet. A 1989 study published in the New England Journal of Medicine found that use of a bicycle helmet reduces the risk of all head injuries by 85 percent and injuries to the brain by 90 percent. According to the CDC study, universal use of bicycle helmets would have prevented 2,600 deaths and 757,000 injuries between 1984 and 1988. Unfortunately, few riders wear helmets. In the case of children cyclists, it is a tragic fact that only 5 percent of these vulnerable riders wear helmets, according to the American Academy of Pediatrics.

Several local governments have taken steps to increase helmet use. For example, Howard and Montgomery Counties in suburban Maryland have enacted laws requiring children to wear bicycle helmets. I applaud their actions, but more needs to be done. This bill establishes a grant program within the National Highway Traffic Safety Administration to promote helmet use. These grants could be used by State or local governments or nonprofit organizations in any of three ways. First, the grant could be used to assist those unable to afford a helmet, which costs about $40, to purchase one. In addition, it could be used for the creation of a helmet "bank," which would allow parents of limited means to obtain helmets for their children and to exchange old helmets for those in a larger size as their children grow. Second, the funds could be used to educate children about the need to wear bicycle helmets. Finally, the grant could be used to assist in the enforcement of a mandatory bicycle helmet law for children. The grants would cover 80 percent of the costs of these programs. The bill specifically states that grantees are to be given broad discretion in establishing programs that effectively promote increased helmet use.

The bill also includes a provision requiring the CPSC to establish uniform safety standards for bicycle helmets. Included in these standards are provisions that address the risk of injury to children. The purpose of this requirement is to replace the existing voluntary standards with a single provision approved by the CPSC.

The failure to wear a bike helmet can have tragic results. The grant program established in this measure takes a reasonable approach by allowing State and local officials to decide how their communities can best address this problem. This proposal will bring together State and local governments, parents, teachers, and others responsible for children, to protect against injuries and to save lives. The total funding of $9 million over 3 years would be offset by preventing only a few serious head injuries per year. This bill will prevent hundreds of such tragedies. Moreover, since the grants come out of existing funds in NHTSA's budget, the bill will not add to the deficit. According to the National SAFE KIDS Campaign, an organization of health, consumer, educational, and law enforcement groups dedicated to improving child safety, this legislation will reduce substantially the leading cause of death for children 15 and under—accidental injury.

Last Congress, I introduced S. 3096, a bill similar to S. 228. S. 3096 passed the Senate, but the House failed to act prior to adjournment. Mr. President, the need to enact this measure is clear, and the time to act is now. I urge my colleagues to support the conference report on H.R. 965.

Mr. METZENBAUM. Mr. President, I rise today to address the Senate on the conference report on the Child Safety Protection Act that is pending at the desk.

The conference report includes provisions to make toys safer for children and establish final safety standards for bicycle helmets.

Unfortunately, it does not include language to prevent one of the more gruesome causes of death for toddlers aged 8 to 15 months.

Each week, a toddler falls into a 5-gallon bucket such as this and drowns.

In fact, since 1985, over 400 children have drowned in 5-gallon buckets.

It is a needless tragedy that can and should be prevented.

Last year I introduced legislation that would have required labeling for 5-gallon buckets and the development of a performance standard by the Consumer Product Safety Commission.

The labeling requirements would alert parents to the dangers of leaving a bucket with water in the vicinity of young toddlers.

The development of a performance standard would require manufacturers to reconfigure the buckets to reduce the risk of these horrible drownings.

When the Senate passed the Child Safety Protection Act last November, the chairman of the Consumer Subcommittee included my bill.

I had negotiated with the manufacturers of 5-gallon buckets to require a labeling standard and the development of a performance standard.

The manufacturers agreed to my language, and the bill passed by unanimous consent. Let me rephrase that.

Every single Member of this body agreed to pass a bill that would protect

toddlers from drowning in 5-gallon buckets. and yet, when the bill went over to the House for consideration, the bucket manufacturers balked.

They reneged on the agreement and claimed that they never agreed to a performance standard.

But if you look at the RECORD from November 20, it is in black and white that the Senate language included a performance standard. Not one vote was cast against its inclusion. Not one voice was heard in opposition.

The manufacturers had signed off. They agreed with me that labeling and a performance standard would be included in the law.

Plain and simple, the manufacturers backed out of the deal. They reneged.

Let me read you a list of the major manufacturers who made a deal to save the lives of children and then used their lobbyists to renege: Bennett Industries, Letica, Nampac, Plastican, and the Ropak Corp.

They don't give a damn about toddlers whose lives will be lost because they broke their word.

The Chair of the House subcommittee that considered the bill could not persuade her Republican colleagues to recede to the Senate's position on this matter.

Accordingly, these protections for toddlers were dropped in conference. The bucket manufacturers had won.

The lives of the toddlers that will be lost because they broke their word is a blot on their reputations. Their action is shameful.

Frankly speaking, it is a terrible price to pay for not abiding by an agreement.

No wonder voters across the country consider politicians out of touch.

When it came time to passing a bill that would have saved lives, the corporate lobbyists persuaded a few Members to kill it.

It is certainly an ugly chapter in the 103d Congress.

But let me be clear about the underlying legislation and the efforts by the Chairman of the Consumer Subcommittee.

This bill contains important provisions that are going to protect children in their everyday lives.

I am frank to say that if it did not, I would have spoken at length in opposition to the conference report.

The Senator from Nevada [Mr. BRYAN] pushed for the Senate language in conference, and fought to protect children. I certainly appreciate his efforts, and hope that he will continue to protect consumers in future congresses.

Fortunately, he will have the assistance of Consumer Product Safety Commissioner Ann Brown.

Under the leadership of Ann Brown, the CPSC has awakened from the extended slumber it was in during the Reagan and Bush administrations.

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In recent months, the CPSC has taken action on lead in crayons and dangerous bunkbeds.

And for families with young children, the CPSC has taken meaningful steps toward protecting against needless drownings.

Just last week, the CPSC voted unanimously to issue an advance notice of public rulemaking to develop a performance standard for 5-gallon buckets.

Although this is a preliminary step, it does set the course for CPSC to address these needless drownings.

I am confident that Ann Brown and the rest of the Commission will move quickly to act on an issue that the Congress as a whole has failed to address.

I certainly commend the Commission for its prompt action.

I yield the floor.

Mr. GORTON. Mr. President, 2 weeks ago was National Safe Kids Week. Children from all across America came to Washington, D.C. to tell their legislators how important it is that we do something to prevent tragic childhood accidents and deaths. Today, Congress is taking just such a step in passing the Child Safety Protection Act.

Childhood injury is the number one killer and health threat facing children under 14 years old. Every year, one out of four children is injured seriously enough to require medical attention. The trauma and heartbreak that a family suffers when a child is seriously injured or dies are incomprehensible.

We can and must do something. The costs of prevention are small compared to the costs of accidents. Each year, childhood injury costs our Nation $13.8 billion. But every $15 bike helmet purchased saves $30 in direct health care costs and $420 in indirect costs. For an individual accident victim that $15 bike helmet can save a child from a life confined in a wheel chair or a nursing home. A $15 bike helmet can make the difference between a full and long life or no life at all.

In March of last year, I introduced the Child Safety Protection Act, an identical measure to the House-passed bill introduced by Congresswoman CARDISS COLLINS. The bill mandated safety warning labels on certain toys that contain dangerous small parts and required national mandatory performance standards for bicycle helmets.

According to the Consumer Product Safety Commission, between January 1980 and July 1991, 284 children under the age of 10 years choked to death. Of these deaths, 186 involved children's products, including balloons, marbles, small balls, and other toys. Between January 1, 1992 and September 30, 1993, 30 children died from toy-related causes, with almost half of that number (14) caused from choking. In addition, the Commission estimates that in 1992 alone, there were 177,200 toy-related injuries serious enough to be treated in hospital emergency rooms, with almost one-half of the injuries to children under 5 years old.

Bicycle related death and injuries are also a very serious problem. Between 1984 and 1988, 2,985 bicyclists in the United States died from head injuries and 905,752 suffered head injuries that required treatment in hospital emergency rooms. Eighty-five percent of all head injuries suffered by bicyclists could be prevented by using bicycle helmets.

The conference report that the Senate has before it today differs in some respects from my original legislation, from the bills that passed the House and Senate last year, and from previous bills introduced in the Senate by my colleague, Senator DODD. It is a compromise measure that results from many hours of discussions that we have had with many interested parties. I would like to thank my colleagues and their staffmembers who have been a part of these negotiations including the chairman of the Consumer Subcommittee, Senator BRYAN, whom I have worked with on so many consumer protection measures; Senator ROCKEFELLER; Senator DANFORTH, who was a tireless advocate for the bicycle helmet grant program; Senator DODD; Senator LIEBERMAN; and Senator METZENBAUM. Most especially, I would like to thank Congresswoman COLLINS who initiated this legislation and saw to it that we finally reached our mutual goal of finding a means to lessen the likelihood of childhood injuries.

Our bill calls for a clear and conspicuous label to be placed on the principal display panel of toys that contain small parts and that are intended for a child between 3 and 6 years old. Our legislation specifies what that label will say so that parents will clearly understand that the toy poses a safety hazard for children under 3 years of age. The bill also provides for an exemption for certain boxes which are in these languages and which are 15 square inches or less. For those boxes, the bill specifies a shortened warning label which must be displayed on the principal display panel along with an arrow or other indicator which directs the consumer to the full warning. The legislation also specifies warning labels for balloons, for small balls and for marbles.

The legislation also increases the minimum size allowed for a small ball that is intended for a child under 3 from 1.25 inches to 1.75 inches. This will minimize the choking risk associated with small balls. The legislation also includes additional reporting requirements to the CPSC when a manufacturer, distributor, retailer, or importer learns of certain choking incidences that involve the products affected by this legislation. Additionally, the legislation because of unique cir-

cumstances discussed in the conference report provides for preemption of future toy labeling laws by States or political subdivisions. An exception is made until January 1, 1995, when the Federal law becomes effective, for a State which already has a law in effect on October 2, 1993. Connecticut is the only State which has such a law. Finally, our legislation requires national mandatory performance standards for bicycle helmets and establishes a grant program to promote their use.

Mr. President, this bill is a fair and balanced measure. It will help make our world a little safer for our country's most vulnerable citizens—our children and our grandchildren. I urge the Senate to adopt this important legislation and send it to the President to sign into law.

Mr. BRYAN. Mr. President, as chairman of the Commerce Committee's Consumer Subcommittee, I am pleased to present for Senate consideration the conference report to H.R. 965, the Child Safety Protection Act. This legislation will protect our children by preventing many of the needless deaths and injuries that occur every year as a result of certain children's products. I would like to commend the original sponsors of the legislation—Senator GORTON and our House colleague, Congresswoman CARDISS COLLINS—for not only introducing this important child safety measure, but also for their diligent efforts to make passage of the bill a reality. I would also like to recognize Senator METZENBAUM for his sincere commitment to child safety issues and for his valuable insights to the committee as we moved forward on this legislation.

The Senate bill, S. 680, was unanimously approved by the full Commerce Committee on November 9, 1993, and was passed by the full Senate on November 20, 1993. The conference report that we are considering today incorporates the provisions of S. 680 as reported, with minor changes, and also incorporates provisions from S. 228, pertaining to bicycle helmet safety, which I introduced last year along with my colleague, Senator DANFORTH, and which was approved by the Commerce Committee on May 25, 1993. The legislation thus requires the Consumer Product Safety Commission [CPSC] to one, take action to make toys safer for children through the use of warning labels and other means; and two, begin a rulemaking proceeding to establish a final safety standard for bicycle helmets.

In addition, the bill establishes a safety grant program within the National Highway Traffic Safety Administration [NHTSA] to provide incentives for States to encourage the use of bicycle helmets by children. These provisions were modified slightly during conference, and the report reflects the following three modifications: one, with respect to the grants awarded by NHTSA, the grantee must contribute 20 percent, either in moneys or in-kind; two, a grantee that establishes a helmet bank or similar program to encourage helmet use by children may make such helmets available to only those children who may not be able to afford such helmet; and three, the NHTSA Administrator is required to make a report to the Congress regarding the effectiveness of the grant program.

Each year, approximately 30 children die from toy-related causes, and thousands more are injured. In 1992 alone, 177,200 children were treated in hospital emergency rooms for toy-related injuries. H.R. 965 attempts to remedy this situation by providing information to parents and others about possible hazards that certain toys may present to small children. The bill requires warning labels on certain toys intended for children over 3 years of age which nonetheless pose a choking hazard to children under 3 years of age. The legislation strikes an appropriate balance by warning parents of possible dangers in certain toys for very small children, but allowing such toys to be marketed and sold to older children.

The legislation also directs the CPSC to begin a rulemaking proceeding to establish a final safety standard for bicycle helmets. Each year in the United States, hundreds of bicyclists die from head injuries, and thousands more are seriously injured. A child who suffers a severe head injury, on average, will cost society $4.5 million over that child's lifetime. The legislation would replace the voluntary standards for bicycle helmets currently in existence with a single uniform safety standard approved by the CPSC. Under the rulemaking, the CPSC is specifically directed to address the risk of injury to children.

Finally, under the NHTSA safety grant program designed to encourage helmet use, recipients could qualify for funds in a variety of ways, including the adoption of a requirement that children wear bicycle helmets or the development of programs to educate children and their families on the importance of wearing helmets. Thus, the legislation would not only promote helmet use by children to prevent injuries, but would also ensure that such helmets are indeed safe and effective for that purpose.

Our bill is critically needed child safety legislation. House and Senate conferees have worked diligently to craft legislation that is appropriately balanced and not unduly burdensome, while at the same assuring needed safeguards to protect our Nation's children. I strongly urge my colleagues to support this measure, so that we may have this legislation on the President's desk by Memorial Day. Enactment of this legislation will go a long way towards making children's lives safer, not only this summer, but every season in the future.

So the conference report was agreed to.

(The conference report is printed in the House proceedings of the RECORD of May 11, 1994.)

PLANT VARIETY PROTECTION ACT AMENDMENTS OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Agriculture Committee be charged from further consideration of S. 1406, the Plant Variety Protection Act Amendments of 1993; that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1406) to amend the Plant Variety Protection Act, and so forth.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MITCHELL. Mr. President, on behalf of Senator KERREY of Nebraska, I send a substitute amendment to the desk; I ask the amendment be agreed to and the motion to reconsider be laid upon the table.

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

So the amendment (No. 1746) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) REFERENCES TO PLANT VARIETY PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"SEC. 41. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the

'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(B) METHODS.—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEED.—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) TUBER PROPAGATED.—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(9) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NONREPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result of experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) DISTINCTNESS.—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) PUBLICLY KNOWN VARIETIES.—

"(A) IN GENERAL.—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) DESCRIPTION.—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) OTHER MEANS.—A variety may become publicly known and a matter of common knowledge by other means.".

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"SEC. 42. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

"(a) IN GENERAL.—The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) MULTIPLE APPLICANTS.—

"(1) IN GENERAL.—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

"(2) REQUIREMENTS COMPLETED ON SAME DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) VARIETIES INDISTINGUISHABLE.—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants.".

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary.";

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new."; and

(5) in paragraph (4) (as redesignated by paragraph (3)), by inserting "(including any propagating material)" after "basic seed".

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

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

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority ; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right.".

SEC. 6. NOTICE OF REFUSAL; RECONSIDERATION.

The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "six months" and inserting "at least 30 days, and not more than 180 days"; and

(2) by striking "in exceptional circumstances".

SEC. 7. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a)—

(A) by designating the first through fourth sentences as paragraphs (1) through (4), respectively; and

(B) by striking paragraphs (2) and (3) (as so designated) and inserting the following new paragraphs:

"(2) If the owner so elects, the certificate shall—

"(A) specify that seed of the variety shall be sold in the United States only as a class of certified seed; and

"(B) if so specified, conform to the number of generations designated by the owner.

"(3) An owner may waive a right provided under this subsection, other than a right that is elected by the owner under paragraph (2)(A).";

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: *Provided, however*, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 8. PRIORITY CONTEST.

(a) PRIORITY CONTEST; EFFECT OF ADVERSE FINAL JUDGMENT OR INACTION.—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) INTERFERING PLANT VARIETY PROTECTION.—

(1) REDESIGNATION.—Chapter 9 of title II (7 U.S.C. 2501 et seq.) is amended by redesignating section 94 (7 U.S.C. 2504) as section 92.

(2) AMENDMENTS.—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) APPEAL OR CIVIL ACTION IN CONTESTED CASES.—

(1) TRANSFER.—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) REPEAL.—Section 73 (as amended by paragraph (1)) is repealed.

(d) CONFORMING AMENDMENTS.—

(1) Section 71 (7 U.S.C. 2461) is amended by striking "92,".

(2) Section 102 (7 U.S.C. 2532) is amended by inserting "or tuber propagable" after "sexually reproducible" each place it appears.

SEC. 9. PROMPT PAYMENT.

Chapter 9 of title II (7 U.S.C. 2501 et seq.) (as amended by section 8) is further amended by adding at the end the following new section:

"SEC. 93. PROMPT PAYMENT.

"If a seed grower contracts with the holder of a certificate of plant variety protection issued under this Act, or a licensee of the holder, to produce lawn, turf, or forage grass seed, alfalfa, or clover seed, protected under this Act, payments due the grower under the contract shall be completed not later than the earlier of—

"(1) 30 days after the contract payment date; or

"(2) May 1 of the year following the production of the seed.".

SEC. 10. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) in paragraph (3), by inserting ", or propagate by a tuber or a part of a tuber," after "sexually multiply";

(E) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(G) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation, except to the extent that the conditioning is related to the activities permitted under section 113;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b) The owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided by this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that has been sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes.".

SEC. 11. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: *Provided*, That" and all that follows through the period and inserting "section.".

SEC. 12. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 13. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended—

(1) by inserting "or tubers or parts of tubers" after "plant material"; and

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

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate, except that lawn, turf, or forage grass seed, alfalfa, or clover seed may be sold without a variety name unless use of the name of a variety for which a certificate of protection has been issued under this Act is required under State law.".

SEC. 14. ELIMINATION OF GENDER-BASED REFERENCES.

(a) The last sentence of section 7(a) (7 U.S.C. 2327(a)) is amended by striking "his designee shall act as chairman" and inserting "the designee of the Secretary shall act as chairperson".

(b) Section 10(a) (7 U.S.C. 2330(a)) is amended by striking "he" and inserting "the Secretary".

(c) Section 23 (7 U.S.C. 2353) is amended—

(1) in the second sentence, by striking "he" and inserting "the officer"; and

(3) in the third sentence, by striking "he" and inserting "the person".

(d) Section 24 (7 U.S.C. 2354) is amended—

(1) in the first sentence of subsection (a), by striking "him" and inserting "the witness"; and

(2) in the second sentence of subsection (c)—

(A) by striking "his fees and traveling expenses" and inserting "the fees and traveling expenses of the witness"; and

(B) by striking "him" and inserting "the witness".

(e) The last sentence of section 27 (7 U.S.C. 2357) is amended by striking "he" each place it appears " and inserting "the person".

(f) The first sentence of section 44 (7 U.S.C. 2404) is amended by striking "he" and inserting "the Secretary".

(g) Section 53 (7 U.S.C. 2423) is amended—

(1) in subsection (a), by striking "one (or his successor)" and inserting "one person (or the successor of the person)"; and

(2) in subsection (b), by striking "he" and inserting "the Secretary".

(h) Section 54 (7 U.S.C. 2424) is amended by striking "his successor in interest" and inserting "the successor in interest of the breeder".

(i) Section 55 (7 U.S.C. 2425) is amended—

(1) in subsection (a)(2) (as redesignated by section 5(1)), by striking "his application" and inserting "the application filed in the United States"; and

(2) in subsection (b), by striking "his predecessor in title" and inserting "the predecessor in title of the person".

(j) The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "him" and inserting "an applicant";

(2) by striking "an applicant shall" and inserting "the applicant shall"; and

(3) by striking "he" and inserting "the Secretary".

(k) The second sentence of section 72 (7 U.S.C. 2462) is amended by striking "his variety as specified in his application" and inserting "the variety as specified in the application".

(l) Section 82 (7 U.S.C. 2482) is amended by striking "his signature" and inserting "the signature of the Secretary".

(m) Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a) (as amended by section 7(1)(A))—

(A) in paragraph (1), by striking "(or his successor in interest)" and inserting "(or the successor in interest of the breeder)"; and

(B) in paragraph (4), by striking "his discretion" and inserting "the discretion of the Secretary"; and

(2) in subsection (c), by striking "he" and inserting "the last owner".

(n) Section 86 (7 U.S.C. 2486) is amended—

(1) in the first sentence, by striking "him" and inserting "the Secretary"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(o) Section 91(c) (7 U.S.C. 2501(c)) is amended by striking "he" and inserting "the Secretary".

(p) The fourth sentence of section 92(b) (as transferred by section 8(c)(1)) is amended by striking "he" and inserting "the Secretary".

(q) The first sentence of section 111(f) (as redesignated by section 9(2)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

(r) Section 112 (7 U.S.C. 2542) is amended by striking "his successor in interest" and inserting "the successor in interest of the person".

(s) Section 113 (7 U.S.C. 2543) is amended—

(1) in the first sentence—

(A) by striking "him" and inserting "the person"; and

(B) by striking "his farm" and inserting "the farm of the person"; and

(2) in the third sentence, by striking "his actions" and inserting "the actions of the purchaser".

(t) Section 121 (7 U.S.C. 2561) is amended by striking "his".

(u) Section 126(b) (7 U.S.C. 2566(b)) is amended by striking "his" and inserting "the".

(v) Section 128(a) (7 U.S.C. 2568(a)) is amended by striking "he" and inserting "the Secretary".

(w) Section 130(a) (7 U.S.C. 2570(a)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

SEC. 15. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Except as provided in this section, any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) APPLICATIONS REFILED.—

(1) IN GENERAL.—An applicant may refile a pending application on or after the effective date of this Act.

(2) EFFECT OF REFILING.—If a pending application is refiled on or after the effective date of this Act—

(A) eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act; and

(B) for purposes of section 42 of the Plant Variety Protection Act, as amended by section 3 of this Act, the date of filing shall be the date of filing of the original application.

(c) LABELING.—

(1) IN GENERAL.—To obtain the protection provided to an owner of a protected variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) (as amended by this Act), a notice given by an owner concerning the variety under section 127 of the Plant Variety Protection Act (7 U.S.C. 2567) shall state that the variety is protected under such Act (as amended by this Act).

(2) SANCTIONS.—Any person that makes a false or misleading statement or claim, or uses a false or misleading label, concerning protection described in paragraph (1) shall be subject to the sanctions described in section 128 of the Plant Variety Protection Act (7 U.S.C. 2568).

SEC. 16. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the bill, as amended, be read three times, passed, and the motion to reconsider laid upon the table.

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

So the bill (S. 1406), as amended, was passed.

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 193, S. 1030 relating to veterans programs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1030) to amend chapter 17 of title 38 United States Code, to improve the Department of Veterans Affairs program of sexual trauma counselling for veterans, and to improve certain Department of Veterans Affairs programs for women veterans.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment to strike all after the enacting clause and inserting in lieu thereof the following: which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1030

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Programs Improvement 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—WOMEN VETERANS

Sec. 101. Department of Veterans Affairs sexual trauma services program.
Sec. 102. Reports relating to determinations of service connection for sexual trauma.
Sec. 103. Coordinators of women's services.
Sec. 104. Women's health services.
Sec. 105. Expansion of research relating to women veterans.
Sec. 106. Mammography quality standards.

TITLE II—GENERAL HEALTH CARE SERVICES

Sec. 201. Extension of period of eligibility for medical care for exposure to dioxin or ionizing radiation.
Sec. 202. Authority to provide priority health care to veterans of the Persian Gulf War.
Sec. 203. Programs for furnishing hospice care to veterans.
Sec. 204. Rural health-care clinic program.
Sec. 205. Payment to States of per diem for veterans receiving adult day health care.

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

Sec. 301. Short title.
Sec. 302. Program of assistance in the payment of education debts incurred by certain Veterans Health Administration employees.

Subtitle B—Other Provisions

Sec. 311. Extension of authority of Advisory Committee on Education.
Sec. 312. Extension of authority to maintain regional office in the Philippines.

TITLE I—WOMEN VETERANS

SEC. 101. DEPARTMENT OF VETERANS AFFAIRS SEXUAL TRAUMA SERVICES PROGRAM.

(a) AUTHORITY TO PROVIDE SERVICES FOR SEXUAL TRAUMA.—(1) Subsection (a)(1) of section 1720D of title 38, United States Code is amended—

(A) by inserting "(A)" before "During the period"; and

(B) by adding at the end the following:

"(B) During the period referred to in subparagraph (A), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition which the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that subparagraph.".

(2) Subsection (c)(1) of such section is amended to read as follows:

"(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a)(1), the Secretary shall ensure that the veteran is furnished counseling under this section in a way that is coordinated with the furnishing of such care and services under this chapter.".

(3) Subsection (d) of such section is amended by inserting "and care and services" after "counseling" each place it appears.

(b) AUTHORITY TO PROVIDE SERVICES BY CONTRACT.—Subsection (a)(3) of such section is amended—

(1) by inserting "(A)" before "In furnishing";

(2) in subparagraph (A), as so designated—

(i) by striking out "(A)" and inserting in lieu thereof "(i)"; and

(ii) by striking out "(B)" and inserting in lieu thereof "(ii)"; and

(3) by adding at the end the following:

"(B) The Secretary may provide care and services to a veteran under paragraph (1)(B) pursuant to a contract with a qualified non-Department health professional or facility if Department facilities are not capable of furnishing such care and services to that veteran economically because of geographic inaccessibility.".

(c) EXTENSION OF AUTHORITY TO PROVIDE SEXUAL TRAUMA SERVICES.—Subsection (a) of such section, as amended by subsections (a) and (b) of this section, is further amended—

(1) by striking out "December 31, 1995," in paragraph (1)(A) and inserting in lieu thereof "December 31, 1998,"; and

(2) by striking out "December 31, 1994," in paragraph (3) and inserting in lieu thereof "December 31, 1998,".

(d) PERIOD OF ELIGIBILITY TO SEEK SERVICES.—(1) Such subsection, as amended by subsections (a), (b), and (c) of this section, is further amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(2) Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

(e) REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF SERVICES.—Section 1720D of title 38, United States Code (as amended by subsections (a) through (d) of this section), is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(f) INCREASED PRIORITY OF CARE.—Section 1712(i) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "To a veteran"; and

(B) by inserting ", or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services" before the period at the end; and

(2) in paragraph (2)—

(A) by striking out ", (B)" and inserting in lieu thereof "or (B)"; and

(B) by striking out ", or (C)" and all that follows through "such counseling".

(g) PROGRAM REVISION.—(1) Section 1720D of title 38, United States Code (as amended by subsections (a) through (e) of this section), is further amended—

(A) by striking out "woman" in subsection (a)(1)(A);

(B) by striking out "women" in subsection (b)(2)(C) and in the first sentence of subsection (c); and

(C) by striking out "women" in subsection (c)(2) and inserting in lieu thereof "individuals".

(2)(A) The heading of such section is amended to read as follows:

"§1720D. Counseling, care, and services for sexual trauma".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 of such title is amended to read as follows:

"1720D. Counseling, care, and services for sexual trauma.".

(h) INFORMATION ON COUNSELING BY TELEPHONE.—(1) Paragraph (1) of section 1720D(c) of title 38, United States Code, as redesignated by subsection (d) of this section, is amended by striking out "may" and inserting in lieu thereof "shall".

(2) In providing information on counseling available to veterans through the information system required under section 1720D(c)(1) of title 38, United States Code, as amended by this section, the Secretary of Veterans Affairs shall ensure—

(A) that the telephone system described in such section is operated by Department of Veterans Affairs personnel who are trained in the provision to persons who have experienced sexual trauma of information about the counseling and care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including counseling and care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations;

(B) that such personnel are provided with information on the counseling and care and services relating to sexual trauma that are available to veterans and the locations in which such care and services are available;

(C) that such personnel refer veterans seeking such counseling and care and services to appropriate providers of such counseling and care and services (including counseling and care and services that are available in the communities in which such veterans reside);

(D) that the telephone system is operated in a manner that protects the confidentiality of persons who place telephone calls to the system; and

(E) that the telephone system operates at all times.

(3) The Secretary shall ensure that information about the availability of the telephone system is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

(4) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended). The report shall set forth the following:

(A) The number of telephone calls placed to the system during the period covered by the report, with a separate display of (i) the number of calls placed to the system from each State (as such term is defined in section 101(20) of title 38, United States Code) during that period, and (ii) the number of persons who placed more than one call to the system during that period.

(B) The types of sexual trauma described to personnel operating the system by persons placing calls to the system.

(C) A description of the difficulties, if any, experienced by persons placing calls to the system in obtaining counseling and care and services for sexual trauma in the communities in which such persons live, including counseling and care and services available from the Department and from non-Department agencies and organizations.

(D) A description of the training provided to the personnel operating the system.

(E) The recommendations and plans of the Secretary for the improvement of the system.

(5) The Secretary shall commence operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended), not later than 180 days after the date of the enactment of this Act.

SEC. 102. REPORTS RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA.

(a) REPORT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the Secretary's assessment of—

(A) the difficulties that veterans encounter in obtaining from the Department of Veterans Affairs determinations that disabilities relating to sexual trauma resulting from events that occurred during active duty are service-connected disabilities; and

(B) the extent to which Department personnel fail to make determinations that such disabilities are service-connected disabilities.

(2) The Secretary shall include in the report the Secretary's recommendations for actions to be taken to respond in a fair manner to the difficulties described in the report and to eliminate failures to make determinations that such disabilities are service-connected disabilities.

(3) The report required by this subsection shall be submitted not later than June 30, 1994.

(b) FOLLOW-UP REPORTS.—Not later than June 30 of each of 1995 and 1996, the Secretary shall submit to the committees referred to in paragraph (1) of subsection (a) a report on the actions taken by the Secretary to implement the recommendations referred to in paragraph (2) of that subsection.

(c) DEFINITION.—In this section, the term "sexual trauma" means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, aggravated sexual abuse (as such term is described in section 2241 of title 18, United States Code), sexual harassment, or other act of sexual violence.

SEC. 103. COORDINATORS OF WOMEN'S SERVICES.

(a) REQUIREMENT OF FULL-TIME SERVICE.—Section 108 of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948; 38 U.S.C. 1710 note) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following:

"(b) Each official who serves in the position of coordinator of women's services under subsection (a) shall so serve on a full-time basis.".

(b) ADDITIONAL RESPONSIBILITIES.—Subsection (a) of such section (as designated by subsection (a) of this section) is further amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Facilitating communication between women veterans coordinators under the jurisdiction of such regional coordinator and the Under Secretary for Health and the Secretary.".

(c) SUPPORT FOR WOMEN'S SERVICES COORDINATORS.—The Secretary of Veterans Affairs shall take appropriate actions to ensure that—

(1) sufficient funding is provided to each Department of Veterans Affairs facility in order to permit the coordinator of women's services to carry out the responsibilities of the coordinator at the facility;

(2) sufficient clerical and communications support is provided to each such coordinator for that purpose; and

(3) each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 104. WOMEN'S HEALTH SERVICES.

(a) WOMEN'S HEALTH SERVICES.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)(A)(i), by inserting "women's health services," after "preventive health services,"; and

(2) by adding at the end the following:

"(10) The term 'women's health services' means health care services provided to women, including counseling and services relating to the following:

"(A) Papanicolaou tests (pap smear).

"(B) Breast examinations and mammography.

"(C) Comprehensive reproductive health care, including pregnancy-related care.

"(D) The management of infertility.

"(E) The management and prevention of sexually-transmitted diseases.

"(F) Menopause.

"(G) Physical or psychological conditions arising out of acts of sexual violence.".

(b) CONTRACTS FOR WOMEN'S HEALTH SERVICES.—Section 1703(a) of such title is amended by adding at the end the following:

"(9) Women's health services for veterans on an ambulatory or outpatient basis.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 106 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1710 note) is amended—

(1) by striking out subsection (a); and

(2) by striking out "(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES.—" before "The Secretary".

(d) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by inserting "and women's health services (as such term is defined in section 1701(10) of title 38, United States Code)" after "section 106 of this Act";

(2) in paragraph (2), by striking out "and (B)" and inserting in lieu thereof "(B) the type and amount of services provided by such personnel, including information on the numbers of inpatient stays and the number of outpatient visits through which such services were provided, and (C)";

(3) by redesignating paragraph (4) as paragraph (7);

(4) by adding after paragraph (3) the following new paragraphs:

"(4) A description of the personnel of the Department who provided such services to women veterans, including the number of employees (including both the number of individual employees and the number of full-time employee equivalents) and the professional qualifications or specialty training of such employees and the Department facilities to which such personnel were assigned.

"(5) A description of any actions taken by the Secretary to ensure the retention of the personnel described in paragraph (4), and any actions undertaken to recruit additional such personnel or personnel to replace such personnel.

"(6) An assessment by the Secretary of any difficulties experienced by the Secretary in the furnishing of such services and the actions taken by the Secretary to resolve such difficulties."; and

(5) by adding after paragraph (7), as redesignated by paragraph (3) of this subsection, the following:

"(8) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.".

SEC. 105. EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS.

(a) HEALTH RESEARCH.—Section 109(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is amended—

(1) by inserting "(1)" before "The Secretary";

(2) in paragraph (1), as so designated, by striking out "veterans who are women" and inserting in lieu thereof "women veterans"; and

(3) by adding at the end the following:

"(2) In carrying out this section, the Secretary shall consult with the following:

"(A) The Director of the Nursing Service.

"(B) Officials of the Central Office assigned responsibility for women's health programs and sexual trauma services.

"(C) The members of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code.

"(D) Members of appropriate task forces and working groups within the Department of Veterans Affairs (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).

"(3) The Secretary shall foster and encourage research under this section on the following matters as they relate to women:

"(A) Breast cancer.

"(B) Gynecological and reproductive health, including gynecological cancer, infertility, sexually-transmitted diseases, and pregnancy.

"(C) Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

"(D) Mental health, including post-traumatic stress disorder and depression.

"(E) Diseases related to aging, including menopause, osteoporosis, and Alzheimer's Disease.

"(F) Substance abuse.

"(G) Sexual violence and related trauma.

"(H) Exposure to toxic chemicals and other environmental hazards.

"(4) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department of Veterans Affairs engaged in the research referred to in paragraph (1) include the following:

"(A) Personnel of the geriatric research, education, and clinical centers designated pursuant to section 7314 of title 38, United States Code.

"(B) Personnel of the National Center for Post-Traumatic Stress Disorder established pursuant to section 110(c) of the Veterans Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2692).

"(5) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department engaged in research relating to the health of women veterans are advised and informed of such research engaged in by other personnel of the Department.".

(b) POPULATION STUDY.—Section 110(a) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by striking out the second sentence; and

(2) by amending paragraph (3) to read as follows:

"(3)(A) Subject to subparagraph (B), the study shall be based on—

"(i) an appropriate sample of veterans who are women and of women who are serving on active military, naval, or air service; and

"(ii) an examination of the medical and demographic histories of the women comprising such sample.

"(B) The sample referred to in subparagraph (A) shall, to the maximum extent practicable, constitute a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women and women who are serving on such duty.

"(C) In carrying out the examination referred to in subparagraph (A)(ii), the Secretary shall determine the number of women of the sample who have used medical facilities of the Department, nursing home facilities of or under the jurisdiction of the Department, and outpatient care facilities of or under the jurisdiction of the Department.".

SEC. 106. MAMMOGRAPHY QUALITY STANDARDS.

(a) PERFORMANCE OF MAMMOGRAMS.—Mammograms may not be performed at a Department of Veterans Affairs facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary of Veterans Affairs. The organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established by the Secretary of Health and Human Services under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

(b) QUALITY STANDARDS.—(1)(A) The Secretary of Veterans Affairs shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities by personnel of the Department of Veterans Affairs. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

(B) In prescribing such standards, the Secretary of Veterans Affairs shall consult with the Secretary of Health and Human Services.

(2) The Secretary of Veterans Affairs shall prescribe such standards not later than 120 days after the Secretary of Health and Human Services prescribes quality standards under such section 354(f).

(c) INSPECTION OF DEPARTMENT EQUIPMENT.—(1) The Secretary of Veterans Affairs shall, on an annual basis, inspect the equipment and facilities utilized by and in Department of Veterans Affairs health-care facilities for the performance of mammograms in order to ensure the compliance of such equipment and facilities with the standards prescribed under subsection (b). Such inspection shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Services Act.

(2) The Secretary of Veterans Affairs may not delegate the responsibility of such secretary under paragraph (1) to a State agency.

(d) APPLICATION OF STANDARDS TO CONTRACT PROVIDERS.—The Secretary of Veterans Affairs shall ensure that mammograms performed for the Department of Veterans Affairs under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

(e) REPORT.—(1) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the quality standards prescribed by the Secretary under subsection (b)(1).

(2) The Secretary shall submit the report not later than 180 days after the date on which the Secretary prescribes such regulations.

(f) DEFINITION.—In this section, the term "mammogram" shall have the meaning given such term in section 354(a)(5) of the Public Health Service Act (42 U.S.C. 263b(a)).

TITLE II—GENERAL HEALTH CARE SERVICES

SEC. 201. EXTENSION OF PERIOD OF ELIGIBILITY FOR MEDICAL CARE FOR EXPOSURE TO DIOXIN OR IONIZING RADIATION.

Section 1710(e)(3) of title 38, United States Code, is amended by striking out "December 31, 1993" and inserting in lieu thereof "December 31, 2003".

SEC. 202. AUTHORITY TO PROVIDE PRIORITY HEALTH CARE TO VETERANS OF THE PERSIAN GULF WAR.

(a) AUTHORIZED INPATIENT CARE.—(1) Section 1710(a)(1)(G) of title 38, United States Code, is amended by striking out "or radiation" and inserting in lieu thereof ", radiation, or environmental hazard".

(2) Section 1710(e) of such title is amended—

(A) by inserting at the end of paragraph (1) the following new subparagraph:

"(C) Subject to paragraphs (2) and (3) of this subsection, a veteran who the Secretary finds may have been exposed while serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War to a toxic substance or environmental hazard (including petrochemicals, the fumes of burning landfills or petrochemicals, pharmaceuticals or other chemical agents administered by the Department of Defense, indigenous diseases, pesticides, and inhalation or ingestion of depleted uranium or wounds caused by depleted uranium) is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.";

(B) in paragraph (2), by striking out "subparagraph (A) or (B)" and inserting in lieu thereof "subparagraph (A), (B), or (C)"; and

(C) in paragraph (3), by striking out the period at the end and inserting in lieu thereof ", or, in the case of care for a veteran described in paragraph (1)(C), after September 30, 2003.".

(b) AUTHORIZED OUTPATIENT CARE.—Section 1712(a) of such title is amended—

(1) in paragraph (1)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(D) during the period before October 1, 2003, for any disability in the case of a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War and who the Secretary finds may have been exposed to a toxic substance or environmental hazard (including petrochemicals, the fumes of burning landfills or petrochemicals, pharmaceuticals or other chemical agents administered by the Department of Defense, indigenous diseases, pesticides, and inhalation or ingestion of depleted uranium or wounds caused by depleted uranium) during such service, notwithstanding that there is insufficient medical evidence to conclude that the disability may be associated with such exposure."; and

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

"(7) Medical services may not be furnished under paragraph (1)(D) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in that paragraph.".

(c) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (b) shall take effect as of August 2, 1990.

(2) The Secretary of Veterans Affairs shall, upon request, reimburse any veteran who paid the United States an amount under section 1710(f) or 1712(f) of title 38, United States Code, as the case may be, for hospital care, nursing home care, or outpatient services, as the case may be, furnished by the Secretary to the veteran before the date of the enactment of this Act as a result of the exposure of the veteran to a toxic substance or environmental hazards during the Persian Gulf War. The amount of the reimbursement shall be the amount paid by the veteran for such care or services under such section 1710(f) or 1712(f).

SEC. 203. PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS.

(a) ESTABLISHMENT OF PROGRAMS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"§1761. Definitions

"For the purposes of this subchapter—

"(1) The term 'terminally ill veteran' means any veteran—

"(A) who is (i) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, (ii) eligible for hospital or nursing home care in such a facility and receiving such care, (iii) receiving care in a State home facility for which care the Secretary is paying per diem under section 1741 of this title, or (iv) transferred to a non-Department nursing home for nursing home care under section 1720 of this title and receiving such care; and

"(B) who has a medical prognosis (as certified by a Department physician) of a life expectancy of six months or less.

"(2) The term 'hospice care services' means (A) the care, items, and services referred to in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and (B) personal care services.

"(3) The term 'hospice program' means any program that satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

"(4) The term 'medical facility of the Department' means a facility referred to in section 1701(4)(A) of this title.

"(5) The term 'non-Department facility' means a facility (other than a medical facility of the Department) at which care to terminally ill veterans is furnished, regardless of whether such care is furnished pursuant to a contract, agreement, or other arrangement referred to in section 1762(b)(1)(D) of this title.

"(6) The term 'personal care services' means any care or service furnished to a person that is necessary to maintain a person's health and safety within the home or nursing home of the person, including care or services related to dressing and personal hygiene, feeding and nutrition, and environmental support.

"§1762. Hospice care: pilot program requirements

"(a)(1) During the period beginning on October 1, 1993, and ending on December 31, 1998, the Secretary shall conduct a pilot program in order—

"(A) to assess the feasibility and desirability of furnishing hospice care services to terminally ill veterans; and

"(B) to determine the most efficient and effective means of furnishing such services to such veterans.

"(2) The Secretary shall conduct the pilot program in accordance with this section.

"(b)(1) Under the pilot program, the Secretary shall—

"(A) designate not less than 15 nor more than 30 medical facilities of the Department at or through which to conduct hospice care services demonstration projects;

"(B) designate the means by which hospice care services shall be provided to terminally ill veterans under each demonstration project pursuant to subsection (c);

"(C) allocate such personnel and other resources of the Department as the Secretary considers necessary to ensure that services are provided to terminally ill veterans by the designated means under each demonstration project; and

"(D) enter into any contract, agreement, or other arrangement that the Secretary considers necessary to ensure the provision of such services by the designated means under each such project.

"(2) In carrying out the responsibilities referred to in paragraph (1) the Secretary shall take into account the need to provide for and conduct the demonstration projects so as to provide the Secretary with such information as is necessary for the Secretary to evaluate and assess the furnishing of hospice care services to terminally ill veterans by a variety of means and in a variety of circumstances.

"(3) In carrying out the requirement described in paragraph (2), the Secretary shall ensure, to the maximum extent feasible, that—

"(A) the medical facilities of the Department selected to conduct demonstration projects under the pilot program include facilities located in urban areas of the United States and rural areas of the United States;

"(B) the full range of affiliations between medical facilities of the Department and medical schools is represented by the facilities selected to conduct demonstration projects under the pilot program, including no affiliation, minimal affiliation, and extensive affiliation;

"(C) such facilities vary in the number of beds that they operate and maintain; and

"(D) the demonstration projects are located or conducted in accordance with any other criteria or standards that the Secretary considers relevant or necessary to furnish and to evaluate and assess fully the furnishing of hospice care services to terminally ill veterans.

"(c)(1) Subject to paragraph (2), hospice care to terminally ill veterans shall be furnished under a demonstration project by one or more of the following means designated by the Secretary:

"(A) By the personnel of a medical facility of the Department providing hospice care services pursuant to a hospice program established by the Secretary at that facility.

"(B) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a medical facility of the Department.

"(C) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a non-Department medical facility.

"(2)(A) The Secretary shall provide that—

"(i) care is furnished by the means described in paragraph (1)(A) at not less than five medical facilities of the Department; and

"(ii) care is furnished by the means described in subparagraphs (B) and (C) of paragraph (1) in connection with not less than five such facilities for each such means.

"(B) The Secretary shall provide in any contract under subparagraph (B) or (C) of paragraph (1) that inpatient care may be provided to terminally ill veterans at a medical facility other than that designated in the contract if the provision of such care at such other facility is necessary under the circumstances.

"(d)(1) Except as provided in paragraph (2), the amount paid to a hospice program for care furnished pursuant to subparagraph (B) or (C) of subsection (c)(1) may not exceed the amount that would be paid to that program for such care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) if such care were hospice care for which payment would be made under part A of title XVIII of such Act.

"(2) The Secretary may pay an amount in excess of the amount referred to in paragraph (1) (or furnish services whose value, together with any payment by the Secretary, exceeds such amount) to a hospice program for furnishing care to a terminally ill veteran pursuant to subparagraph (B) or (C) of subsection (c)(1) if the Secretary determines, on a case-by-case basis, that—

"(A) the furnishing of such care to the veteran is necessary and appropriate; and

"(B) the amount that would be paid to that program under section 1814(i) of the Social Security Act would not compensate the program for the cost of furnishing such care.

"§1763. Care for terminally ill veterans

"(a) During the period referred to in section 1762(a)(1) of this title, the Secretary shall designate not less than 10 medical facilities of the Department at which hospital care is being furnished to terminally ill veterans to furnish the care referred to in subsection (b)(1).

"(b)(1) Palliative care to terminally ill veterans shall be furnished at the facilities referred to in subsection (a) by one of the following means designated by the Secretary:

"(A) By personnel of the Department providing one or more hospice care services to such veterans at or through medical facilities of the Department.

"(B) By personnel of the Department monitoring the furnishing of one or more of such services to such veterans at or through non-Department facilities.

"(2) The Secretary shall furnish care by the means referred to in each of subparagraphs (A) and (B) of paragraph (1) at not less than five medical facilities designated under subsection (a).

"§1764. Information relating to hospice care services

"The Secretary shall ensure to the extent practicable that terminally ill veterans who have been informed of their medical prognosis receive information relating to the eligibility, if any, of such veterans for hospice care and services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"§1765. Evaluation and reports

"(a) Not later than September 30, 1994, and on an annual basis thereafter until October 1, 1999, the Secretary shall submit a written report to the Committees on Veterans' Affairs of the Senate and House of Representatives relating to the conduct of the pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. Each report shall include the following information:

"(1) The location of the sites of the demonstration projects provided for under the pilot program.

"(2) The location of the medical facilities of the Department at or through which hospice care services are being furnished under section 1763 of this title.

"(3) The means by which care to terminally ill veterans is being furnished under each such project and at or through each such facility.

"(4) The number of veterans being furnished such care under each such project and at or through each such facility.

"(5) An assessment by the Secretary of any difficulties in furnishing such care and the actions taken to resolve such difficulties.

"(b) Not later than August 1, 1997, the Secretary shall submit to the committees referred to in subsection (a) a report containing an evaluation and assessment by the Director of the Health Services Research and Development Service of the hospice care pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. The report shall contain such information (and shall be presented in such form) as will enable the committees to evaluate fully the feasibility and desirability of furnishing hospice care services to terminally ill veterans.

"(c) The report shall include the following:

"(1) A description and summary of the pilot program.

"(2) With respect to each demonstration project conducted under the pilot program—

"(A) a description and summary of the project;

"(B) a description of the facility conducting the demonstration project and a discussion of how such facility was selected in accordance with the criteria set out in, or prescribed by the Secretary pursuant to, subparagraphs (A) through (D) of section 1762(b)(3) of this title;

"(C) the means by which hospice care services care are being furnished to terminally ill veterans under the demonstration project;

"(D) the personnel used to furnish such services under the demonstration project;

"(E) a detailed factual analysis with respect to the furnishing of such services, including (i) the number of veterans being furnished such services, (ii) the number, if any, of inpatient admissions for each veteran being furnished such services and the length of stay for each such admission, (iii) the number, if any, of outpatient visits for each such veteran, and (iv) the number, if any, of home-care visits provided to each such veteran;

"(F) the direct costs, if any, incurred by terminally ill veterans, the members of the families of such veterans, and other individuals in close relationships with such veterans in connection with the participation of veterans in the demonstration project;

"(G) the costs incurred by the Department in conducting the demonstration project, including an analysis of the costs, if any, of the demonstration project that are attributable to (i) furnishing such services in facilities of the Department, (ii) furnishing such services in non-Department facilities, and (iii) administering the furnishing of such services; and

"(H) the unreimbursed costs, if any, incurred by any other entity in furnishing services to terminally ill veterans under the project pursuant to section 1762(c)(1)(C) of this title.

"(3) An analysis of the level of the following persons' satisfaction with the services furnished to terminally ill veterans under each demonstration project:

"(A) Terminally ill veterans who receive such services, members of the families of such veterans, and other individuals in close relationships with such veterans.

"(B) Personnel of the Department responsible for furnishing such services under the project.

"(C) Personnel of non-Department facilities responsible for furnishing such services under the project.

"(4) A description and summary of the means of furnishing hospice care services at or through each medical facility of the Department designated under section 1763(a)(1) of this title.

"(5) With respect to each such means, the information referred to in paragraphs (2) and (3).

"(6) A comparative analysis by the Director of the services furnished to terminally ill veterans under the various demonstration projects referred to in section 1762 of this title and at or through the designated facilities referred to in section 1763 of this title, with an emphasis in such analysis on a comparison relating to—

"(A) the management of pain and health symptoms of terminally ill veterans by such projects and facilities;

"(B) the number of inpatient admissions of such veterans and the length of inpatient stays for such admissions under such projects and facilities;

"(C) the number and type of medical procedures employed with respect to such veterans by such projects and facilities; and

"(D) the effectiveness of such projects and facilities in providing care to such veterans at the homes of such veterans or in nursing homes.

"(7) An assessment by the Director of the feasibility and desirability of furnishing hospice care services by various means to terminally ill veterans, including an assessment by the Director of the optimal means of furnishing such services to such veterans.

"(8) Any recommendations for additional legislation regarding the furnishing of care to terminally ill veterans that the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"1761. Definitions.
"1762. Hospice care: pilot program requirements.
"1763. Care for terminally ill veterans.
"1764. Information relating to hospice care services.
"1765. Evaluation and reports.".

(c) AUTHORITY TO CARRY OUT OTHER HOSPICE CARE PROGRAMS.—The amendments made by subsection (a) may not be construed as terminating the authority of the Secretary of Veterans Affairs to provide hospice care services to terminally ill veterans under any program in addition to the programs required under the provisions added by such amendments.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of Veterans Affairs for the purposes of carrying out the evaluation of the hospice care pilot programs under section 1765 of title 38, United States Code (as added by subsection (a)), as follows:

(1) For fiscal year 1994, $1,200,000.
(2) For fiscal year 1995, $2,500,000.
(3) For fiscal year 1996, $2,200,000.
(4) For fiscal year 1997, $100,000.

SEC. 204. RURAL HEALTH-CARE CLINIC PROGRAM.

(a) PROGRAM.—(1) Chapter 17 of title 38, United States Code, is amended by adding at the end of subchapter II the following:

"§1720E. Rural health-care clinics: pilot program

"(a) During the three-year period beginning on October 1, 1993, the Secretary shall conduct a rural health-care clinic program in States where significant numbers of veterans reside in areas geographically remote from existing health-care facilities (as determined by the Secretary). The Secretary shall conduct the program in accordance with this section.

"(b)(1) In carrying out the rural health-care clinic program, the Secretary shall furnish medical services to the veterans described in subsection (c) through use of—

"(A) mobile health-care clinics equipped, operated, and maintained by personnel of the Department; and

"(B) other types of rural clinics, including part-time stationary clinics for which the Secretary contracts and part-time stationary clinics operated by personnel of the Department.

"(2) The Secretary shall furnish services under the rural health-care clinic program in areas—

"(A) that are more than 100 miles from a Department general health-care facility; and

"(B) that are less than 100 miles from such a facility, if the Secretary determines that the furnishing of such services in such areas is appropriate.

"(c) A veteran eligible to receive medical services through rural health-care clinics under the program is any veteran eligible for medical services under section 1712 of this title.

"(d) The Secretary shall commence operation of at least three rural health-care clinics (at least one of which shall be a mobile health-care clinic) in each fiscal year of the program. The Secretary may not operate more than one mobile health-care clinic under the authority of this section in any State in any such fiscal year.

"(e) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's plans for the implementation of the pilot program required under this section.

"(f) Not later than December 31, 1997, the Secretary shall submit to Congress a report containing an evaluation of the program. The report shall include the following:

"(1) A description of the program, including information with respect to—

"(A) the number and type of rural health-care clinics operated under the program;

"(B) the States in which such clinics were operated;

"(C) the medical services furnished under the program, including a detailed specification of the cost of such services;

"(D) the veterans who were furnished services under the program, setting forth (i) the numbers and percentages of the veterans who had service-connected disabilities, (ii) of the veterans having such disabilities, the numbers and percentages who were furnished care for such disabilities, (iii) the ages of the veterans, (iv) taking into account the veterans' past use of Department health-care facilities, an analysis of the extent to which the veterans would have received medical services from the Department outside the program and the types of services they would have received, and (v) the financial circumstances of the veterans; and

"(E) the types of personnel who furnished services to veterans under the program, including any difficulties in the recruitment or retention of such personnel.

"(2) An assessment by the Secretary of the cost-effectiveness and efficiency of furnishing medical services to veterans through various types of rural clinics (including mobile health-care clinics operated under the pilot program conducted pursuant to section 113 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 38 U.S.C. 1712 note)).

"(3) Any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.

"(g) For the purposes of this section, the term 'Department general health-care facility' has the meaning given such term in section 1712A(i)(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Rural health-care clinics: pilot program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs to carry out the rural health-care clinics program provided for in section 1720E of title 38, United States Code (as added by subsection (a)), the following:

(A) For fiscal year 1994, $3,000,000.
(B) For fiscal year 1995, $6,000,000.
(C) For fiscal year 1996, $9,000,000.

(2) Amounts appropriated pursuant to such authorization may not be used for any other purpose.

(3) No funds may be expended to carry out the rural health-care clinics program provided for in such section 1720E unless expressly provided for in an appropriations Act.

SEC. 205. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.".

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) of title 38, United States Code, is amended by inserting "adult day health," before "or hospital care".

(2) Section 8132 of such title is amended by inserting "adult day health," before "or hospital care".

(3) Section 8135(b) of such title is amended—

(A) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(B) in paragraph (3)(A), by inserting "or construction (other than new construction) of adult day health care buildings" before the semicolon.

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Department of Veterans Affairs Health Professionals Education Debt Reduction Act".

SEC. 302. PROGRAM OF ASSISTANCE IN THE PAYMENT OF EDUCATION DEBTS INCURRED BY CERTAIN VETERANS HEALTH ADMINISTRATION EMPLOYEES.

(a) PROGRAM.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"§ 7661. Authority for program

"(a) The Secretary shall carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereafter in this chapter referred to as the 'Education Debt Reduction Program'). The purpose of the program is to assist personnel serving in health-care positions in the Veterans Health Administration in reducing the amount of debt incurred by such personnel in completing educational programs that qualify such personnel for such service.

"(b)(1) Subject to paragraph (2), assistance under the Education Debt Reduction Program shall be in addition to the assistance available to individuals under the Educational Assistance Program established under this chapter.

"(2) An individual may not receive assistance under both the Education Debt Reduction Program and the Educational Assistance Program for the same period of service in the Department.

"§ 7662. Eligibility; application

"(a) An individual eligible to participate in the Education Debt Reduction Program is any individual (other than a physician or dentist) who—

"(1) serves in a position in the Veterans Health Administration under an appointment under section 7402(b) of this title;

"(2) serves in an occupation, specialty, or geographic area for which the recruitment or retention of an adequate supply of qualified health-care personnel is especially difficult (as determined by the Secretary);

"(3) has pursued or is pursuing, as the case may be—

"(A) a two-year or four-year course of education or training at a qualifying undergraduate institution which course qualified or will qualify, as the case may be, the individual for appointment in a position referred to in paragraph (1); or

"(B) a course of education at a qualifying graduate institution which course qualified or will qualify, as the case may be, the individual for appointment in such a position; and

"(4) owes any amount of principal or interest under a loan or other obligation the proceeds of which were used or are being used, as the case may be, by or on behalf of the individual to pay tuition or other costs incurred by the individual in the pursuit of a course of education or training referred to in paragraph (3).

"(b) Any eligible individual seeking to participate in the Education Debt Reduction Program shall submit an application to the Secretary relating to such participation.

"§ 7663. Agreement

"(a) The Secretary shall enter into an agreement with each individual selected to participate in the Education Debt Reduction Program. The Secretary and the individual shall enter into such an agreement at the beginning of each year for which the individual is selected to so participate.

"(b) An agreement between the Secretary and an individual selected to participate in the Education Debt Reduction Program shall be in writing, shall be signed by the individual, and shall include the following provisions:

"(1) The Secretary's agreement to provide assistance on behalf of the individual under the program upon the completion by the individual of a one-year period of service in a position referred to in section 7662(a) of this title which period begins on the date of the signing of the agreement (or such later date as is jointly agreed upon by the Secretary and the individual).

"(2) The individual's agreement that the Secretary shall pay any assistance provided under the program to the holder (as designated by the individual) of any loan or other obligation of the individual referred to in section 7662(a)(4) of this title in order to reduce or satisfy the unpaid balance (including principal and interest) due on such loan or other obligation.

"(3) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless and until the individual completes the one-year period of service referred to in paragraph (1).

"(4) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless the individual maintains (as determined by the Secretary) an acceptable level of performance during the service referred to in paragraph (3).

"§ 7664. Amount of assistance

"(a) Subject to subsection (b), the amount of assistance provided to an individual under the Education Debt Reduction Program for a year may not exceed $4,000 (adjusted in accordance with section 7631 of this title).

"(b) The total amount of assistance received by an individual under the Education Debt Reduction Program may not exceed $12,000 (as so adjusted).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"7661. Authority for program.

"7662. Eligibility; application.

"7663. Agreement.

"7664. Amount of assistance.".

(b) CONFORMING AMENDMENTS.—Section 7631 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "and the maximum Selected Reserve member stipend amount" and inserting in lieu thereof "the maximum Selected Reserve stipend amount, and the education debt reduction amount and limitation"; and

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) The term 'education debt reduction amount and limitation' means the maximum amount of assistance, and the limitation applicable to such assistance, for a person receiving assistance under subchapter VI of this chapter, as specified in section 7663 of this title and as previously adjusted (if at all) in accordance with this subsection.".

(c) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations necessary to carry out the Education Debt Reduction Program established under subchapter VI of chapter 76 of title 38, United States Code (as added by subsection (a)). The Secretary shall prescribe such regulations not later than 90 days after the date of the enactment of this Act.

(d) REPORT.—Section 7632 of title 38, United States Code, is amended—

(1) in the matter above paragraph (1), by inserting "and the Education Debt Reduction Program" before the period at the end;

(2) in paragraph (1)—

(A) by inserting "and the Education Debt Reduction Program" after "Educational Assistance Program";

(B) by striking out "Program and" and inserting in lieu thereof "Program,"; and

(C) by inserting ", and the Education Debt Reduction Program" before "separately";

(3) in paragraph (3), by striking out "the Educational Assistance Program (or predecessor program) has" and inserting in lieu thereof "each of the Educational Assistance Program (or predecessor program) and the Education Debt Reduction Program have";

(4) in paragraph (4)—

(A) by striking out "and per" and inserting in lieu thereof ", per"; and

(B) by inserting ", and per participant in the Education Debt Reduction Program" before the period at the end.

(e) EXEMPTION FROM TAXATION.—Section 7636 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "Notwithstanding"; and

(2) by adding at the end the following:

"(b) Notwithstanding any other law, any payment on behalf of a participant in the Education Debt Reduction Program for the tuition or other costs referred to in section 7662(a)(4) of this title shall be exempt from taxation.".

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs $10,000,000 for each of fiscal years 1994 through 1998 to carry out the Education Debt Reduction Program.

(2) No funds may be used to provide assistance under the program unless expressly provided for in an appropriations Act.

(g) EXEMPTION FROM LIMITATION.—Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7601 note) shall not apply to the Education Debt Reduction Program.

Subtitle B—Other Provisions

SEC. 311. EXTENSION OF AUTHORITY OF ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) of title 38, United States Code, is amended by striking out "December 31, 1993"

and inserting in lieu thereof "December 31, 1997".

SEC. 312. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) of title 38, United States Code, is amended by striking out "March 31, 1994" and inserting in lieu thereof "September 30, 1995".

AMENDMENT NO. 1747

(Purpose: To revise the services covered by the term "women's health service", to make discretionary the requirement that the Secretary of Veterans Affairs establish smoking areas in facilities of the Department of Veterans Affairs, and for other purposes)

Mr. MITCHELL. Mr. President, on behalf of Senator ROCKEFELLER I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative cleark read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. ROCKEFELLER, proposes an amendment numbered 1747:

On page 10, strike out "1993" and insert in lieu thereof "1994".

On page 21, strike out line 11 and all that follows through page 21, line 20, and insert in lieu thereof the following:

"(A) Papanicolaou tests (pap smears).

"(B) Breast examinations and mammography.

"(C) Maternity care, including pre-natal care, delivery, and post-natal care.

"(D) Menopause.".

On page 30, line 7, strike out "'December 31, 1993'" and insert in lieu thereof "'June 30, 1994'".

On page 30, strike out line 9 and all that follows through page 33, line 7, and insert in lieu thereof the following:

SEC. 202. EXTENSION OF PERIOD OF ELIGIBILITY FOR PRIORITY HEALTH CARE FOR VETERANS OF THE PERSIAN GULF WAR.

(a) INPATIENT CARE.—Section 1710(e)(3) of title 38, United States Code, is amended by striking out "after December 31, 1994" and inserting in lieu thereof "after September 30, 2003".

(b) OUTPATIENT CARE.—Section 1712(a)(1)(D) of such title is amended by striking out "before December 31, 1994" and inserting in lieu thereof "before October 1, 2003".

On page 52, between lines 11 and 12, insert the following:

SEC. 206. REVISION OF AUTHORITY ON USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

Section 526(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1715 note) is amended—

(1) in paragraph (1), by striking out "establishes and maintains—" and inserting in lieu thereof "may establish and maintain—"; and

(2) in paragraph (2), by striking out "provides access" and all that follows through "paragraph (1)" and inserting in lieu thereof "if such an area is established, provides access to the area".

On page 60, line 7, strike out "'December 31, 1993'" and insert in lieu thereof "'December 31, 1994'".

On page 60, line 12, strike out "'March 31, 1994'" and insert in lieu thereof "'December 31, 1994'".

The PRESIDING OFFICER. If there is no objection, the amendment is agreed.

So the amendment (No. 1747) was agreed to.

Mr. ROCKEFELLER. Mr. President, as the chairman of the Committee on Veterans' Affairs, I urge my colleagues to support the passage of the pending measure, S. 1030, the proposed Veterans Health Programs Improvement Act of 1994, as reported by the Committee on September 8, 1993 and as it will be amended by an amendment I will offer.

This is a vitally important bill that encompasses many different programs, which will help millions of veterans.

Mr. President, the proposed "Veterans Health Programs Improvement Act of 1994" has three titles: Women Veterans; General Health Care Services; and Miscellaneous, which has two subtitles, Educational Debt Reduction and Other Provisions.

Mr. President, I refer my colleagues to the committee's report accompanying S. 1030 (Senate Report 103-136). Because the provisions of the legislation are described in detail in that report, I will now highlight the provisions of the bill as it will be amended.

TITLE I—WOMEN VETERANS

DEPARTMENT OF VETERANS AFFAIRS SEXUAL TRAUMA SERVICES PROGRAM

Mr. President, the provisions in title I relating to sexual trauma services are derived, in part, from S. 2973 of the 102nd Congress that was ultimately enacted as the Veterans Health Care Act of 1992 (Public Law 102-585), an omnibus veterans health measure.

Mr. President, this legislation would extend the entire sexual trauma counseling program within VA. Under current law, VA's authority to carry out this program would expire on December 31, 1995. VA needs more time to reach the veterans who need these services.

In addition, this legislation would repeal the restriction in current law that requires women veterans to seek sexual trauma counseling within two years of discharge from active duty, and it would also repeal the one year time limit during which a veteran could receive VA care for sexual trauma.

Women veterans have served with dignity and courage in all battles since the American Revolution, and we must ensure that if a veteran is raped or sexually assaulted while serving on active duty, he or she must be able to seek care at any point after leaving the service and get care for as long as is necessary.

REPORTS RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA

S. 1030 would also require the Secretary to complete a study on the difficulties veterans encounter in obtaining VA determination that disabilities resulting from sexual trauma are service connected and the extent to which VA personnel fail to make such determinations.

COORDINATORS OF WOMEN'S SERVICES

S. 1030 would improve the women veterans coordinator program. The bill would require that each coordinator serve on a full-time basis; that each regional coordinator facilitate communcation between women veterans coordinators at VAMCs and VA officials; and require VA to provide to coordinators adequate clerical and communications support.

WOMEN'S HEALTH SERVICES

S. 1030, as amended, would expand the list of women's health services offered by VA from that enacted last Congress. Under current law, VA is authorized to provide pap smears, mammograms, very limited reproductive services, and services for menopause. Under S. 1030 as amended, this list would replace limited reproductive services (which does not include maternity services) with maternity services, which is defined as prenatal care, delivery services, and postnatal care. The modification would require VA to furnish, directly or by contract, all of these services to women veterans who are eligible for them. S. 1030 makes no change in existing law with regard to abortion.

EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS

S. 1030 would amend provisions in Public Law 102-585 in order to further improve and expand VA research relating to women veterans' health care needs. The proposed bill provides more specific direction to the Secretary with regard to VA's responsibility to foster and encourge medical research relating to the health care needs of women veterans.

MAMMOGRAPHY QUALITY STANDARDS

The proposed bill would attempt to ensure that women veterans will receive safe and accurate mammograms. The bill requires the Secretary to promulgate quality assurance and quality control regulations for VA facilities that furnish mammography that are no less stringent than regulations to which other mammography providers are subject under the Mammography Quality Standards Act of 1992.

TITLE II—GENERAL HEALTH CARE SERVICES

EXTENSION OF PERIOD OF ELIGIBILITY FOR MEDICAL CARE FOR EXPOSURE TO DIOXIN OR IONIZING RADIATION

Mr. President, I am also pleased that this legislation includes provisions relating to eligibility for medical care for exposure to dioxin or ionizing radiation.

This bill extends—from June 30 of this year to September 31, 2003—health care eligibility for veterans exposed to Agent Orange or other herbicides in Vietnam or exposed to radiation during participation in the nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan, even if there is insufficient medical evidence to prove service-connection.

These provisions also symbolize Congress' resolve to help veterans who were poorly informed or misinformed about their exposures to chemicals or atomic radiation. In essence, we will be telling these veterans that Congress is committed to providing the needed health care, even if the nature of their exposure makes it difficult to establish scientific proof that their exposures caused specific illnesses.

EXTENSION OF AUTHORITY TO PROVIDE PRIORITY HEALTH CARE TO VETERANS OF THE PERSIAN GULF WAR

Mr. President, our feelings of victory after the Persian Gulf War have been tempered because of concerns about the health of Desert Shield and Desert Storm veterans. Although it may take years to determine all the causes of the mysterious illnesses experienced by our Persian Gulf War veterans, we must move quickly to provide medical care to those veterans who are suffering from these illnesses.

In this regard, the pending measure includes a provision extending—from December 31, 1994 until September 30, 2003—VA's authority to provide priority health care to veterans of the Persian Gulf War. The provision is based on an amendment proposed by

Committee members Tom Daschle and James Jeffords at our July 1, 1993, markup of S. 1030.

PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS

S. 1030 would require VA to set up demonstration projects at 15 to 30 VA sites to evaluate the best way to provide hospice care.

RURAL HEALTH-CARE CLINIC PROGRAM

S. 1030 would require VA to establish and evaluate three different types of programs for furnishing health care services to veterans living in areas geographically remote from VA facilities. Provisions relating to the rural health-care clinic program are identical to S. 452, which was originally introduced by Senator Conrad.

PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE

S. 1030 would authorize VA to make per diem payments, at a rate determined by the Secretary, for each eligible veteran receiving adult day health care in a State Home. Further, this bill would authorize VA to provide grants to States to help with the cost of expanding or remodeling State Veterans Home facilities for the purpose of furnishing adult day health care. Provisions relating to state veterans home facilities are identical to S. 852, which was introduced by Senator Conrad.

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

Mr. President, the proposed "Veterans Health Programs Improvement Act of 1994" would establish a student loan repayment program for certain VA health care professionals who have completed or are completing a 2-year or 4-year course of training at an undergraduate institution or a course of training at a graduate institution, which qualifies them to serve in occupations, specialities, or geographic areas where it is difficult to recruit and retain qualified employees. Provisions relating to the education debt reduction program are derived from S. 1122, which was introduced by Senator Mikulski and modified by an amendment by Senator Rockefeller.

Subtitle B—Other Provisions

EXTENSION OF AUTHORITY OF ADVISORY COMMITTEE ON EDUCATION

The proposed bill would extend VA's authority to maintain a Veterans' Advisory Committee on Education for 3 years, from December 31, 1994, to December 31, 1997.

EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES

The proposed bill would extend VA's authority to maintain a regional office in the Republic of the Philippines from December 31, 1994, to September 30, 1995.

SMOKING AREAS IN VA HOSPITALS

As amended, S. 1030 would modify existing law—section 526(a) of Public Law 102-585—to make the establishment of smoking areas in VA hospitals subject to the discretion of the Secretary of Veterans Affairs. However, it would maintain mandatory provisions relating to access and ventilation for those smoking areas that are established.

CONCLUSION

Mr. President, in closing, I thank our Committee's Ranking Republican Member, Senator Murkowski, for his cooperation and help with this bill. I am also grateful to many other members of the Committee for their support on this measure.

In addition, with regard to the women's health provisions, I also want to express my gratitude to Senators Barbara Boxer, Barbara Mikulski, and Patty Murray, for their unwavering support for women veterans, and for all American women.

The Committee believes that this bill is an important step forward, especially in the area of women's health services. I believe that VA will need to significantly broaden its services to provide comprehensive health care services for men and women, if it is to successfully compete under health care reform, and if it is to meet the needs of all American veterans.

Thank you, Mr. President.

Ms. MIKULSKI. Mr. President, many services, especially primary care and preventive services, are not currently available at all VA medical facilities. I would like to have the views of my colleague, the committee chairman [Mr. ROCKEFELLER], on how this bill fits in with his plans regarding legislative reform of the VA medical system.

Mr. ROCKEFELLER. Mr. President, as my good friend, the chair of the VA-HUD Subcommittee on Appropriations, appreciates better than most, the VA medical system does not provide comprehensive health care services to either men or women. This bill is an important step, but must not be the only step, toward making essential health care services available to all veterans, including those women who served our country so well but have not been well served by the VA.

Ms. MIKULSKI. Mr. President, all American women, including women veterans, deserve a basic benefits package that includes the wide range of services needed to keep them well, to prevent diseases as well as treat them, and to provide services to treat and manage heart disease, mental illness, and respiratory problems, to provide comprehensive reproductive services, including pregnancy-related services, and to treat menopause, osteoporosis, and many other health problems. I know my friend from West Virginia agrees. My concern, Mr. President, is whether this bill in any way undermines efforts to provide such services to veterans under health care reform.

Mr. ROCKEFELLER. Mr. President, on the contrary, I am convinced that this bill will help prepare the VA for the more comprehensive services that health care reform will require. This bill will require the VA to provide essential services that will save women's lives—services that the VA has not always provided in the past. If the VA is to survive and thrive under health care reform, VA health plans must provide the same basic package of services that will be available to all other Americans. I share the strong commitment of my good friend from Maryland that we pass a health care reform bill that provides a truly comprehensive basic benefit package for all Americans, and that for the first time gives every veteran the opportunity to obtain comprehensive health care services through the VA medical system or through other health care providers. I will do everything I can to make that happen.

Mr. MURKOWSKI. Mr. President, I would like to have the views of my colleague, the committee chairman [Mr. ROCKEFELLER], regarding the impact of provisions in the pending bill relating to health care for women veterans in VA facilities. First, I am interested in knowing whether he believes that the provision that would authorize VA to furnish maternity care to women veterans would authorize VA to provide neonatal care to the child of a woman veteran?

Mr. ROCKEFELLER. Mr. President, the legislation would authorize VA to furnish maternity care to women veterans, but would not authorize VA to furnish neonatal care to the children of these veterans. Without express authority to furnish such care, VA would have no basis for caring for a veteran's child.

Mr. President, the purpose of the provision in the bill is that a woman veteran receive prenatal, delivery, and postnatal care. Given VA's history of not furnishing such care, I fully expect that delivery services will be contracted out to non-VA facilities—such as DOD facilities and medical school affiliates of VA medical centers. This would ensure that, while there will be no disruption of care between the time of delivery and neonatal care, VA's obligation to pay for the delivery can and will be segregated from the cost of the child's care.

Mr. MURKOWSKI. Mr. President, I am also concerned about the possibility that VA would spend its limited construction funds to build delivery suites and to open obstetrical and gynecological clinics to provide the services we are authorizing, and I am interested in the chairman's views on that.

Mr. ROCKEFELLER. Mr. President, that is not our intention. Instead, as I just noted, we fully expect VA to contract with other conveniently located and high quality facilities to provide delivery services, such as DOD facilities and medical school affiliates.

Mr. President, under health care reform, VA will rely very heavily on contract agreements with other providers in their service area to provide services in closer proximity to the veteran and for services for which they do not have the expertise, such as pediatrics. This will be an opportunity for VA to further enhance these key relationships.

Mr. MURKOWSKI. Finally, Mr. President, does the inclusion of authority to furnish delivery services in title 38 provide new authority for abortion procedures in VA hospitals?

Mr. ROCKEFELLER. Mr. President, no, these provisions would have no effect on current law regarding abortion procedures for veterans.

Mr. MITCHELL. Mr. President, I ask unanimous consent, the amendment

having been agreed to, that the committee substitute, as amended, be agreed to, the bill read a third time, passed, the motion to reconsider be laid upon the table; that the title amendment be agreed to and that any statements appear at the appropriate place in the RECORD.

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

So the bill (S. 1030), as amended, was passed, as follows:

S. 1030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Programs Improvement 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—WOMEN VETERANS

Sec. 101. Department of Veterans Affairs sexual trauma services program.
Sec. 102. Reports relating to determinations of service connection for sexual trauma.
Sec. 103. Coordinators of women's services.
Sec. 104. Women's health services.
Sec. 105. Expansion of research relating to women veterans.
Sec. 106. Mammography quality standards.

TITLE II—GENERAL HEALTH CARE SERVICES

Sec. 201. Extension of period of eligibility for medical care for exposure to dioxin or ionizing radiation.
Sec. 202. Extension of period of eligibility for priority health care for veterans of the Persian Gulf War.
Sec. 203. Programs for furnishing hospice care to veterans.
Sec. 204. Rural health-care clinic program.
Sec. 205. Payment to States of per diem for veterans receiving adult day health care.
Sec. 206. Revision of authority on use of tobacco products in department facilities.

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

Sec. 301. Short title.
Sec. 302. Program of assistance in the payment of education debts incurred by certain Veterans Health Administration employees.

Subtitle B—Other Provisions

Sec. 311. Extension of authority of Advisory Committee on Education.
Sec. 312. Extension of authority to maintain regional office in the Philippines.

TITLE I—WOMEN VETERANS

SEC. 101. DEPARTMENT OF VETERANS AFFAIRS SEXUAL TRAUMA SERVICES PROGRAM.

(a) AUTHORITY TO PROVIDE SERVICES FOR SEXUAL TRAUMA.—(1) Subsection (a)(1) of section 1720D of title 38, United States Code is amended—

(A) by inserting "(A)" before "During the period"; and

(B) by adding at the end the following:

"(B) During the period referred to in subparagraph (A), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition which the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that subparagraph.".

(2) Subsection (c)(1) of such section is amended to read as follows:

"(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a)(1), the Secretary shall ensure that the veteran is furnished counseling under this section in a way that is coordinated with the furnishing of such care and services under this chapter.".

(3) Subsection (d) of such section is amended by inserting "and care and services" after "counseling" each place it appears.

(b) AUTHORITY TO PROVIDE SERVICES BY CONTRACT.—Subsection (a)(3) of such section is amended—

(1) by inserting "(A)" before "In furnishing";

(2) in subparagraph (A), as so designated—

(i) by striking out "(A)" and inserting in lieu thereof "(i)"; and

(ii) by striking out "(B)" and inserting in lieu thereof "(ii)"; and

(3) by adding at the end the following:

"(B) The Secretary may provide care and services to a veteran under paragraph (1)(B) pursuant to a contract with a qualified non-Department health professional or facility if Department facilities are not capable of furnishing such care and services to that veteran economically because of geographic inaccessibility.".

(c) EXTENSION OF AUTHORITY TO PROVIDE SEXUAL TRAUMA SERVICES.—Subsection (a) of such section, as amended by subsections (a) and (b) of this section, is further amended—

(1) by striking out "December 31, 1995," in paragraph (1)(A) and inserting in lieu thereof "December 31, 1998,"; and

(2) by striking out "December 31, 1994," in paragraph (3) and inserting in lieu thereof "December 31, 1998,".

(d) PERIOD OF ELIGIBILITY TO SEEK SERVICES.—(1) Such subsection, as amended by subsections (a), (b), and (c) of this section, is further amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(2) Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

(e) REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF SERVICES.—Section 1720D of title 38, United States Code (as amended by subsections (a) through (d) of this section), is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(f) INCREASED PRIORITY OF CARE.—Section 1712(i) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "To a veteran"; and

(B) by inserting ", or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services" before the period at the end; and

(2) in paragraph (2)—

(A) by striking out ", (B)" and inserting in lieu thereof "or (B)"; and

(B) by striking out ", or (C)" and all that follows through "such counseling".

(g) PROGRAM REVISION.—(1) Section 1720D of title 38, United States Code (as amended by subsections (a) through (e) of this section), is further amended—

(A) by striking out "woman" in subsection (a)(1)(A);

(B) by striking out "women" in subsection (b)(2)(C) and in the first sentence of subsection (c); and

(C) by striking out "women" in subsection (c)(2) and inserting in lieu thereof "individuals".

(2)(A) The heading of such section is amended to read as follows:

"§ 1720D. Counseling, care, and services for sexual trauma".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 of such title is amended to read as follows:

"1720D. Counseling, care, and services for sexual trauma.".

(h) INFORMATION ON COUNSELING BY TELEPHONE.—(1) Paragraph (1) of section 1720D(c) of title 38, United States Code, as redesignated by subsection (d) of this section, is amended by striking out "may" and inserting in lieu thereof "shall".

(2) In providing information on counseling available to veterans through the information system required under section 1720D(c)(1) of title 38, United States Code, as amended by this section, the Secretary of Veterans Affairs shall ensure—

(A) that the telephone system described in such section is operated by Department of Veterans Affairs personnel who are trained in the provision to persons who have experienced sexual trauma of information about the counseling and care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including counseling and care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations;

(B) that such personnel are provided with information on the counseling and care and services relating to sexual trauma that are available to veterans and the locations in which such care and services are available;

(C) that such personnel refer veterans seeking such counseling and care and services to appropriate providers of such counseling and care and services (including counseling and care and services that are available in the communities in which such veterans reside);

(D) that the telephone system is operated in a manner that protects the confidentiality of persons who place telephone calls to the system; and

(E) that the telephone system operates at all times.

(3) The Secretary shall ensure that information about the availability of the telephone system is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

(4) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended). The report shall set forth the following:

(A) The number of telephone calls placed to the system during the period covered by

the report, with a separate display of (i) the number of calls placed to the system from each State (as such term is defined in section 101(20) of title 38, United States Code) during that period, and (ii) the number of persons who placed more than one call to the system during that period.

(B) The types of sexual trauma described to personnel operating the system by persons placing calls to the system.

(C) A description of the difficulties, if any, experienced by persons placing calls to the system in obtaining counseling and care and services for sexual trauma in the communities in which such persons live, including counseling and care and services available from the Department and from non-Department agencies and organizations.

(D) A description of the training provided to the personnel operating the system.

(E) The recommendations and plans of the Secretary for the improvement of the system.

(5) The Secretary shall commence operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended), not later than 180 days after the date of the enactment of this Act.

SEC. 102. REPORTS RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA.

(a) REPORT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the Secretary's assessment of—

(A) the difficulties that veterans encounter in obtaining from the Department of Veterans Affairs determinations that disabilities relating to sexual trauma resulting from events that occurred during active duty are service-connected disabilities; and

(B) the extent to which Department personnel fail to make determinations that such disabilities are service-connected disabilities.

(2) The Secretary shall include in the report the Secretary's recommendations for actions to be taken to respond in a fair manner to the difficulties described in the report and to eliminate failures to make determinations that such disabilities are service-connected disabilities.

(3) The report required by this subsection shall be submitted not later than June 30, 1994.

(b) FOLLOW-UP REPORTS.—Not later than June 30 of each of 1995 and 1996, the Secretary shall submit to the committees referred to in paragraph (1) of subsection (a) a report on the actions taken by the Secretary to implement the recommendations referred to in paragraph (2) of that subsection.

(c) DEFINITION.—In this section, the term "sexual trauma" means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, aggravated sexual abuse (as such term is described in section 2241 of title 18, United States Code), sexual harassment, or other act of sexual violence.

SEC. 103. COORDINATORS OF WOMEN'S SERVICES.

(a) REQUIREMENT OF FULL-TIME SERVICE.—Section 108 of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948; 38 U.S.C. 1710 note) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following:

"(b) Each official who serves in the position of coordinator of women's services under subsection (a) shall so serve on a full-time basis.".

(b) ADDITIONAL RESPONSIBILITIES.—Subsection (a) of such section (as designated by subsection (a) of this section) is further amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Facilitating communication between women veterans coordinators under the jurisdiction of such regional coordinator and the Under Secretary for Health and the Secretary.".

(c) SUPPORT FOR WOMEN'S SERVICES COORDINATORS.—The Secretary of Veterans Affairs shall take appropriate actions to ensure that—

(1) sufficient funding is provided to each Department of Veterans Affairs facility in order to permit the coordinator of women's services to carry out the responsibilities of the coordinator at the facility;

(2) sufficient clerical and communications support is provided to each such coordinator for that purpose; and

(3) each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 104. WOMEN'S HEALTH SERVICES.

(a) WOMEN'S HEALTH SERVICES.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)(A)(i), by inserting "women's health services," after "preventive health services,"; and

(2) by adding at the end the following:

"(10) The term 'women's health services' means health care services provided to women, including counseling and services relating to the following:

"(A) Papanicolaou tests (pap smears).

"(B) Breast examinations and mammography.

"(C) Maternity care, including pre-natal care, delivery, and post-natal care.

"(D) Menopause.".

(b) CONTRACTS FOR WOMEN'S HEALTH SERVICES.—Section 1703(a) of such title is amended by adding at the end the following:

"(9) Women's health services for veterans on an ambulatory or outpatient basis.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 106 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1710 note) is amended—

(1) by striking out subsection (a); and

(2) by striking out "(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES.—" before "The Secretary".

(d) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by inserting "and women's health services (as such term is defined in section 1701(10) of title 38, United States Code)" after "section 106 of this Act";

(2) in paragraph (2), by striking out "and (B)" and inserting in lieu thereof "(B) the type and amount of services provided by such personnel, including information on the numbers of inpatient stays and the number of outpatient visits through which such services were provided, and (C)";

(3) by redesignating paragraph (4) as paragraph (7);

(4) by adding after paragraph (3) the following new paragraphs:

"(4) A description of the personnel of the Department who provided such services to women veterans, including the number of employees (including both the number of individual employees and the number of full-time employee equivalents) and the professional qualifications or specialty training of such employees and the Department facilities to which such personnel were assigned.

"(5) A description of any actions taken by the Secretary to ensure the retention of the personnel described in paragraph (4), and any actions undertaken to recruit additional such personnel or personnel to replace such personnel.

"(6) An assessment by the Secretary of any difficulties experienced by the Secretary in the furnishing of such services and the actions taken by the Secretary to resolve such difficulties."; and

(5) by adding after paragraph (7), as redesignated by paragraph (3) of this subsection, the following:

"(8) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.".

SEC. 105. EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS.

(a) HEALTH RESEARCH.—Section 109(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is amended—

(1) by inserting "(1)" before "The Secretary";

(2) in paragraph (1), as so designated, by striking out "veterans who are women" and inserting in lieu thereof "women veterans"; and

(3) by adding at the end the following:

"(2) In carrying out this section, the Secretary shall consult with the following:

"(A) The Director of the Nursing Service.

"(B) Officials of the Central Office assigned responsibility for women's health programs and sexual trauma services.

"(C) The members of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code.

"(D) Members of appropriate task forces and working groups within the Department of Veterans Affairs (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).

"(3) The Secretary shall foster and encourage research under this section on the following matters as they relate to women:

"(A) Breast cancer.

"(B) Gynecological and reproductive health, including gynecological cancer, infertility, sexually-transmitted diseases, and pregnancy.

"(C) Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

"(D) Mental health, including post-traumatic stress disorder and depression.

"(E) Diseases related to aging, including menopause, osteoporosis, and Alzheimer's Disease.

"(F) Substance abuse.

"(G) Sexual violence and related trauma.

"(H) Exposure to toxic chemicals and other environmental hazards.

"(4) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department of Veterans Affairs engaged in the research referred to in paragraph (1) include the following:

"(A) Personnel of the geriatric research, education, and clinical centers designated pursuant to section 7314 of title 38, United States Code.

"(B) Personnel of the National Center for Post-Traumatic Stress Disorder established pursuant to section 110(c) of the Veterans Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2692).

"(5) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department engaged in research relating to the health of women veterans are advised and informed of such research engaged in by other personnel of the Department.".

(b) POPULATION STUDY.—Section 110(a) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by striking out the second sentence; and

(2) by amending paragraph (3) to read as follows:

"(3)(A) Subject to subparagraph (B), the study shall be based on—

"(i) an appropriate sample of veterans who are women and of women who are serving on active military, naval, or air service; and

"(ii) an examination of the medical and demographic histories of the women comprising such sample.

"(B) The sample referred to in subparagraph (A) shall, to the maximum extent practicable, constitute a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women and women who are serving on such duty.

"(C) In carrying out the examination referred to in subparagraph (A)(ii), the Secretary shall determine the number of women of the sample who have used medical facilities of the Department, nursing home facilities of or under the jurisdiction of the Department, and outpatient care facilities of or under the jurisdiction of the Department.".

SEC. 106. MAMMOGRAPHY QUALITY STANDARDS.

(a) PERFORMANCE OF MAMMOGRAMS.—Mammograms may not be performed at a Department of Veterans Affairs facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary of Veterans Affairs. The organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established by the Secretary of Health and Human Services under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

(b) QUALITY STANDARDS.—(1)(A) The Secretary of Veterans Affairs shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities by personnel of the Department of Veterans Affairs. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

(B) In prescribing such standards, the Secretary of Veterans Affairs shall consult with the Secretary of Health and Human Services.

(2) The Secretary of Veterans Affairs shall prescribe such standards not later than 120 days after the Secretary of Health and Human Services prescribes quality standards under such section 354(f).

(c) INSPECTION OF DEPARTMENT EQUIPMENT.—(1) The Secretary of Veterans Affairs shall, on an annual basis, inspect the equipment and facilities utilized by and in Department of Veterans Affairs health-care facilities for the performance of mammograms in order to ensure the compliance of such equipment and facilities with the standards prescribed under subsection (b). Such inspection shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Services Act.

(2) The Secretary of Veterans Affairs may not delegate the responsibility of such secretary under paragraph (1) to a State agency.

(d) APPLICATION OF STANDARDS TO CONTRACT PROVIDERS.—The Secretary of Veterans Affairs shall ensure that mammograms performed for the Department of Veterans Affairs under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

(e) REPORT.—(1) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the quality standards prescribed by the Secretary under subsection (b)(1).

(2) The Secretary shall submit the report not later than 180 days after the date on which the Secretary prescribes such regulations.

(f) DEFINITION.—In this section, the term "mammogram" shall have the meaning given such term in section 354(a)(5) of the Public Health Service Act (42 U.S.C. 263b(a)).

TITLE II—GENERAL HEALTH CARE SERVICES

SEC. 201. EXTENSION OF PERIOD OF ELIGIBILITY FOR MEDICAL CARE FOR EXPOSURE TO DIOXIN OR IONIZING RADIATION.

Section 1710(e)(3) of title 38, United States Code, is amended by striking out "June 30, 1994" and inserting in lieu thereof "December 31, 2003".

SEC. 202. EXTENSION OF PERIOD OF ELIGIBILITY FOR PRIORITY HEALTH CARE FOR VETERANS OF THE PERSIAN GULF WAR.

(a) INPATIENT CARE.—Section 1710(e)(3) of title 38, United States Code, is amended by striking out "after December 31, 1994" and inserting in lieu thereof "after September 30, 2003".

(b) OUTPATIENT CARE.—Section 1712(a)(1)(D) of such title is amended by striking out "before December 31, 1994" and inserting in lieu thereof "before October 1, 2003".

SEC. 203. PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS.

(a) ESTABLISHMENT OF PROGRAMS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"§ 1761. Definitions

"For the purposes of this subchapter—

"(1) The term 'terminally ill veteran' means any veteran—

"(A) who is (i) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, (ii) eligible for hospital or nursing home care in such a facility and receiving such care, (iii) receiving care in a State home facility for which care the Secretary is paying per diem under section 1741 of this title, or (iv) transferred to a non-Department nursing home for nursing home care under section 1720 of this title and receiving such care; and

"(B) who has a medical prognosis (as certified by a Department physician) of a life expectancy of six months or less.

"(2) The term 'hospice care services' means (A) the care, items, and services referred to in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and (B) personal care services.

"(3) The term 'hospice program' means any program that satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

"(4) The term 'medical facility of the Department' means a facility referred to in section 1701(4)(A) of this title.

"(5) The term 'non-Department facility' means a facility (other than a medical facility of the Department) at which care to terminally ill veterans is furnished, regardless of whether such care is furnished pursuant to a contract, agreement, or other arrangement referred to in section 1762(b)(1)(D) of this title.

"(6) The term 'personal care services' means any care or service furnished to a person that is necessary to maintain a person's health and safety within the home or nursing home of the person, including care or services related to dressing and personal hygiene, feeding and nutrition, and environmental support.

"§ 1762. Hospice care: pilot program requirements

"(a)(1) During the period beginning on October 1, 1993, and ending on December 31, 1998, the Secretary shall conduct a pilot program in order—

"(A) to assess the feasibility and desirability of furnishing hospice care services to terminally ill veterans; and

"(B) to determine the most efficient and effective means of furnishing such services to such veterans.

"(2) The Secretary shall conduct the pilot program in accordance with this section.

"(b)(1) Under the pilot program, the Secretary shall—

"(A) designate not less than 15 nor more than 30 medical facilities of the Department at or through which to conduct hospice care services demonstration projects;

"(B) designate the means by which hospice care services shall be provided to terminally ill veterans under each demonstration project pursuant to subsection (c);

"(C) allocate such personnel and other resources of the Department as the Secretary considers necessary to ensure that services are provided to terminally ill veterans by the designated means under each demonstration project; and

"(D) enter into any contract, agreement, or other arrangement that the Secretary considers necessary to ensure the provision of such services by the designated means under each such project.

"(2) In carrying out the responsibilities referred to in paragraph (1) the Secretary shall take into account the need to provide for and conduct the demonstration projects so as to provide the Secretary with such information as is necessary for the Secretary to evaluate and assess the furnishing of hospice care services to terminally ill veterans by a variety of means and in a variety of circumstances.

"(3) In carrying out the requirement described in paragraph (2), the Secretary shall ensure, to the maximum extent feasible, that—

"(A) the medical facilities of the Department selected to conduct demonstration projects under the pilot program include facilities located in urban areas of the United States and rural areas of the United States;

"(B) the full range of affiliations between medical facilities of the Department and medical schools is represented by the facilities selected to conduct demonstration projects under the pilot program, including no affiliation, minimal affiliation, and extensive affiliation;

"(C) such facilities vary in the number of beds that they operate and maintain; and

"(D) the demonstration projects are located or conducted in accordance with any other criteria or standards that the Secretary considers relevant or necessary to furnish and to evaluate and assess fully the furnishing of hospice care services to terminally ill veterans.

"(c)(1) Subject to paragraph (2), hospice care to terminally ill veterans shall be fur-

nished under a demonstration project by one or more of the following means designated by the Secretary:

"(A) By the personnel of a medical facility of the Department providing hospice care services pursuant to a hospice program established by the Secretary at that facility.

"(B) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a medical facility of the Department.

"(C) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a non-Department medical facility.

"(2)(A) The Secretary shall provide that—

"(i) care is furnished by the means described in paragraph (1)(A) at not less than five medical facilities of the Department; and

"(ii) care is furnished by the means described in subparagraphs (B) and (C) of paragraph (1) in connection with not less than five such facilities for each such means.

"(B) The Secretary shall provide in any contract under subparagraph (B) or (C) of paragraph (1) that inpatient care may be provided to terminally ill veterans at a medical facility other than that designated in the contract if the provision of such care at such other facility is necessary under the circumstances.

"(d)(1) Except as provided in paragraph (2), the amount paid to a hospice program for care furnished pursuant to subparagraph (B) or (C) of subsection (c)(1) may not exceed the amount that would be paid to that program for such care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) if such care were hospice care for which payment would be made under part A of title XVIII of such Act.

"(2) The Secretary may pay an amount in excess of the amount referred to in paragraph (1) (or furnish services whose value, together with any payment by the Secretary, exceeds such amount) to a hospice program for furnishing care to a terminally ill veteran pursuant to subparagraph (B) or (C) of subsection (c)(1) if the Secretary determines, on a case-by-case basis, that—

"(A) the furnishing of such care to the veteran is necessary and appropriate; and

"(B) the amount that would be paid to that program under section 1814(i) of the Social Security Act would not compensate the program for the cost of furnishing such care.

"§ 1763. Care for terminally ill veterans

"(a) During the period referred to in section 1762(a)(1) of this title, the Secretary shall designate not less than 10 medical facilities of the Department at which hospital care is being furnished to terminally ill veterans to furnish the care referred to in subsection (b)(1).

"(b)(1) Palliative care to terminally ill veterans shall be furnished at the facilities referred to in subsection (a) by one of the following means designated by the Secretary:

"(A) By personnel of the Department providing one or more hospice care services to such veterans at or through medical facilities of the Department.

"(B) By personnel of the Department monitoring the furnishing of one or more of such services to such veterans at or through non-Department facilities.

"(2) The Secretary shall furnish care by the means referred to in each of subparagraphs (A) and (B) of paragraph (1) at not less than five medical facilities designated under subsection (a).

"§ 1764. Information relating to hospice care services

"The Secretary shall ensure to the extent practicable that terminally ill veterans who have been informed of their medical prognosis receive information relating to the eligibility, if any, of such veterans for hospice care and services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"§ 1765. Evaluation and reports

"(a) Not later than September 30, 1994, and on an annual basis thereafter until October 1, 1999, the Secretary shall submit a written report to the Committees on Veterans' Affairs of the Senate and House of Representatives relating to the conduct of the pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. Each report shall include the following information:

"(1) The location of the sites of the demonstration projects provided for under the pilot program.

"(2) The location of the medical facilities of the Department at or through which hospice care services are being furnished under section 1763 of this title.

"(3) The means by which care to terminally ill veterans is being furnished under each such project and at or through each such facility.

"(4) The number of veterans being furnished such care under each such project and at or through each such facility.

"(5) An assessment by the Secretary of any difficulties in furnishing such care and the actions taken to resolve such difficulties.

"(b) Not later than August 1, 1997, the Secretary shall submit to the committees referred to in subsection (a) a report containing an evaluation and assessment by the Director of the Health Services Research and Development Service of the hospice care pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. The report shall contain such information (and shall be presented in such form) as will enable the committees to evaluate fully the feasibility and desirability of furnishing hospice care services to terminally ill veterans.

"(c) The report shall include the following:

"(1) A description and summary of the pilot program.

"(2) With respect to each demonstration project conducted under the pilot program—

"(A) a description and summary of the project;

"(B) a description of the facility conducting the demonstration project and a discussion of how such facility was selected in accordance with the criteria set out in, or prescribed by the Secretary pursuant to, subparagraphs (A) through (D) of section 1762(b)(3) of this title;

"(C) the means by which hospice care services care are being furnished to terminally ill veterans under the demonstration project;

"(D) the personnel used to furnish such services under the demonstration project;

"(E) a detailed factual analysis with respect to the furnishing of such services, including (i) the number of veterans being furnished such services, (ii) the number, if any, of inpatient admissions for each veteran being furnished such services and the length of stay for each such admission, (iii) the number, if any, of outpatient visits for each such veteran, and (iv) the number, if any, of home-care visits provided to each such veteran;

"(F) the direct costs, if any, incurred by terminally ill veterans, the members of the families of such veterans, and other individuals in close relationships with such veterans in connection with the participation of veterans in the demonstration project;

"(G) the costs incurred by the Department in conducting the demonstration project, including an analysis of the costs, if any, of the demonstration project that are attributable to (i) furnishing such services in facilities of the Department, (ii) furnishing such services in non-Department facilities, and (iii) administering the furnishing of such services; and

"(H) the unreimbursed costs, if any, incurred by any other entity in furnishing services to terminally ill veterans under the project pursuant to section 1762(c)(1)(C) of this title.

"(3) An analysis of the level of the following persons' satisfaction with the services furnished to terminally ill veterans under each demonstration project:

"(A) Terminally ill veterans who receive such services, members of the families of such veterans, and other individuals in close relationships with such veterans.

"(B) Personnel of the Department responsible for furnishing such services under the project.

"(C) Personnel of non-Department facilities responsible for furnishing such services under the project.

"(4) A description and summary of the means of furnishing hospice care services at or through each medical facility of the Department designated under section 1763(a)(1) of this title.

"(5) With respect to each such means, the information referred to in paragraphs (2) and (3).

"(6) A comparative analysis by the Director of the services furnished to terminally ill veterans under the various demonstration projects referred to in section 1762 of this title and at or through the designated facilities referred to in section 1763 of this title, with an emphasis in such analysis on a comparison relating to—

"(A) the management of pain and health symptoms of terminally ill veterans by such projects and facilities;

"(B) the number of inpatient admissions of such veterans and the length of inpatient stays for such admissions under such projects and facilities;

"(C) the number and type of medical procedures employed with respect to such veterans by such projects and facilities; and

"(D) the effectiveness of such projects and facilities in providing care to such veterans at the homes of such veterans or in nursing homes.

"(7) An assessment by the Director of the feasibility and desirability of furnishing hospice care services by various means to terminally ill veterans, including an assessment by the Director of the optimal means of furnishing such services to such veterans.

"(8) Any recommendations for additional legislation regarding the furnishing of care to terminally ill veterans that the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"1761. Definitions.
"1762. Hospice care: pilot program requirements.
"1763. Care for terminally ill veterans.
"1764. Information relating to hospice care services.
"1765. Evaluation and reports.".

(c) AUTHORITY TO CARRY OUT OTHER HOSPICE CARE PROGRAMS.—The amendments

made by subsection (a) may not be construed as terminating the authority of the Secretary of Veterans Affairs to provide hospice care services to terminally ill veterans under any program in addition to the programs required under the provisions added by such amendments.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of Veterans Affairs for the purposes of carrying out the evaluation of the hospice care pilot programs under section 1765 of title 38, United States Code (as added by subsection (a)), as follows:

(1) For fiscal year 1994, $1,200,000.

(2) For fiscal year 1995, $2,500,000.

(3) For fiscal year 1996, $2,200,000.

(4) For fiscal year 1997, $100,000.

SEC. 204. RURAL HEALTH-CARE CLINIC PROGRAM.

(a) PROGRAM.—(1) Chapter 17 of title 38, United States Code, is amended by adding at the end of subchapter II the following:

"§ 1720E. Rural health-care clinics: pilot program

"(a) During the three-year period beginning on October 1, 1993, the Secretary shall conduct a rural health-care clinic program in States where significant numbers of veterans reside in areas geographically remote from existing health-care facilities (as determined by the Secretary). The Secretary shall conduct the program in accordance with this section.

"(b)(1) In carrying out the rural health-care clinic program, the Secretary shall furnish medical services to the veterans described in subsection (c) through use of—

"(A) mobile health-care clinics equipped, operated, and maintained by personnel of the Department; and

"(B) other types of rural clinics, including part-time stationary clinics for which the Secretary contracts and part-time stationary clinics operated by personnel of the Department.

"(2) The Secretary shall furnish services under the rural health-care clinic program in areas—

"(A) that are more than 100 miles from a Department general health-care facility; and

"(B) that are less than 100 miles from such a facility, if the Secretary determines that the furnishing of such services in such areas is appropriate.

"(c) A veteran eligible to receive medical services through rural health-care clinics under the program is any veteran eligible for medical services under section 1712 of this title.

"(d) The Secretary shall commence operation of at least three rural health-care clinics (at least one of which shall be a mobile health-care clinic) in each fiscal year of the program. The Secretary may not operate more than one mobile health-care clinic under the authority of this section in any State in any such fiscal year.

"(e) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's plans for the implementation of the pilot program required under this section.

"(f) Not later than December 31, 1997, the Secretary shall submit to Congress a report containing an evaluation of the program. The report shall include the following:

"(1) A description of the program, including information with respect to—

"(A) the number and type of rural health-care clinics operated under the program;

"(B) the States in which such clinics were operated;

"(C) the medical services furnished under the program, including a detailed specification of the cost of such services;

"(D) the veterans who were furnished services under the program, setting forth (i) the numbers and percentages of the veterans who had service-connected disabilities, (ii) of the veterans having such disabilities, the numbers and percentages who were furnished care for such disabilities, (iii) the ages of the veterans, (iv) taking into account the veterans' past use of Department health-care facilities, an analysis of the extent to which the veterans would have received medical services from the Department outside the program and the types of services they would have received, and (v) the financial circumstances of the veterans; and

"(E) the types of personnel who furnished services to veterans under the program, including any difficulties in the recruitment or retention of such personnel.

"(2) An assessment by the Secretary of the cost-effectiveness and efficiency of furnishing medical services to veterans through various types of rural clinics (including mobile health-care clinics operated under the pilot program conducted pursuant to section 113 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 38 U.S.C. 1712 note)).

"(3) Any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.

"(g) For the purposes of this section, the term 'Department general health-care facility' has the meaning given such term in section 1712A(i)(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Rural health-care clinics: pilot program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs to carry out the rural health-care clinics program provided for in section 1720E of title 38, United States Code (as added by subsection (a)), the following:

(A) For fiscal year 1994, $3,000,000.

(B) For fiscal year 1995, $6,000,000.

(C) For fiscal year 1996, $9,000,000.

(2) Amounts appropriated pursuant to such authorization may not be used for any other purpose.

(3) No funds may be expended to carry out the rural health-care clinics program provided for in such section 1720E unless expressly provided for in an appropriations Act.

SEC. 205. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.".

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) of title 38, United States Code, is amended by inserting "adult day health," before "or hospital care".

(2) Section 8132 of such title is amended by inserting "adult day health," before "or hospital care".

(3) Section 8135(b) of such title is amended—

(A) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(B) in paragraph (3)(A), by inserting "or construction (other than new construction) of adult day health care buildings" before the semicolon.

SEC. 206. REVISION OF AUTHORITY ON USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

Section 526(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1715 note) is amended—

(1) in paragraph (1), by striking out "establishes and maintains—" and inserting in lieu thereof "may establish and maintain—"; and

(2) in paragraph (2), by striking out "provides access" and all that follows through "paragraph (1)" and inserting in lieu thereof "if such an area is established, provides access to the area".

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Department of Veterans Affairs Health Professionals Education Debt Reduction Act".

SEC. 302. PROGRAM OF ASSISTANCE IN THE PAYMENT OF EDUCATION DEBTS INCURRED BY CERTAIN VETERANS HEALTH ADMINISTRATION EMPLOYEES.

(a) PROGRAM.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"§ 7661. Authority for program

"(a) The Secretary shall carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereafter in this chapter referred to as the 'Education Debt Reduction Program'). The purpose of the program is to assist personnel serving in health-care positions in the Veterans Health Administration in reducing the amount of debt incurred by such personnel in completing educational programs that qualify such personnel for such service.

"(b)(1) Subject to paragraph (2), assistance under the Education Debt Reduction Program shall be in addition to the assistance available to individuals under the Educational Assistance Program established under this chapter.

"(2) An individual may not receive assistance under both the Education Debt Reduction Program and the Educational Assistance Program for the same period of service in the Department.

"§ 7662. Eligibility; application

"(a) An individual eligible to participate in the Education Debt Reduction Program is any individual (other than a physician or dentist) who—

"(1) serves in a position in the Veterans Health Administration under an appointment under section 7402(b) of this title;

"(2) serves in an occupation, specialty, or geographic area for which the recruitment or retention of an adequate supply of qualified health-care personnel is especially difficult (as determined by the Secretary);

"(3) has pursued or is pursuing, as the case may be—

"(A) a two-year or four-year course of education or training at a qualifying undergraduate institution which course qualified or will qualify, as the case may be, the individual for appointment in a position referred to in paragraph (1); or

"(B) a course of education at a qualifying graduate institution which course qualified or will qualify, as the case may be, the individual for appointment in such a position; and

"(4) owes any amount of principal or interest under a loan or other obligation the proceeds of which were used or are being used, as the case may be, by or on behalf of the individual to pay tuition or other costs incurred by the individual in the pursuit of a course of education or training referred to in paragraph (3).

"(b) Any eligible individual seeking to participate in the Education Debt Reduction Program shall submit an application to the Secretary relating to such participation.

"§ 7663. Agreement

"(a) The Secretary shall enter into an agreement with each individual selected to participate in the Education Debt Reduction Program. The Secretary and the individual shall enter into such an agreement at the beginning of each year for which the individual is selected to so participate.

"(b) An agreement between the Secretary and an individual selected to participate in the Education Debt Reduction Program shall be in writing, shall be signed by the individual, and shall include the following provisions:

"(1) The Secretary's agreement to provide assistance on behalf of the individual under the program upon the completion by the individual of a one-year period of service in a position referred to in section 7662(a) of this title which period begins on the date of the signing of the agreement (or such later date as is jointly agreed upon by the Secretary and the individual).

"(2) The individual's agreement that the Secretary shall pay any assistance provided under the program to the holder (as designated by the individual) of any loan or other obligation of the individual referred to in section 7662(a)(4) of this title in order to reduce or satisfy the unpaid balance (including principal and interest) due on such loan or other obligation.

"(3) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless and until the individual completes the one-year period of service referred to in paragraph (1).

"(4) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless the individual maintains (as determined by the Secretary) an acceptable level of performance during the service referred to in paragraph (3).

"§ 7664. Amount of assistance

"(a) Subject to subsection (b), the amount of assistance provided to an individual under the Education Debt Reduction Program for a year may not exceed $4,000 (adjusted in accordance with section 7631 of this title).

"(b) The total amount of assistance received by an individual under the Education Debt Reduction Program may not exceed $12,000 (as so adjusted).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"7661. Authority for program.
"7662. Eligibility; application.
"7663. Agreement.
"7664. Amount of assistance.".

(b) CONFORMING AMENDMENTS.—Section 7631 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "and the maximum Selected Reserve member stipend amount" and inserting in lieu thereof "the maximum Selected Reserve stipend amount, and the education debt reduction amount and limitation"; and

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) The term 'education debt reduction amount and limitation' means the maximum amount of assistance, and the limitation applicable to such assistance, for a person receiving assistance under subchapter VI of this chapter, as specified in section 7663 of this title and as previously adjusted (if at all) in accordance with this subsection.".

(c) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations necessary to carry out the Education Debt Reduction Program established under subchapter VI of chapter 76 of title 38, United States Code (as added by subsection (a)). The Secretary shall prescribe such regulations not later than 90 days after the date of the enactment of this Act.

(d) REPORT.—Section 7632 of title 38, United States Code, is amended—

(1) in the matter above paragraph (1), by inserting "and the Education Debt Reduction Program" before the period at the end;

(2) in paragraph (1)—

(A) by inserting "and the Education Debt Reduction Program" after "Educational Assistance Program";

(B) by striking out "Program and" and inserting in lieu thereof "Program,"; and

(C) by inserting ", and the Education Debt Reduction Program" before "separately";

(3) in paragraph (3), by striking out "the Educational Assistance Program (or predecessor program) has" and inserting in lieu thereof "each of the Educational Assistance Program (or predecessor program) and the Education Debt Reduction Program have";

(4) in paragraph (4)—

(A) by striking out "and per" and inserting in lieu thereof ", per"; and

(B) by inserting ", and per participant in the Education Debt Reduction Program" before the period at the end.

(e) EXEMPTION FROM TAXATION.—Section 7636 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "Notwithstanding"; and

(2) by adding at the end the following:

"(b) Notwithstanding any other law, any payment on behalf of a participant in the Education Debt Reduction Program for the tuition or other costs referred to in section 7662(a)(4) of this title shall be exempt from taxation.".

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs $10,000,000 for each of fiscal years 1994 through 1998 to carry out the Education Debt Reduction Program.

(2) No funds may be used to provide assistance under the program unless expressly provided for in an appropriations Act.

(g) EXEMPTION FROM LIMITATION.—Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7601 note) shall not apply to the Education Debt Reduction Program.

Subtitle B—Other Provisions

SEC. 311. EXTENSION OF AUTHORITY OF ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) of title 38, United States Code, is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1997".

SEC. 312. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) of title 38, United States Code, is amended by striking out "December 31, 1994" and inserting in lieu thereof "September 30, 1995".

The title was amended so as to read:

To amend title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma services for veterans, to improve certain Department of Veterans Affairs programs for women veterans, to extend the period of entitlement to inpatient care for veterans exposed to Agent Orange or ionizing radiation, to establish a hospice care pilot program, to establish a rural health care clinics program, to authorize the Secretary of Veterans Affairs to provide per diem payments and construction grants to State homes for adult day health care services, to establish an education debt reduction program, and for other purposes.

ORDER OF PROCEDURE ON TUESDAY, JUNE 7, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, June 7, the Small Business Committee be discharged from further consideration of S 1587, the Government procurement reform bill, and that the Senate proceed to its consideration at 3:30 p.m. on that day.

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

Mr. MITCHELL. Mr. President, that will be the first order of business upon our return from the Memorial Day recess. We will go to the bill at 3:30 because several Senators will be returning on that day from the commemorative events in Normandy. It is not my intention that there be any rollcall votes on that day. We have an understanding on both sides that substantive amendments will be offered that will require votes but those votes will be, the matters will be debated on Tuesday and those votes will be held over until Wednesday. So, therefore, there will be no rollcall votes until the morning of Wednesday, June 8.

The precise time and the subject matter will be set and announced on the afternoon of June 7.

THE AIRPORT AND AIRWAYS IMPROVEMENT BILL

Mr. MITCHELL. Mr. President, although we are not able to get an agreement at this time with respect to the schedule following disposition of the Government procurement reform bill, it is my intention, of which I have given prior notice to the distinguished Republican leader, to proceed to S. 1491, the airport and airways improve-

ment bill, as soon as we complete action on the procurement reform bill.

So, the first week back, we will take up the procurement reform bill followed by the airport and airways improvement bill.

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

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

AMENDMENTS AGREED TO—S. 1231

Mr. MITCHELL. Mr. President, I ask unanimous consent that the amendments to S. 1231 be deemed agreed to.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MEASURE PLACED ON THE CALENDAR—S. 1587

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1587 be discharged from small business and placed on the calendar.

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

ORDERS FOR TUESDAY, JUNE 7, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 1:30 p.m. on Tuesday, June 7; that when the Senate reconvenes on that day the Journal of Proceedings be deemed to have been approved to date; the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 3:30 p.m. with Senators permitted to speak therein for up to 5 minutes each, with the first 90 minutes of morning business equally divided and controlled between the majority leader and the minority leader or their designees.

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

ADJOURNMENT UNITL TUESDAY, JUNE 7, 1994, AT 1:30 P.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 1:30 p.m. on Tuesday, June 7, as provided for under the provisions of Senate Concurrent Resolution 70.

The motion was agreed to, and, the Senate, at 8:31 p.m. adjourned until Tuesday, June 7, 1994, at 1:30 p.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 1994:

DEPARTMENT OF JUSTICE

WALTER BAKER EDMISTEN, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS, VICE JESSE R. JENKINS.

BECKY JANE WALLACE, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR A TERM OF 4 YEARS, VICE GEORGE L. MCBANE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 3036(B):

To be chief of chaplains

To be major general

BRIG. GEN. DONALD W. SHEA [redacted]

CONFIRMATION

Executive nomination confirmed by the Senate May 25, 1994:

FEDERAL EMERGENCY MANAGEMENT AGENCY

CARRYE BURLEY BROWN, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION.

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.