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.

HOUSE OF REPRESENTATIVES—*Wednesday, May 25, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 25, 1994.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, gracious God, to count our blessings, to recall our good traditions, to remember the love and sentiment that we have received from family and friends. We admit how easily we sense the tensions of daily life and the routine irritations that so quickly come to mind. Remind us this day, O God, to lift our eyes to see more clearly Your eternal truths and Your abiding grace—a truth and grace that is greater and more majestic than ever we could ask or imagine. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Illinois [Mr. SANGMEISTER] to lead the House in the Pledge of Allegiance to the flag.

Mr. SANGMEISTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 442) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 442

Resolved, That Representative Frank D. Lucas of Oklahoma be and is hereby elected to the following standing committees of the House of Representatives:

The Committee on Agriculture;

The Committee on Government Operations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 327, H.R. 3755, AND H.R. 306

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Joint Resolution 327, H.R. 3755, and H.R. 306.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 3790

Ms. LONG. Mr. Speaker, I ask unanimous consent that the names of the gentleman from Iowa [Mr. GRANDY], the gentleman from Ohio [Mr. STRICKLAND], the gentleman from Nebraska [Mr. BARRETT], and the gentlewoman from Kansas [Mrs. MEYERS], be removed as cosponsors of H.R. 3790.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now receive up to 15 1-minute speeches from each side.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

(Mr. SANGMEISTER asked and was given permission to address the House for 1 minute.)

Mr. SANGMEISTER. Mr. Speaker, as many of us are returning to our districts to observe Memorial Day, I ask you to remember the 2,400 Americans who were killed and the 1,000 who were wounded in the Japanese attack on Pearl Harbor, December 7, 1941. This event marks the entry of the United States into the Second World War where 16.5 million Americans would serve and over 400,000 would lose their lives.

To honor those Americans who were killed and wounded, I have introduced legislation to permanently recognize the significance of this event. House Joint Resolution 131 would designate December 7 of each year as "National Pearl Harbor Remembrance Day." I believe such designation is warranted and long overdue. However, a committee rule prohibits proposals for recurring annual commemorations. Despite having 233 cosponsors, I am told this resolution will not be released for consideration by the full House. I feel strongly that if we do not honor this day, it will be forgotten by generations to come. For this reason, I have filed a discharge petition. I encourage you to sign this petition so this measure can be considered by the House. This resolution is supported by the major veterans organizations representing World War II vets.

As we are participating in Memorial Day activities, I would ask that you pause and remember this significant event. Pearl Harbor changed the course of history and deserves permanent recognition as a day of remembrance. But, do not take my word for it. I suggest you ask the 8.8 million World War II veterans. Or, better yet, ask the family members of the 406,000 who died in service.

Sign the discharge petition and honor those killed and wounded during the Japanese attack on Pearl Harbor.

REPUBLICANS GAIN SEAT IN KENTUCKY, SEEK TO END ONE-PARTY CONTROL IN CONGRESS

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, as the chairman of the National Republican Congressional Committee, it is my honor and pleasure to announce the results of yesterday's special election in Kentucky. Republican RON LEWIS, defeated Democrat Joe Prather 55 to 45 percent.

This is a district that has not been held by a Republican since Reconstruction. Well, my friends, we are now in the midst of Democrat deconstruction, and I look forward to welcoming many more fellow Republicans to the Congress after the November elections.

On the heels of an upset win in Oklahoma, last night's win sent shock

waves from Louisville all the way to 1600 Pennsylvania Avenue. RON LEWIS was not just the superior candidate but he carried a superior message. The message was simply "I won't be a rubber stamp to Bill Clinton and his failed policies."

Oklahoma and Kentucky are not isolated cases. Republicans are enjoying success across the Nation. In Florida, where 9 of 13 Republican incumbents have no Democrat opposition. This is a year of opportunity for the GOP.

After an eternity of one-party control in Kentucky, Republicans are now leading. And, after 40 years of one-party control in Congress, the American people are now saying it is time for Republicans to lead.

PARITY TO CARIBBEAN NATIONS AS PART OF GATT LEGISLATION

(Mr. BACCHUS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACCHUS of Florida. Mr. Speaker, today the White House is announcing that as part of the GATT implementing legislation, they will be seeking parity for the Caribbean Basin nations with the nation of Mexico. This is a very important development and it is one that will be of benefit to the nations of the Caribbean and to us here in the United States as well.

In particular, it will be of benefit to my constituents in Florida and to our entire State which has a tremendous two-way trade with the Caribbean Basin.

Mr. Speaker, as a nation we have a tremendous trade surplus, a job creating trade surplus with the Caribbean Basin. In 1992 our exports to those countries exceeded $11 billion, up more than 10 percent from 1991, creating more than 220,000 American jobs. This extension of parity to the Caribbean nations as part of the GATT legislation will preserve and protect the recent economic progress of the region, will create more jobs there and here, will provide some stability to their fragile democracies and do much to improve the chances of peace and prosperity in our hemisphere and around the world.

SECOND CONGRESSIONAL DISTRICT OF KENTUCKY FALLS TO REPUBLICANS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. President, President Clinton was kind enough last night to help the Republican Party do what we have been trying to do since reconstruction, and that is capture the Second Congressional District of Kentucky.

Last night's election of RON LEWIS to succeed the late Bill Natcher has given that seat to the first non-Democrat since Burkwell C. Ritter of the Conservative Party in 1865.

RON LEWIS' election has also finally laid to rest the fiction of the New Democrat. Voters are waking up to the difference between a genuine conservative and a counterfeit conservative looking for work.

Mr. Speaker, President Clinton has become an albatross around his party's neck, dragging down Democrat candidates from Oklahoma to New York, from Los Angeles to Texas.

Pity the poor Democrats; they have to flee in two directions at once, against their Republican opponent, and against their own national Democrat leadership.

They have to run from the House post office scandal and the Whitewater affair. They have to run from government-run health care and higher taxes. They have to run from the Democrat leadership's obstinate refusal to cut spending from A to Z. And they have to run from the most inept foreign policy since Jimmy Carter.

Thank you, Mr. President. You made our day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will remind the gentleman that he must address his remarks to the Chair.

U.S. TREATMENT OF JOHN DEMJANJUK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Last year, Mr. Speaker, a Federal appeals court ruled that John Demjanjuk was not Ivan the Terrible. The court also ruled that the Justice Department perpetrated a fraud on the courts and on American constitutional rights by withholding key evidence that would have exonerated Demjanjuk and that with reckless disregard for the Constitution proceeded with the prosecution with a win-at-any-cost-type attitude.

□ 1010

Shame, Congress, shame.

And yesterday the Justice Department appealed to the Supreme Court, not against Demjanjuk, let us tell it like it is, but to save their own behinds. They are circling their wagons. They know they broke the law.

The Justice Department is guilty, ladies and gentlemen. My investigation proved that Demjanjuk is not Ivan, and the court of appeals certified that he is not Ivan, and shame, Congress, when the Supreme Court of Israel has to enforce the Constitution of the United States and save the life of an American citizen.

By the way, Congress, Germany told Israel that that Trawnicki I.D. card is a forgery.

Israel did not send him back for any other reason. Think about it.

What happened to the Constitution? What happened to Congress?

RECOGNIZING THE REPUBLICAN PARTY'S NEWEST MEMBER OF CONGRESS—RON LEWIS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, for the first time ever, the Second Congressional District of Kentucky is no longer hostage to a one-party system of governance. Yesterday, a Hardin County preacher, RON LEWIS, changed all that.

Filling the seat held by the late William Natcher, Mr. LEWIS—soon-to-be Congressman LEWIS—demonstrated that new ideas and fresh perspectives are a welcome change from our normal fare of stale ideas from professional politicians.

Since President Clinton's inaugural, Republican candidates have won seven major elections—the two most recent wins occurring in traditionally Democratic congressional districts.

Republicans are winning these battles because Americans want less Government regulation, less Government spending, aggressive crime control, and more individual self-determination.

Mr. Speaker, the gentleman from Kentucky and Congressman LUCAS of Oklahoma represent a growing voice from the American people.

And that voice is saying "The Republican Party has the vision and decisiveness to lead America back to its rightful role as the unquestioned international, political, and economic leader."

HUMAN RIGHTS IN HAITI

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, last Saturday the Haitian military regime stepped up its reign of terror by ordering government prosecutors to enforce the 14-year-old Duvalier-era law that makes irregular trips to foreign lands illegal. Its reappearance right after the United States announcement that we were tightening the embargo represents the latest action by a regime intent on displaying its contempt for human rights, democracy, and for the United States.

This law serves notice on us that any Haitian refugee who is henceforth returned to Haiti will be subjected to imprisonment, to torture, and to death.

The Goss amendment which passed last night and calls for setting up a

processing center on Ile de la Gonava to sort out real from pretend refugees will not solve the basic problem, which is that we are now on notice that no Haitian who tries to leave can be returned safely.

The Haitian military has decided they are all criminals simply because they try to flee the tyranny. Whether we return them from Ile de la Gonava or from Ukrainian cruise ships, we are still sending them back to certain persecution, torture, and murder.

Mr. Speaker, we must not continue this policy and repeat the shame of 1938 when we returned Jewish refugees to death at the hands of the Nazis.

ANOTHER REPUBLICAN WIN: ANOTHER REJECTION OF PRESIDENT CLINTON

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, it is probably safe to say that breakfast at the White House this morning was not a pleasant meal. Because, yesterday, in the Commonwealth of Kentucky, President Clinton and his party were rejected once again.

It is getting to be a pretty familiar scene. Democrat candidates pretend that they never heard of Bill Clinton. But Republicans remind the voters who occupies the White House and who controls the Congress.

The results never seem to vary these days. The tax-and-spend Democrats go down to defeat. The Republican candidates go to the House, to the Senate, to the State house, and to city hall.

Mr. Speaker, to those of my Democrat colleagues who despair, I would only say this: Change your ways. Work with your Republican colleagues. Reject the agenda of your President and your leadership. And maybe you will be spared a similar fate in November.

MFN FOR CHINA CONSISTENT WITH AMERICA'S INTERESTS AND IDEALS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, should the President decide to renew most-favored-nation status for China it is my belief that this Congress will join in that decision. We will do so because in the final hour this Congress would recognize that this action would be consistent both with America's interests and in its ideals.

Here our interests are obvious. The need to create and preserve jobs by expanding trade, trade that will strangle with the denial of MFN, is vitally important to the people of our country. But our ideals are just as vital as our interests. Here they are the same. For whatever else can be said, we all know that the foundation for building a house of democracy in China is the growth in numbers of independent property owning people, with their own economic base, free to resist the central government and tied in ever growing ways to the citadel of democracy, America. Although this takes time, this is the single best strategy for the long-term hopes of democracy in China. It may not give us the instant gratification we like, but it would plow the seed bed that has to be laid to make democracy grow.

Here we would join in a vote for our interests and our ideals.

AMERICANS ARE REJECTING BIG GOVERNMENT

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, in Texas, Virginia, New York, Los Angeles, Oklahoma, now in Kentucky and across the Nation, Americans are rejecting big Government, the tax-and-spend tenet of the Democrat Party and Bill Clinton.

This trend began in my State of Georgia. Only a few weeks after the 1992 election, Georgians elected Republican PAUL COVERDELL to the Senate.

Yesterday, a district that had not sent a Republican to Congress since the Civil War, elected RON LEWIS its Representative. This was a stunning upset, but we should not be surprised. Time and time again, at the ballot box, voters have told the Democrats what they think of their big-Government policies.

The Democrats' leaders will try to convince themselves and the Nation that the Kentucky race was not a referendum on Bill Clinton. But the election of RON LEWIS should be a message to us all. Kentuckians, like the rest of America, do not trust the Democrat Party and certainly do not want the Democrat-controlled Government getting bigger by taxing us more.

UNIVERSAL, COMPREHENSIVE, AFFORDABLE HEALTH COVERAGE

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, Americans need universal coverage as the cornerstone of health care reform; not universal access, but universal coverage.

What is the difference? Well, that one word makes all the difference. Universal coverage means every American gets affordable health insurance. Universal coverage means an end to gaps in the health care system that unfairly shift costs to working families. Universal coverage is fundamental to controlling spiraling health care costs.

Universal coverage ensures that every American gets health care, and every health care bill is paid.

The Congress will make history by assuring real health security for hard-working American families.

To achieve real reform, we must ensure universal, comprehensive, and affordable health coverage for every American citizen.

HOUSE ON THE RECORD ON HAITI

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, while U.S. Navy ships fired ominous warning shots trying to enforce punishing and unworkable economic sanctions in Haiti—this House fired a warning shot for the White House: Most Members of this body do not support U.S. military intervention in Haiti. But is anyone listening at the White House? It appears the administration is uninterested in the advice and consensus of this House, and is so driven toward pursuing its failed Haiti policy that it is willing to unnecessarily risk lives to prove a point. I implore the President to look at the Goss safe haven plan that was scrutinized here yesterday—a proposal that received the support of 223 Members of this House. It is a positive new idea that can both work for Haiti and can extricate the United States from this looming foreign policy disaster.

Do we really want our Navy steaming around the Caribbean firing warning shots at commercial shipping? I think not.

A SMALL BUSINESSMAN WITH A BIG IDEA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, yesterday Republican RON LEWIS made history by beating Democrat Joe Prather in a district that has not sent a Republican to Congress in 130 years.

Republican RON LEWIS is a small businessman with a big idea: that America needs less of what President Clinton wants: less government, less spending, and less taxes.

The voters of Kentucky got a chance to express what the rest of America is thinking, that it is a Democrat House, a Democrat Senate, a Democrat President, and Democrat gridlock that is doing what they want undone, and undoing what they want done; so they elected a Republican to get a solution.

Despite being the second election in a row where voters have overcome large Democrat odds to send a message and a Republican to Washington, my friends on the other side want you to believe

this election was not about them; that it was not about their policies, and that it certainly was not about their President.

My colleagues on this side hope they will continue to believe that.

□ 1020

REPUBLICAN WIN SENDS A MESSAGE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, the Ron Lewis win in the 2d Kentucky District should send a message. When I heard the news last night, I rushed over here to see if there was a crack across the dome. There was not. But the message is clear: Stop the liberal agenda of the Clinton administration and the leadership of this House; stop oppressive Government regulation and interference in our lives; stop the foolish deficit; do real welfare reform, not more giveaways; do what we need to fix our health care, do not nationalize it.

If the President is spending millions of dollars on polling to find out what Americans think, he either is not getting his money's worth or he is not paying any attention to it.

It is time the leadership in the Congress and the administration wake up to what the American people want.

Good luck, RON LEWIS. We will be supporting you in carrying out the agenda that the people in your district sent you here for.

JUVENILE CRIMINAL ACT OF 1994

(Mr. CANADY asked and was given permission to address the House for 1 minute.)

Mr. CANADY. Mr. Speaker, today I am introducing the Juvenile Criminal Act of 1994. Congressman PETE GEREN and I are offering this legislation to address the problem of serious juvenile crime in America. The statistics tell a chilling tale: From 1982 to 1991, arrests of juveniles for violent crimes increased by 41 percent, during the same period, juvenile arrests for aggravated assault increased by 72 percent, and juvenile arrests for murder went up a stunning 93 percent.

The juvenile justice system has responded to this crime wave in a woefully inadequate manner. The bill we are introducing would provide incentives for the States to try violent and hardcore juvenile offenders in adult court and to assist law enforcement by maintaining the records of offenses by violent and hardcore juveniles.

I believe we must take forceful action to deal with serious juvenile crime in this country. This bill would help move us in that direction and would help insure that scarce Federal resources are used in States which have demonstrated a commitment to deal with the problem in a realistic way.

REPUBLICAN WIN IN KENTUCKY SHOULD SEND MESSAGE TO ADMINISTRATION AND CONGRESS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, there is something happening in America: 2 weeks ago, in an Oklahoma district that had been held by a Democrat Member, came up for special election, and the Republican won in an overwhelmingly Democrat district. Last night, in the Second District of Kentucky, a 3-to-1 Democrat district, RON LEWIS was elected. Why? Because the American people think the Government is too big and it spends too much. It is because the American people do not want the Federal Government to get between themselves and their doctor with some kind of Government-run health care system. The fact is, ladies and gentlemen, Americans want change, and they want real change, and they are sending that message to Congress. It is time for this Congress to listen.

We want to congratulate RON LEWIS for a great win, we want to congratulate the Republicans who helped him, but the real winners yesterday in Kentucky were the American people, who had their message sent to this body once again.

NATIONAL HEALTH BOARD: BIG BROTHER KNOWS BEST?

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, I rise to call attention to one of the least noticed and most damaging provisions of the Clinton big Government health care plan. Section 5232 states: "There shall be no administrative or judicial review of any determination by the National Health Board respecting any matter under subtitle A of title VI." In other words, all decisions of the National Health Board to impose limits on health care spending in every region of the country are final. No checks, and balances, no judicial review, no questions asked.

The Clinton health care plan gives the politically appointed National Health Board the power to set a global budget and divide up the health care dollars to the hundreds of regional alliances as it sees fit. If the alliance in your region goes over the Board's budget—and your child is forced to wait for care—too bad. If the local hospital is forced to close because the National Health Board imposed unreasonable premium caps in your region—tough luck.

In a Government-run health care system, the needs of patients will always be subordinate to political pull and mindless bureaucracy. Big Brother knows best.

THE TURNING POINT

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, in football, the analysts always like to talk about the turning point of the game, the point where the winning team made the plays to win the day.

Yesterday's election in the Second District of Kentucky was a turning point for the American people and the U.S. Congress.

It marks the end of the status quo in the Congress and beginning of a new age in the Nation. It signals the start of the real reform of the Federal Government.

Yesterday, Republicans won a seat that they had never won before. The Republican candidate, underdog RON LEWIS, overcame huge disadvantages by running on a platform of less taxes, less Government, and less regulations.

The Democrat ran with Bill Clinton and the status quo. By voting against the Clinton agenda the people of the Second District of Kentucky rejected Government. By voting for the Republican agenda, the people accepted better Government.

Mr. Speaker, as John Madden likes to say, yesterday was a turning point for the American people. Now is the time for better Government.

MOST-FAVORED-NATION STATUS FOR CHINA

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, I rise today to encourage President Clinton and my colleagues to approve most-favored-nation status for China, and broaden the decision from our equally important concerns about human rights abuses.

The United States has worked hard for more than 20 years to develop an increasingly close relationship with China. As we consider our concerns about China's human rights abuses, and the best way to help improve that record, we should remember that a driving economic relationship between China and the rest of the world will produce greater understanding and support for human rights than a closed society.

Encouragement from a friend is more persuasive than ultimatums from an adversary.

Let us not continue, year after year, to draw a line in the sand, only to erase it. We need all the tools we can

assemble—both diplomatic and disciplinary. Drawing China closer to us by granting MFN status will expand our toolbox and increase our chances of achieving our economic, social, and political goals.

Mr. Speaker, I come from a State with longstanding relationships throughout Asia and the Pacific rim. Washington State has made international trade a cornerstone of its economy. I believe the United States' best opportunity to help right the wrongs we continue to observe in China is to increase United States influence by strengthening our economic, political, and cultural ties with the Chinese people, and to use that relationship as a vehicle for positive internal change.

EIGHT FOR EIGHT, CAUSE FOR REPUBLICAN CELEBRATION

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, eight for eight. This is a good day to be Republican, and I would like to indulge in just a little bit of celebration.

Eight for eight: Two Senators, Georgia and Texas; two governors, Virginia and New Jersey; two mayors, Los Angeles and New York; and now two Congressmen, Oklahoma and Kentucky.

The real question is: Why? Here is my theory:

The American people have finally figured out that it does not matter how new, how centrist, how moderate or even how conservative a Democrat claims to be while campaigning. Once they are elected, Mr. Speaker, they are inevitably sucked to the left whether it is in the Congress, whether it is in the statehouse, whether it is in the presidency, whether it is in the mayor's office. They are inevitably pulled hard to the left as soon as they are elected. It happened with the freshman Democrats of the 103d Congress. It happened with President Jimmy Carter. And I say to my colleagues, "If you give President Clinton the benefit of the doubt and say that he really did believe the things he campaigned for, it happened with him as well."

Mr. Speaker, the American people have figured it out. They have woken up. I wish this Congress would wake up and figure it out, too, and move back to the center where it promised to be.

HEALTH INSURANCE THAT IS ALWAYS THERE

(Mr. DERRICK asked and was given permission to address the House for 1 minute.)

Mr. DERRICK. Mr. Speaker, 9 out of 10 Americans with private health insurance receive their coverage at work. Many of these Americans risk losing their coverage when they change jobs or get sick—just when they need it most.

Health care reform guarantees private insurance for every American. Whether newly employed, looking for work, or sick and unable to work, no one will lose their coverage or see it compromised.

Health care reform will provide personal, private, comprehensive, and uninterrupted insurance. Wherever any American goes, they will take their coverage with them.

Individual circumstance may change, but people will not have to worry about losing their coverage or their benefits being cut. If they get sick they will not have their rates jacked up. If they are older, they will not pay more just because they have aged.

Health care reform will ensure that insurance is just that—insurance, always there and always effective.

ELIGIBILITY OF BLIND INDIVIDUALS TO SERVE AS JURORS IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. STARK. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the bill (H.R. 4205) to amend the title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

Mr. BLILEY. Reserving the right to object, Mr. Speaker, and I do not intend to object, but I at this time would like, under my reservation, to yield to the gentleman from California [Mr. STARK] for an explanation of the bill.

Mr. STARK. Mr. Speaker, I thank the distinguished ranking member, the gentleman from Virginia [Mr. BLILEY], for yielding to me and say to him that H.R. 4205 merely protects the right of every blind person to be a juror in cases before the Superior Court in the District of Columbia unless the blindness makes the individual incapable of rendering satisfactory jury service in that case. The Federal court decision overruled a local practice of excluding blind persons. H.R. 4205 codifies that change in the D.C. Code, and I urge that my colleagues support this unanimous consent request.

Mr. Speaker, in 1986 Congress amended the jury selection procedures in the D.C. Code to conform with the practice in Federal courts. D.C. Code section 11-1901 declares congressional policy in the same words as in 28 U.S.C. 1861: "All litigants entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section" of the community.

In testimony before our committee in 1985, a witness for the Council for Court Excellence expressed the view, with which we all agree, as follows:

> Just as voting is both a right and a civic responsibility available to all citizens, so must all citizens be given both the opportunity and the encouragement to serve as jurors in the District of Columbia Superior Court.

After Congress adopted this change, local DC trial courts interpreted the new language to permit excluding blind persons entirely from jury service. Fortunately, the 1993 Federal court case of Galloway versus Superior Court of the District of Columbia held that this practice violated three Federal laws which protect persons with disabilities from discrimination.

Other language Congress added in 1986, which is in D.C. Code section 11-1906, uses words similar to 28 U.S.C. 1865 in identifying a person not qualified to serve as a juror, namely, one who is "incapable by reason of physical or mental infirmity of rendering satisfactory jury service."

The D.C. Superior Court has changed its policy to conform with the court decision. H.R. 4205 simply codified that court opinion in the D.C. Code.

I urge my colleagues to support this bill.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California [Mr. STARK] for his explanation.

Further reserving the right to object, Mr. Speaker, under my reservation I yield to the gentlewoman from the District of Columbia [Ms. NORTON], the sponsor of the bill.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for yielding to me. Mr. Speaker, this is a matter of importance to the District of Columbia, but of no importance to this body and is, perhaps, another indication of why the District ought to have complete home rule. Ten States already allow blind jurors to serve on juries. We have a judge who has been serving for 10 years as a judge of the Superior Court. I ask that the District of Columbia be given the right to allow jurors who are blind to serve equally with other jurors according to their qualifications.

I am pleased to rise in support of the District of Columbia Right to Jury Service Amendment Act of 1994. The bill would ensure that blind citizens of the District of Columbia would not be automatically excluded from jury service.

By statute, the District of Columbia jury system provides that all litigants who are entitled to a trial by jury have the right to grand and petit juries selected from a fair cross section of the citizens of the District.

Under current law, a citizen of the District of Columbia may not be excluded or disqualified from service as a juror because of race, color, religion, sex, national origin, ancestry, economic status, marital status, age, mental infirmity, or, most important for the purpose of this bill, a physical handicap. However, until 1993,

it was the practice of the Superior Court of the District of Columbia to automatically disqualify prospective jurors who were blind but met all other qualifications.

This policy, based on assumptions that blind persons could not fully appreciate the veracity or credibility of evidence or witnesses, or that "visual observation is an essential function or attribute of a juror's duties," was rejected by U.S. District Judge Joyce Hens Green in *Galloway* v. *Superior Court of the District of Columbia*, 817 F. Supp. 12, 16 (D.D.C. 1993). Judge Green held that categorically discriminating against blind persons violates three Federal laws, namely the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1871. The Superior Court now excuses prospective blind jurors from service only in particular cases in which vision is a necessary qualification for service.

However, the City Council, by resolution, has requested a statutory change to ensure that blind persons will not automatically be excluded from jury service.

While this bill would prohibit courts from implementing any policies which would automatically disqualify blind citizens from jury service, the bill would not provide for the automatic inclusion of blind citizens for jury service. The decision of whether a prospective blind juror would be able to serve would be determined on a case-by-case basis by judges, attorneys, and the voir dire process.

Judge David Norman, a legally blind person, presided over numerous trials in the District of Columbia Superior Court for 10 years—from 1973 to 1983. His physical impairment did not interfere with his ability to make factual findings. Blind lawyers who have tried both civil and criminal cases in Superior Court evaluate the credibility of witnesses and the content of physical evidence. it follows that blind jurors can evaluate witnesses and evidence as well. Blind citizens may already serve as jurors in the U.S. District Court for the District of Columbia.

In enacting this legislation, the Congress would enable the District of Columbia to join at least 10 other jurisdictions that have enacted similar legislation including California, Oklahoma, Massachusetts, New York, Oregon, South Carolina, Texas, Virginia, Washington and Wisconsin.

Service on juries both preserves the democratic process and protects the rights of parties. Jury service is an honor and privilege that should available to all qualified citizens. Blindness should not in and of itself abrogate the privileges and rights accorded to all citizens of the United States.

Earlier this year I met Mr. Paul McKay, a representative of the National Federation for the Blind and a lawyer who practices in D.C. Superior Court. He put to me a simple question that I what to share with all of you: If a blind lawyer can argue cases in D.C. Superior Court, then why shouldn't that same individual be allowed to serve as a juror in trial in that same court? This is what they call a no-brainer, my friends. Let's make this situation right by passing this bill.

Mr. BLILEY. Further reserving the right to object, Mr. Speaker, I rise in support of H.R. 4205.

Mr. Speaker, this worthwhile legislation will codify the holding in Galloway versus Superior Court of the District of Columbia, and clarify that blind persons cannot be categorically excluded from service on juries in the District and Superior Courts of the District of Columbia. In so doing, the District would join at least 10 jurisdictions that have enacted similar legislation.

Title 11 of the D.C. Code, which this legislation effects, may only be amended by Congress. It extends to blind persons the recognition that their disability does not render them automatically incapable of serving on a jury.

This bill does not alter the process for removing persons from juries who are incapable of impartially evaluating evidence and rendering fair verdicts. Decisions of whether or not a certain individual will ultimately serve as a juror still remains within the province of the normal jury selection process. A case-by-case selection process and the longstanding "challenge" process remains the standard for selection of jurors.

I fully support this legislation and know of no opposition to the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF ELIGIBILITY OF BLIND INDIVIDUALS TO SERVE AS JURORS IN DISTRICT OF COLUMBIA.

Section 11-1906(b), D.C. Code, is amended by adding at the end the following new paragraph.

"(4) An individual who is blind may not be disqualified from serving as a juror solely on the basis of blindness, but may be disqualified from serving as a juror in a particular case if the individual's blindness makes the individual incapable of rendering satisfactory jury service in that case.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4205, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR COVERAGE OF FORMER SPOUSES OF JUDGES OF THE DISTRICT OF COLUMBIA COURTS

Mr. STARK. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the bill (H.R. 3676) to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BLILEY. Mr. Speaker, reserving the right to object, and I do not intend to object, but I yield, under my reservation of objection, to the gentleman from California [Mr. STARK] for an explanation of the bill.

Mr. STARK. Mr. Speaker, I thank the distinguished gentleman from Virginia [Mr. BLILEY] for yielding to me, and I suggest to him that H.R. 3676 merely includes judges in the survivor benefits and health insurance provisions of former spouses that was enacted by the District of Columbia. The gentleman from California is unaware as to why judges were not included before now, and it seems a matter of equity that they should be included as every other employee in the District of Columbia, and this bill would merely include D.C. judges under the provisions that are accorded to survivors for every other employee in the District of Columbia, and I ask for its adoption today.

Mr. Speaker, retirement benefits for many employees of the Government of the District of Columbia are set by the Federal Civil Service Retirement System [CSRS] (5 U.S.C. 8401). In 1978 and 1984, when Congress added spouse equity benefits for Federal employees, those D.C. Government employees received that added coverage.

In 1989, the District of Columbia Government added to the retirement systems of most of the rest of its employees—police officers, fire fighters, teachers, and many others hired after October 1, 1987—the same benefits for former spouses of employees that Congress adopted in 1978 and 1984 for Federal employees and for some of the District's employees.

Judges and many local court employees were not covered by either the Congressional or D.C. Council amendments. Because Congress has reserved to itself authority to amend Title 11 of the District of Columbia Code—relating to organization of the courts—which includes the retirement system for D.C. judges, the Council of the District of Columbia was not able to include former spouses of judges in its 1989 law. H.R. 3676 corrects that deficiency. H.R. 3676 will conform the re-

tirement systems for all judicial employees to the other retirement systems.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California [Mr. STARK] for his explanation, and, further reserving the right to object, I yield to the gentlewoman from the District of Columbia [Ms. NORTON], the sponsor of the bill.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for yielding to me.

Judges were left out of the District's Spouse Equity Amendment Act of 1988 only because the District of Columbia does not have the right to enact any laws affecting the courts, title XI of our code. The bill before us may affect all of one person; over the life of the bill, maybe it will affect ten. May I apologize that a small matter of purely local concern has to take the time of a body that needs every minute it can spare to take care of the Nation's business.

Mr. Speaker, I can only hope that these excursions into the trivia of city government will soon convince this body that the Congress needs to have the District have its right to self-government as much as the District needs that right.

I am pleased that today we are taking up this bill to amend title 11 of the D.C. Code in order to extend coverage of the District's Spouse Equity Amendment Act of 1988 to District of Columbia judges. Both Congress and the District already have determined that spouses are entitled to a share of the annuity benefits earned during the course of a marriage.

This problem is an unintended flaw brought to our attention by the former wife of a retired D.C. judge. She was awarded part of the judge's pension benefits in a divorce settlement. Both parties agreed to this provision as part of the settlement, and the court decree reflected their agreement. However, when the wife attempted to collect the benefits, she learned that the law in the District of Columbia covered all but one group of employees—D.C. judges—and therefore did not allow her to effectuate the voluntary agreement included in the divorce settlement.

A little bit about the history of this omission law will make clear that what we are doing today is simply providing administrative relief that unfortunately, because of limitations in the District's self-government authority, only the Congress has the authority to provide. There is no additional cost to the taxpayer. In 1989 the D.C. Council enacted the "Spouse Equity Amendment Act of 1988" to bring the District's retirement system into conformance with the Federal Government's Civil Service Retirement System [CSRS], under which former spouses of retirees may receive retirement benefits and survivor annuities. The original purpose of the D.C. Spousal Equity Act passed by the Council was to apply to D.C. police, firefighters, teachers, and judges provisions similar to those in the Federal law, which permits a court to order the U.S. Office of Personnel Management to pay a share of a CSRS retiree's vested pension directly to a former spouse and to order that existing survivor annuities be given to former spouses.

The Judges' Retirement System, set forth in title 11 of the D.C. Code, had to be omitted from the D.C. Council's Spousal Equity Act, however, because the Home Rule Act prohibits the Council from enacting any laws with respect to title 11, which relates to the organization and jurisdiction of the courts. Under current law, District judges are not covered by the Federal or D.C. Spousal Equity Acts, and therefore are the sole group among District or Federal employees whose former spouses are denied appropriate and legal access to the judges' pensions.

To address this situation and others like it, I introduced this noncontroversial legislation to extend rightful coverage and benefits of the current D.C. Spousal Equity Amendment Act to D.C. judges, thereby carrying out the purpose of the Act as intended by the D.C. Council and the Congress when the law was enacted in 1988.

May I apologize that a small matter of purely local concern has to take the time of a body that needs every minute it can spare to take care of the Nation's business. I can only hope that noncontroversial excursions into the trivia of city government will soon convince this body that the Congress needs the District to have its democratic right to self-government as much as the District needs that right.

Mr. BLILEY. Further reserving the right to object, Mr. Speaker, I rise in support of H.R. 3676.

Mr. Speaker, I support H.R. 3676, a bill to amend the District of Columbia Spouse Equity Act of 1988. In September 1992, the House unanimously passed S. 1880 which amended this act to provide employee benefit protections to the former spouses of members and retirees of the U.S. Secret Service and U.S. Park Police (P.L. 102-422). H.R. 3676 simply extends these same protections, enjoyed by other Federal and District employees, to former spouses of federally appointed judges who serve in the District of Columbia.

There is no cost to the Federal Government as it does not increase the amount of benefits, but merely addresses how benefits are distributed.

There was no opposition to the 1992 legislation and I am not aware of any opposition to H.R. 3676.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COVERAGE OF FORMER SPOUSES OF JUDGES OF DISTRICT OF COLUMBIA COURTS UNDER SPOUSE EQUITY ACT.

(a) IN GENERAL.—Section 2 of the District of Columbia Spouse Equity Act of 1988 (sec. 1-3002, D.C. Code) is amended by striking "(A) and (C)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Spouse Equity Act of 1988.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3676, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 440

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4385) to amend title 23, United States Code, to designate the National Highway System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Except as otherwise provided in this resolution, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment printed in the report may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. It shall be in order at any time for the chairman of the Committee on Public Works and Transportation or a designee to offer amendments en bloc consisting

of amendments printed in the report of the Committee on Rules accompanying this resolution or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1040

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 440 is the rule providing for consideration of H.R. 4385, the National Highway System Designation Act of 1994. The resolution provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation.

The rule makes in order the Public Works Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The committee substitute will be considered as read and all points of order against the substitute are waived.

Mr. Speaker, the rule makes in order only those amendments that are printed in the Rules Committee report accompanying this rule as well as certain en bloc amendments. The amendments are to be considered in the order specified in the report and all points of order are waived against the amendments. The rule further provides that the amendments are not subject to amendments, except as specified in the report, the amendments are considered as read, and are not subject to a demand for a division of the question.

House Resolution 440 also authorizes the chairman of the Public Works and Transportation Committee, or his designee, to offer amendments en bloc consisting of amendments printed in the Rules Committee report and to offer germane modifications to any amendment. The rule provides that the amendments en bloc will be considered as read but that any germane modifications to the amendments will be reported to the House.

The amendments en bloc are debatable for 10 minutes, are not subject to amendment, nor a demand for a division of the question and all points of order against the amendments en bloc are waived.

The rule further provides that the original proponent of an amendment included in the en bloc may insert a statement in the CONGRESSIONAL RECORD. Finally, House Resolution 440 provides for one motion to recommit with or without instructions.

Mr. Speaker, at the outset of the consideration of House Resolution 440 I first want to publicly praise Chairman MINETA, ranking minority members, Mr. SHUSTER and Mr. PETRI, as well as subcommittee Chairman RAHALL for their fine efforts in bringing this bill to the House.

As Members are well aware, an integrated and coordinated transportation system is critical to the well-being of our Nation's economic future. H.R. 4385 proposes such a system. First, the bill designates over 159,000 miles of roadways throughout the country as the National Highway System.

This National Highway System will serve as a catalyst in the creation of a national intermodal transportation system, a coordinated system that will ultimately consist of road and bridge infrastructure, railways, waterways, airports, and transit lines throughout the country.

Second, in an attempt to address the ever-changing transportation needs of the country, the bill authorizes a number of highway and transit projects that conform to the policy directives in the Intermodel Surface Transportation Efficiency Act of 1991, more commonly known as ISTEA.

Finally, Mr. Speaker, the bill makes technical and minor policy revisions to the 1991 ISTEA Act that are intended to ensure that the American people realize a better return on their investment in the Nation's transportation system.

Mr. Speaker, as I stated earlier, this bill is a reflection of a bipartisan compromise. Passage of House Resolution 440 will allow the House to begin consideration of this most important transportation bill. I urge my colleagues to support adoption of House Resolution 440 and to pass the bill, H.R. 4385, the National Highway System Designation Act of 1994.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the Rules Committee, the gentleman from Massachusetts [Mr. MOAKLEY], has thoroughly described the provisions of this modified open rule making in order only certain amendments which were submitted to the Rules Committee prior to its consideration of this matter. I offered a motion in the Rules Committee to make this a completely open rule, but it was not allowed. Although an open rule would be preferable, I understand that all amendments that were submitted and not withdrawn have been made in order.

Mr. Speaker, H.R. 4385 designates the National Highway System as developed by the Department of Transportation pursuant to the 1991 ISTEA bill. The bill also authorizes high priority transportation projects.

I commend the hard-working members of the Public Works and Transportation Committee for their spirit of cooperation in bringing this bipartisan bill before us. Five years between highway authorizations is too long—disasters occur, necessities arise, priorities change. I am glad to see that the committee recognizes the need to bring forward an authorization bill more frequently. It avoids the need to authorize in appropriations bills, and it is the right way to do business.

I know that I cut my teeth in the Committee on Public Works and Transportation my first 2 years in the Congress. I have supported highway bills all the way down the line, and I support this bill, because it is a necessity for the future of our country to grow and grow and grow.

Mr. Speaker, I have no objections to the adoption of this rule, although I was hoping for another ride and I support passage of the National Highway System Designation Act.

I include the following statistics for the RECORD:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	67	14	21	53	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 24, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

□ 1050

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the outstanding gentleman and sportsman, the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, whenever JOE MOAKLEY says something like that, that worries me, because at times he is known to get out of control around here. But I will let that one pass.

Mr. Speaker, thank you for making my amendment in order. I want to commend the Committee on Public Works and Transportation, its chairman, the gentleman from California [Mr. MINETA], the subcommittee chair, the gentleman from West Virginia [Mr. RAHALL], the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER] and the subcommittee ranking member, the gentleman from Wisconsin [Mr. PETRI], for a fine bill. I would like to talk briefly about this rule, which I support, and my amendment, and what has really developed and brought this amendment around.

About 8 years ago, under former Chairman Jim Howard of this committee, I took a look at safety improvements in the highway bill, and they were 80–20 on the interstate. For example, if you continued to pave a road and the road surface was elevated somewhat, and the guardrail was worn out or had been hit and damaged or was missing and not replaced, the State would have to come up with 20 percent of the money on interstate to try to fix that guardrail. The States hard hit for money did not have the money, so they would turn the other way and hope the guardrail would not be a problem in the future, and go on with their repair needs or new construction needs and

try to maximize the use of their 20 percent.

In a hard fight, we were able to get Chairman Howard to accept my amendment that expanded section 120(D) and made certain highway safety improvements 100 percent funded under the trust fund. That meant that that State wanting to fix that guardrail now did not have to go into their own limited coffers, and they could have 100 percent money under that trust fund.

So now we have guardrails, signs, lights, bridge impact attenuators, breakaway utility poles, a number of safety improvements, that are 100 percent funded, which is saving lives. And I thank the gentleman from California, Chairman MINETA, for helping me under Chairman Rob Roe to get that language in and keep that language in, since that language was targeted to be phased out under a 90–10 scenario.

Today I come back under a different circumstance. We have found there have been about 35,000 highway deaths nationally attributed to heavy commercial truck drivers coming down the pike, coming down the track, with these heavy loads. And of those, 600 of them have been attributed to truck drivers having fallen asleep. We do not know how many truck drivers have fallen asleep when they in fact were killed in those accidents. There is no way of proving it.

So I wanted to thank the committee for putting an amendment in that calls for a study of what might be done to reduce the potential of heavy commercial vehicles coming steaming down with big loads on, where the driver may fall asleep, where maybe we have exits that are 30 miles apart, and that truck driver, trying to make a buck in this limited-profit industry, says, "Well, I will make it to that next exit. I will get that other 30 miles. I will get to that truck stop." And sometimes they just do not get there, and they kill mom and dad.

So this rule allows for this amendment that calls for a study to work out methodology by which we could in fact eliminate some of the potential for those serious accidents. Hopefully next year we can come with a bill, with the help of the fine committee staff and Chairman MINETA's help, that could alleviate those deaths, and maybe we can save those lives.

So I want to thank the gentleman from California, Chairman MINETA, and thank the committee, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Wisconsin [Mr. PETRI], and the gentleman from West Virginia [Mr. RAHALL], for including this amendment, and thank the Committee on Rules for giving me a couple of minutes.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California, the Honorable NORM MINETA, the chairman of the Committee on Public Works and Transportation, who has worked so hard to bring this bill to the floor today.

Mr. MINETA. Mr. Speaker, as Chair of the House Committee on Public Works and Transportation, I rise in strong support of House Resolution 440, the rule on H.R. 4385, the "National Highway System Designation Act of 1994".

First of all, I would like to commend the chairman, the gentleman from Massachusetts [Mr. MOAKLEY], and all the members of the Rules Committee, for their excellent work in helping craft this rule which gives due consideration both to the busy floor schedule for this week and the need to have important policy issues brought before the full House.

A number of amendments were requested, but by the time the Rules Committee met yesterday, all but five of those amendments were worked out in one way or another, and those five amendments are permitted by this rule.

The rule therefore accommodates all remaining requests for amendments and yet does so in a manner which will allow for relatively expedited consideration of the NHS bill. That is particularly important given our schedule for this week.

Mr. Speaker, I urge support for this rule, which permits consideration of this important bill in an expeditious and equitable manner.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I will be brief, simply to say I strongly support this rule. It is a fair rule, it is a bipartisan rule, given to a bipartisan bill. It has strong support. We have worked out all of our differences. I had submitted several amendments to the Committee on Rules, but it is not necessary that they be offered, and I informed the Committee on Rules of that. I hope we can move forward expeditiously on this historic piece of legislation.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 440 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4385.

□ 1158

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4385) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, with Mr. FIELDS of Louisiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the Committee on Public Works and Transportation in a bipartisan fashion brings to the House floor H.R. 4385, the National Highway System Designation Act of 1994.

The fundamental purpose of this legislation is to designate a new National Highway System.

The system will be comprised of approximately 159,000 miles of interstate and defense highways, certain noninterstate principal arterial roads, high-priority corridors identified by the Congress, and routes which provide access to major intermodal facilities and defense installations.

To put this mileage in perspective, it includes only 4 percent of the Nation's 3.9 million miles of public roads. However, it will carry over one-half of the Nation's road-borne commerce and long-distance travel.

□ 1100

Under the terms of the Intermodal Surface Transportation Efficiency Act of 1991—commonly referred to as ISTEA—these routes will be eligible for about $3.6 billion per year in expenditures from the Highway Trust Fund for construction, rehabilitation, restoration, resurfacing, or reconstruction activities.

However, at stake with this legislation is almost $6.6 billion a year because if the Congress does not designate the NHS by September 30, 1995, a self-executing provision of ISTEA will cause all NHS and interstate maintenance funds to cease flowing to the States.

For this reason, this is must-pass legislation.

It should be noted that the establishment of the NHS transcends highway funding issues.

What this initiative represents is a first-step toward viewing what could be termed the crown jewels of America's roads, highways, and bridges within the overall context of a surface transportation system, complete with intermodal connectors, that will move goods and people efficiently into the next century.

Toward this goal, this legislation calls upon the Secretary of Transportation, in consultation with the States, metropolitan planning organizations, and interested parties, to devise and submit to the Congress a proposed National Transportation System.

This bill also addresses specific transportation projects. While State and local planning processes continue to be the determining factors in the selection of which highway projects are constructed, this bill recognizes that no single process can be infallible.

In certain instances it is possible that important transportation projects may not proceed due to a variety of factors.

This program of projects included in this legislation were subjected to an exhaustive review to determine whether they embody the principles of ISTEA to renew our surface transportation programs by addressing the Nation's changing transportation needs.

It is true that the Subcommittee on Surface Transportation received over 900 highway transit project requests totaling $32.4 billion.

The committee, myself, the gentleman from California [Mr. MINETA], full committee chairman, the ranking minority member, the gentleman from Pennsylvania [Mr. SHUSTER], the ranking minority member of the subcommittee, the gentleman from Wisconsin [Mr. PETRI], we reviewed each and every one of these projects. We, along with the staff, did an exhausting review.

Let me note that the quality of these project requests was extremely high.

I think this is in part due to the fact that we put into place a process which emphasized local and State support and greater informational requirements.

With that said, I would observe that we obviously could not authorize $32 billion worth of transportation projects.

We had to make some extremely tough decisions.

This bill contains three categories of project funding, highway projects are provided for either through contract authority or an authorization for appropriation from general funds. Transit projects are provided for through the section 3 new start program.

With respect to contract authority, Mr. Chairman, every dollar in contract authority proposed for a new or ongoing highway project is offset by a dollar we propose to rescind.

We are playing a zero-sum game.

Under the bill, about $526 million in contract authority from certain pre-ISTEA projects which are no longer valid, and from certain programs for which the full amount of contract authority provided is not being utilized, would be rescinded.

This bill also contains $900 million worth of general fund authorizations broken down over a 3-fiscal-year period.

What we are basically proposing to do is to provide the Appropriations Committee with a menu, if you will, of projects which they may fund, provided they do not exceed $300 million in a given fiscal year.

We have chosen $300 million as this is pretty much the figure the Appropriations Committee has been using in the past.

Finally, this bill contains about $622 worth of transit projects. This money is offset by the repeal of section 3 authority for two transit projects which no longer enjoy local support.

Authorized through fiscal year 1997, ISTEA continues to serve as a catalyst in redirecting the Nation's surface transportation program to meet the challenges of the 1990's and the 21st century.

As such, the NHS designating legislation does not propose to modify ISTEA's apportionment formulas or to significantly alter any of its core programs.

However, as a result of oversight and legislative hearings, an identifiable need has arisen to correct certain aspects of the legislation in order to enhance its implementation by the Department of Transportation, the States, metropolitan planning organizations, and others in the transportation community.

In this regard, the pending measure contains the text of H.R. 3276, legislation aimed at making technical, conforming, and minor policy revisions to ISTEA, which passed the House last year.

Also as part of the process to improve ISTEA's implementation, several relatively minor new policy modifications are proposed.

Included in the legislation are certain adjustments to section 1038 of ISTEA, commonly referred to as the "crumb rubber" provision, in order to provide for more flexibility in its goal of recycling used tires.

The bill also includes a number of revisions to the National Recreational Trails Act in order to provide a better balance between motorized and nonmotorized trail users and to establish a consistent funding basis for the program.

Adjustments to the Congestion Mitigation and Air Quality Program are also proposed in order to prevent a deterioration of air quality in areas which have recently reached attainment.

The establishment of a National Highway System has also given rise to a debate over enhancing quality in the highway design and construction processes.

In effect, a need to provide a better return to the public for their investment in the transportation system.

In response, this measure includes value engineering and life-cycle cost analysis reviews, as well as a provision relating to warranties and guarantees.

Mr. Chairman, as I conclude, I wish to commend the ranking minority member of the subcommittee, the gentleman from Wisconsin [Mr. PETRI], the ranking minority member of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], and finally, our distinguished chairman of the full committee, the gentleman from California [Mr. MINETA].

These gentlemen have worked very long and hard on this bill. We have worked under the very capable guidance of our national Secretary of Transportation, Federico Peña, for whom I highly commend in his submission of the National Highway System to Congress last December ahead of schedule, via his Highway Administrator, Rodney Slatter.

A lot of work, a lot of dedicated work has gone into the development of this National Highway System, in close consultation with the States. And without their support, we would not be submitting this map here today.

I conclude by commending these gentlemen as well as our excellent staff that have worked long hours, including weekends, to bring this legislation to the floor today.

Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4385, the National Highway System Designation Act of 1994.

This bill provides congressional approval of the 160,000-mile network of roads known as the National Highway System, or the NHS. The NHS will be this Nation's premier system of roads and will include the interstate and defense roads as well as other major roads which link our population and commercial centers, and provide access to other transportation facilities.

Although the NHS includes only 4 percent of our Nation's public roads, the vast majority of our commercial and recreational travel will be carried on the NHS.

By passing this legislation today, we are properly recognizing the importance of the NHS and we will ensure that funding will continue to be available for this critical network of roads.

H.R. 4385 also contains several policy provisions which are relatively noncontroversial and which do not represent major new initiatives. Perhaps the one program which has generated the most discussion since ISTEA was passed in 1991 is the requirement that States use crumb rubber in a certain percentage of asphalt laid with Federal assistance.

H.R. 4385 contains a compromise which will scale back the current program. The requirements are reduced, civil engineering can be used to meet one-half of the requirements, the program ends in 1997, and the penalties are reduced. This represents a good faith

effort to reach a compromise on a difficult issue.

Finally, H.R. 4385 provides for the authorization of various highway and transit projects. During consideration of the transportation appropriations bill last year, we received a strong message that Members wanted an opportunity to seek authorization for projects prior to the 1997 reauthorization of ISTEA. And we have tried to do this in the most responsible way possible.

All Members requesting projects had to submit detailed information on the project requested and 3 days of extensive hearings were held by the Surface Transportation Subcommittee. The committee had to make very difficult decisions as we were faced with pairing down nearly $33 billion in requests to a total of $2 billion in project authorizations in this bill. That is less than $1 provided for every $16 requested—or stated another way, only 6 percent of the requests were funded.

For every project funded out of the Highway Trust Fund, we have rescinded an equal amount of contract authority—a total of $528 million—from old projects where funding is no longer required and from programs where the funds are not being obligated. We have repealed $622 million in transit authorizations to offset the new transit funding authorized in this bill. Finally, the general fund authorizations provided for highway projects over the 3 years are in line with the amount of funding provided in previous appropriations bills. I believe the committee has been very careful and responsible in authorzing these various projects.

I would also note that incorporated into this bill are the technical corrections to ISTEA which were passed by the House last year.

Let me conclude by commending Chairman RAHALL, who presided over the many hours of hearings we held on this bill, as well as Chairman MINETA and our ranking Republican member BUD SHUSTER, for their efforts and hard work which were essential in bringing this bill to the Floor today.

□ 1110

Mr. Chairman, I urge the Members to support this very important bill, and I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MINETA), the chairman of our full committee.

Mr. MINETA. Mr. Chairman, I rise in strong support of H.R. 4385, the National Highway System Designation Act of 1994.

First of all, I would like to commend the subcommittee chairman, Mr. RAHALL, and the ranking members, Mr. SHUSTER and Mr. PETRI, for their excellent work in helping craft this bill. All recognized the importance of this legislation and all worked hard to avoid the kind of controversies which could impede its progress, even where that meant accepting policy compromises which were contrary to each of their positions, but which were necessary to move the bill forward. These Members are to be commended for the statesmanship they brought to this effort, and this bipartisan bill is a testament to that.

Mr. Chairman, H.R. 4385 accomplishes several important purposes.

First, it approves the National Highway System map prepared by the Department of Transportation pursuant to ISTEA. In ISTEA we began the process of redefining for the postinterstate era which highways are of sufficient national interest to warrant Federal involvement. This bill designating the NHS would complete that process. We all recognize that Secretary Federico Peña of the Department of Transportation with the advice and counsel of the Federal Highway Administration and its able administrator, Rodney Slater, have done an outstanding job of putting the NHS map together, and we are approving their map as is.

Second, the bill shifts funds which are not now producing benefits for the public to high-priority projects which will directly benefit people. Specifically, this bill rescinds about $525 million in contract authority funding, which for one reason or another is not producing much benefit, and shifts it to high priority highway and intermodal needs all across the country. Similarly, the bill repeals $622 million in section 3 transit projects which are not able to move forward and replaces those projects with an equal amount of projects which are in a position to move forward and benefit the public. The amount of total funding which would be available for transit projects would remain unchanged.

Third, this bill completes the effort we began last year to try to bring accountability and openness in contract to the process which had existed for many years around here. Our task was to improve the process.

In this bill we authorize $300 million per year for 3 years in highway and intermodal projects. In order for these projects to actually receive funding, they would have to be subsequently appropriated. By carefully screening these projects, by putting them out in public in the authorization process, and by allowing only these previously evaluated projects to subsequently be appropriated, we are improving the openness and public accountability surrounding Federal infrastructure investment decisions.

I want to emphasize that all the projects in this bill, whichever type of funding they may receive, have gone through a rigorous process, including response to 18 detailed questions and the opportunity for input from State or local government. The days of casually tossing a project into a bill are over.

I also want to emphasize that the net cost of this bill is zero. It will not increase Federal spending and it will not increase the Federal deficit. It rescinds as much contract authority as it authorizes. It rescinds as much in section 3 transit projects as it adds. And it authorizes for appropriations only as much as appropriations has typically done within the amounts made available for highway and related programs. This, in short, is a zero sum game. We have shifted funds to where they will be more productive; we have not increased funding.

That has imposed a rigorous discipline on us as we struggled to remain within the amounts available. It is a testament to our new screening process that in most cases projects which were not of high quality were not even requested. It is also a testament to the enormous backlog of infrastructure needs in this country that so many high quality projects will remain unfunded in the next few years.

And finally, given the importance of this bill, we have all tried to avoid major policy controversies and any fundamental rewrite of ISTEA. This bill is the midpoint in the life of ISTEA, and is intended to carry us through to the end of ISTEA in fiscal year 1997. The question of where we should depart from the ISTEA model is properly reserved for a couple of years hence, when we have more experience with the ISTEA approach. In this bill we have sought to deal only with technical corrections and the secondary policy issues, and only when a noncontroversial solution, or at least a reasonable compromise, could be struck.

Mr. Chairman, H.R. 4385 is urgently needed to designate the National Highway System and to address other transportation needs midway through ISTEA. I urge support for this important measure.

Mr. PETRI. Mr. Chairman, I yield such time as he may consume to the gentleman from Altoona, PA, and environs [Mr. SHUSTER], the senior member on the Committee on Public Works and Transportation.

Mr. SHUSTER. Mr. Chairman, this is a historic moment for this House. The Members of Congress here today are going to be able to tell their children and their grandchildren that they were here and that they supported the creation of the National Highway System, which is going to be for the 21st century what the Interstate System was for our country in the 20th century.

Indeed, as a result of the National Highway System we will be approving here today, we will be creating close to 160,000 miles of critical, modern highway for the future of our country, highways on which lives will be saved, the

traveling public's convenience will be substantially improved, jobs will be created, productivity will be enhanced.

Indeed, there are few programs which this Congress can pass which will do more for more Americans than this legislation which we are passing here today.

Mr. Chairman, this map shows what that national highway system will be. Indeed, while the highways on the system represent only 4 percent of the highways in America, they will handle fully 40 percent of all the travel on our highways.

□ 1120

They will handle 75 percent of the truck traffic on our highways, 80 percent of the tourism travel on our highways and indeed as we have experienced in the past, so we will continue to experience in the future about a 3-percent annual increase in travel on our highways. If we compound that annually, we can see we are looking as we move into the next century at a 30-, 40-, 50-percent increase on our highways, which means the passage of this legislation is absolutely critical.

Mr. Chairman, so many people deserve great credit for our being in this position today: Chairman MINETA, Chairman RAHALL, Congressman PETRI, the ranking member of the subcommittee; and, yes, Rodney Slater, head of the Federal Highway Administration, Secretary Peña, and virtually every head of every State transportation department across America, because they are the ones who recommended which highways should be included on the National Highway System. They are the ones who sent it to the Federal Highway Administration on time. In fact, there is a second historic event taking place, I think, Mr. Chairman, and, that is, as long as I can remember for the first time in history, an administration actually sent their recommendations to the Congress ahead of schedule. Mr. Slater and Secretary Peña deserve great credit for moving promptly on this extremely important legislation.

I would like to say particularly, Mr. Chairman, to my Republican colleagues, that we in the minority have been full partners in this process. This is bipartisanship at its very best. When it came time to negotiate on the projects and looking and vetting the projects while we had such little money for projects, the Republicans got their full and fair share. We were full partners at the table, and I think it is important for us to recognize that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield on that?

Mr. SHUSTER. I will be happy to yield to the gentleman.

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Chairman, I want to reiterate the point the gentleman just made. The leadership the gentleman in the well has exhibited on this bill and in this process cannot be overstated as well as the work, of course, of the chairman of the full committee and the subcommittee and the ranking member, Mr. PETRI, of the subcommittee. I want to express the sentiments and thanks of a lot of the Members of this body on both sides of the aisle for the great amount of work and cooperation that the gentleman has exhibited along with the others I have mentioned.

Mr. SHUSTER. Mr. Chairman, I thank my good friend for his comments.

Mr. Chairman, the final two points I would like to make are, first of all, that there are compromises in this legislation. I would like to have seen us go further on issues such as crumb rubber and other issues, but we negotiated in good faith. We have compromises, and so we come together on this floor today standing together, urging support for this legislation.

The last point I would like to make, Mr. Chairman, is it cannot be emphasized too often that the money we are talking about here is trust fund money, out of the highway trust fund. The money that does get spent is money that comes from the highway portion of the trust fund and the transit portion of the trust fund. Therefore, this money is there, it does not contribute to the general fund deficit, it is the fairest kind of funding we can have, and I think we can be very proud, Republicans and Democrats alike, as we go back home that these are the dollars that are used to build assets for America. This is the way we should be spending our taxpayer dollars.

I would urge all of my colleagues to strongly support this historic legislation today.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. LIPINSKI], a very fine member of our full Committee on Public Works and Transportation.

Mr. LIPINSKI. Mr. Chairman, I rise today to express my strong support for H.R. 4385. Designating the National Highway System is the next step in the process that began with the enactment of the Intermodal Surface Transportation Efficiency Act [ISTEA] in 1991. I commend Chairman MINETA, Chairman RAHALL, and ranking members SHUSTER and PETRI for taking the initiative to get this bill passed this year.

ISTEA, and the NHS in particular, represent a step forward in transportation priorities in this country. Although the United States enjoys the benefits of an excellent Interstate Highway System, it was planned in the 1940's and 1950's. While using the Interstate System as a backbone, we must move beyond this vision of transportation to an era of enhanced intermodality and improved efficiency.

The continued prosperity and growth of this Nation requires a strong intermodal transportation system. Our highway, waterway, rail, and air systems all provide critical services that meet our growing transportation needs. The National Transportation System of the future—with the NHS as its base—will integrate the various modes of transportation to create a seamless transportation system to serve this Nation for decades to come.

We need to work today to prepare our infrastructure for tomorrow. Passage of this bill will make it happen.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I rise in very strong support of the bill we have before us today.

It is indeed an historic occasion because we are going to complete a process that was begun in 1991 with the passage of ISTEA which did call for the establishment of the national system of highways to meet America's transportation needs well into the next century.

Mr. Chairman, what we are doing here today is really going to set highway policy for decades to come and well into the next century. As has been indicated, the National Highway System is a cooperative effort. It encompasses 159,000 miles of highways throughout the United States. Each State was solicited on the routes it wanted included in the system. This is not something that is being imposed from the top down. In fact, it was a perfect example of federalism at its best, where the routes to be included in this system were generated by the States themselves.

Mr. Chairman, the National Highway System is going to be an interconnected system of interstate highways, strategic defense routes, principal arterials, and high-priority corridors linking major population centers, major border crossings, ports, airports, intermodal and public transportation facilities, and defense installations. It is without doubt the most ambitious, most aggressive attempt to create a true intermodal system of transportation in the world. There is a certain urgency to the need for this exercise to take place. Our ability to transport our goods and services is going to determine how competitive we are going to be in the world into the next century. Frankly, some of the European nations are ahead of us in terms of building intermodal systems. We need to catch up and not only catch up but go beyond. This proposal will carry us well beyond anything that our competitors are doing at the present time.

Mr. Chairman, the National Highway System is going to comprise only about 4 percent of the Nation's most important highways, yet it is going to carry 40 percent of the national highway traffic and 75 percent of the Nation's truck traffic.

This system as has been indicated is not financed through the general fund. It comes out of the highway trust fund, out of a Federal excise tax on gasoline, and money is collected for this purpose and cannot be used for any other purposes. It is vital that we use it for that purpose. Equally important, this money is going to be used to upgrade existing routes rather than build new highways. The proposed National Highway System route plan contains less than 2 percent of new roads.

Mr. Chairman, we know that we are going to hear comments in the future about this being another pork-barrel bill, because that is what we always hear whenever the Committee on Public Works and Transportation brings out legislation, that everything we do is deemed to be pork. I would suggest to Members that these criticisms come from those who would prefer not to see any highway construction go on in this country at all and, in fact, would prefer to see highways dismantled because they feel so strongly that automobiles and trucks are environmental hazards. But this system, Mr. Chairman, is going to do something vitally important, it is going to give us an integrated transportation network to carry us into the future.

Mr. Chairman, the National Highway System is essential to ensuring the efficient movement of goods, services, and persons throughout our Nation and will be a basic building block toward maintaining America's competitiveness into the next century. I urge support for the legislation.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. TRAFICANT], a very determined and excellent member of our Committee on Public Works and Transportation.

Mr. TRAFICANT. Mr. Chairman, if everybody looks at that map, when Hands Across America literally was joined, it was formed in my district. Smack dab in the middle between Cleveland and Pittsburgh, New York and Chicago are three highways that dead-end in the city of Youngstown. Columbus and Washington have forgotten my district. Enough is enough.

□ 1130

I want to thank you for at least starting with the Hubbard Expressway connector to involve my district with the rest of America, because if you travel through this country you would have to go through my district. I want to thank this committee. But I also want to say that we have great manufacturing, great service opportunities. I will get you a real good deal. The housing costs are one-half anywhere else. We have a great work force. The incentives are fantastic to make a profit. If you call me, America, I will get you a deal right in the heartland of America.

I want to thank you again for the Hubbard Expressway. You will not have to get off and go on a side street in order to get to Route 80, I say to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. PETRI. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, I rise to engage the distinguished subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL] in a colloquy.

Mr. Chairman, it is my understanding that the Surface Transportation Subcommittee will hold safety hearings in the near future. Is that correct?

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the subcommittee chairman.

Mr. RAHALL. I thank the gentleman for yielding.

Mr. Chairman, yes, we will be holding comprehensive motor carrier safety hearings in the near future.

Mr. SHUSTER. As you know, I considered offering three amendments to the bill today to deal with safety problems at rail-highway crossings. I deferred offering the amendments in large part because I thought that these issues should first be addressed in hearings. Would it be appropriate to address these issues in our upcoming safety hearings?

Mr. RAHALL. Yes, it would be appropriate and I, too, believe these issues should be fully aired at hearings.

Mr. PETRI. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from New York [Mr. LAZIO].

Mr. LAZIO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to enter into a colloquy with my friend, the gentleman from Wisconsin [Mr. PETRI].

Mr. Chairman, I understand that section 111(a)(13) of this bill rescinds $3.559 million for a highway project in my district that was authorized in the 1987 highway bill. I have recently been made aware that this project is still viable and will go forward and be built. I decided not to offer an amendment to strike the rescission since the bill is deficit neutral and my amendment would have violated pay-as-you-go rules.

My question is: If New York State is able to begin the project and obligate the funds before this bill is enacted into law, will the funds be available to finish the project?

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentleman from Wisconsin.

Mr. PETRI. Yes. If the project is viable, it can go forward in that time frame, and then it could obligate funds.

Mr. LAZIO. I want to make the gentleman aware that traffic congestion in my district is a very serious problem, and I would like to work with the committee in the future to identify solutions to these problems. I thank the gentleman.

Mr. PETRI. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Wisconsin, if I may.

I would like to first thank the gentleman and the committee for its support of the central Florida Interstate 4, GreeneWay interchange project. This project is a critical link in the Great Orlando transportation network.

During the last decade, traffic on 14 through the Orlando region has increased at an average of 6 percent per year. The traffic now exceeds 160,000 vehicles per day, while the road was designed to carry 68,000 vehicles per day.

I have requested that the Florida Department of Transportation study the feasibility of using the shoulder lane of Interstate 4 as a travel lane.

This study would provide an interim solution to our traffic problem while the I-4 master plan is developed and implemented.

This interim solution is important to alleviating I-4 congestion in my own, Mr. MCCOLLUM's, and Ms. BROWN's districts in central Florida. We all support seeking an interim solution. As part of the RECORD today would the committee support my efforts to arrive at an interim solution?

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Wisconsin.

Mr. PETRI. I thank the gentleman for yielding.

Mr. Chairman, the committee commends the gentleman for his efforts to ease congestion on I-4 in the Orlando area. The committee also urges the Department of Transportation to study the feasibility of the gentleman's proposed solution to the congestion in I-4 in central Florida.

Mr. MICA. Again I thank the gentleman and the committee.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the distinguished chairman of our Subcommittee on Oversight and Investigations, the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I thank the gentleman for yielding time to me. I wish to express my support for H.R. 4385, which approves the National Highway System proposed by the Secretary of Transportation.

I congratulate the leadership of the Public Works and Transportation Committee, our chairman, the gentleman from California [Mr. MINETA], the subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL].

I also congratulate the ranking Republican member, the gentleman from Pennsylvania [Mr. SHUSTER] and the

ranking Republican on the subcommittee, the gentleman from Wisconsin [Mr. PETRI].

I especially congratulate the leadership on recognizing the need to begin the process of creating a national transportation system that will include the National Highway System.

The provision in the bill directing the Secretary of Transportation to develop a national transportation system will start us on the path to creation of a truly intermodal transportation system.

A national transportation system is a direct and logical continuation of the process we began in 1991 with ISTEA.

In 1991, we decided that we could not compete in the global economy unless we took action to develop a unified national transportation system. H.R. 4385 will begin to make the vision of ISTEA a reality.

It is absolutely essential that we begin to recognize that moving passengers and freight requires greatly improved intermodal connections between our highways and ports, airports, transit systems, and passenger terminals.

I also congratulate the committee leadership for moving to extend the concept of intermodalism to the metropolitan and State planning processes. ISTEA made these planning processes an essential element of our transportation system and they should include all forms of transportation.

I hope the administration and the Congress will continue to pursue these concepts of intermodalism and the national transportation system. We should also pursue the transportation applications of new and advanced technologies to create intelligent transportation systems.

I am disappointed, however, that the committee has filed to address the serious problem of the structure of MPO's. In 1991, we gave MPO's vast new planning and programming responsibilities, including the authority over funding decisions.

Regrettably, we are resisting any involvement in reforming those MPO's to transform them from planning agencies to transportation decision makers.

It is essential that we begin to face the questions of MPO's restructuring:

Should proportional representation be required?

Should there be mandatory membership for transit agencies?

Should representatives of other transportation facilities, such as ports and airports, be included?

What role should States have consistent with ISTEA?

These are important questions that must be answered on a national scale if our push for a national transportation system is to be successful.

I also want to congratulate the committee leadership on including a study by the Department of Transportation of how States and MPO's utilize existing highway and transit funding to meet transportation needs.

It is absolutely essential for us to have the facts on how these funds are being invested in all areas of the State when we are making decisions on transportation programs.

The Department of Transportation should be looking at whether all areas of States, urban suburban and rural, are receiving a fair and equitable share of highway and transit funding to meet their transportation needs.

It is important to look at the needs of all areas, for passenger and for freight movements, and whether the existing use of the funding is giving all areas fair treatment.

We have learned through long experience that there are some necessary shifts of funds to support transportation programs in areas that cannot support the funding needs on their own.

As we enter the post-ISTEA transportation world, the question is whether these funding shifts are being undertaken on too great a scale.

Are the current programs, for whatever reasons, pushing funds into some areas to the disadvantage of others?

The goal of the study is to collect the information so that we will be able to make more informed decisions in the future. In a program of this size, we should know where the money is going.

I thank the committee leadership for including this study in the committee amendment.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to our colleague, the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I too would like to commend the gentleman from California [Mr. MINETA], chairman of the committee, and the gentleman from West Virginia [Mr. RAHALL], chairman of the subcommittee, and the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Wisconsin, TOM PETRI, for their extremely hard work and excellent leadership in bringing this legislation before the House today. This legislation is very important, I believe, to our Nation's future. I believe we should do everything possible to get this legislation through the Congress this year ahead of schedule.

Mr. Chairman, we must not risk losing the $21 billion NHS fund, and I thank the leadership of the Public Works Committee for getting us to this point.

Mr. Chairman, the National Highway System is the logical continuation of our excellent interstate system and will help improve our Nation's competitive position in the world, by allowing for the smooth and efficient transportation of people and products. Every State will benefit greatly from this legislation, as it will make possible the reconstruction, rehabilitation, and resurfacing of roadways in virtually every area in the Nation. In addition to providing for much-needed infrastructure improvements, it will serve as a job creator, putting thousands and thousands of people to work.

Beyond laying out the National Highway System, H.R. 4385 makes some important technical changes to ISTEA, which has proven to be a tremendous success since it was enacted in 1991. The whole concept of intermodalism is a brilliant one which should be encouraged by the Federal Government at every turn. A first-class country should have a first-class transportation network.

Mr. Chairman, I urge passage of this important legislation.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to a distinguished member of our Committee on Public Works and Transportation, the gentleman from California [Mr. HAMBURG] who has been very helpful in the development of this legislation.

Mr. HAMBURG. I thank the gentleman for yielding this time to me.

Mr. Chairman, the Richardson-Hamburg amendment which will be part of the Rahau en bloc, is an important step in pursuing the goals of the Indian Self-Determination and Education and Assistance Act. This amendment establishes a pilot program to permit Indian tribal governments to negotiate directly with the Secretary of Transportation for road construction projects in precisely the same manner as a State applying for a Federal-aid highway project.

It is time that tribal governments be given equal dignity in administration of its roads and transportation systems. The Hoopa Tribe in my district in northern California has recently suffered months of delay processing its road construction projects through the Bureau of Indian Affairs. Multilayered bureaucratic review has delayed road construction and needlessly increased costs without any improvement of the projects.

The Richardson-Hamburg amendment's pilot program allows tribal governments to demonstrate their ability to tailor planning to reservation needs and reduce administrative costs. It is time to allow tribal governments to focus scarce Federal dollars on building instead of bureaucratically reviewing road construction.

I urge my colleagues to join us in moving Federal-tribal relationships in the transportation arena into the late 20th century. Removal of the patronizing trustee buffer will increase the effectiveness of Federal investment in our Nations' infrastructure and affirm tribal sovereignty. Support the Richardson-Hamburg amendment.

□ 1140

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, as my colleagues have so noted, today, with the passage of the National Highway System, we do take the next step toward meeting the Nation's transportation and economic goals for the next century. Having studied the proposal and all of the subsequent data, I see two things that stand out: First, this 160,000 mile system will carry 40 percent of the Nation's highway traffic and 75 percent of trucking commerce, and second, and I believe that Secretary Peña noted this when introducing NHS: a 1-percent improvement in the transportation efficiency will result in a $100 billion saving over the course of a decade. Thus, today, we literally begin the process of implementing a highway system that could undergird productivity gains and, in general, the American economy for decades to come.

An efficient transportation system is particularly important to Washington State. Many of our industries, including Boeing, use "just in time" production techniques, where manufacturers reduce costs by minimizing inventories through the use of smaller, more frequent deliveries. Just in time manufacturing cannot coexist with endless lines of traffic and congestion. Similarly, without an efficient and seamless transportation system, the Nation's ports—such as Seattle and Tacoma—see profits dwindle and eventually disappear.

I know that the efforts today of the Public Works Committee and the House of Representatives will go far toward putting America on strong economic footing for the 21st century.

Also, Mr. Chairman, highway safety is one of my prime concerns with regard to the implementation of NHS. On too many of our Nation's roadway's, families and friends travel long distances over roads dangerously clogged. For instance, in my district, HIghway 18 has unfortunately earned the sobriquet of "Death Alley". Thus, I was extremely pleased to see that Secretary Peña included Washington's Highway 18 in his proposal for the National Highway System. Highway 18 is important to my constituents, but what every Member should note is that highway safety improvements will take place in every town, in every State, all over America.

And, Mr. Chairman, I especially want to note the efforts of the chairmen and ranking members, Mr. MINETA and Mr. SHUSTER, and Mr. RAHALL and Mr. PETRI, to expeditiously and fairly hold these hearings. Quick action by these gentlemen and the House Public Works and Transportation Committee has afforded our colleagues from the other body the ability to act this year on this bill. I urge Secretary Peña and Mr. Slater to use their considerable influence to urge action.

Mr. Chairman, with prompt action, within months we could begin a process that will smooth the flow of goods and commerce as we transform older, clogged, unsafe lanes into modern safe and efficient roadways.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I ask the distinguished chairman of the subcommittee, the gentleman from West Virginia [Mr. RAHALL], if he might join me in a colloquy. I understand that there has been an interpretation that the Secretarial waiver provisions contained in section 1038 of ISTEA would provide a State the opportunity to request an exemption from compliance with the minimum use requirement if the State determined the performance of recycled rubber technologies was inadequate. Can the gentleman comment on this interpretation, please?

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. COPPERSMITH. I yield to the gentleman from West Virginia.

Mr. RAHALL. According to section 1038(d)(5) of ISTEA, the Secretary may set aside the minimum use requirement if there is evidence that asphalt pavement containing recycled rubber does not perform adequately as a material for the construction or surfacing of highways and roads. This is a generic waiver, however, intended to apply only if there is a finding that, nationally, recycled rubber does not perform adequately in asphalt pavement. This waiver would not apply based on State-by-State applications.

Mr. COPPERSMITH. Mr. Chairman, I thank the gentleman for his participation in this colloquy. I also congratulate the distinguished chairman for his leadership of this bill, as well as the ranking member, the gentleman from Wisconsin [Mr. PETRI], with whom I interviewed for an internship when I was a college student. I did not get that job, but I got to work with him this way. I also salute the ranking member of the full committee, the gentleman from Bedford, PA [Mr. SHUSTER], and the chairman of full committee, the gentleman from California [Mr. MINETA], for their leadership and hard work on this important bill.

Mr. PETRI. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. LAUGHLIN], a member of the committee.

Mr. LAUGHLIN. Mr. Chairman, I thank the ranking member for yielding this time to me, and I want to thank the chairman of our powerful Committee on Public Works and Transportation, and the ranking Republican, the gentleman from Pennsylvania [Mr. SHUSTER], for their leadership along with the gentleman from Wisconsin [Mr. PETRI] and the gentleman from West Virginia [Mr. RAHALL] in bringing this bill to the floor ahead of schedule. Thanks to their leadership this bill will be ahead of a September 1995 deadline set forth in the ISTEA bill this Congress passed several years ago.

Mr. Chairman, during the consideration of this bill our committee took stringent screening processes to ensure that all projects that were included in this bill were in compliance with the States' respective planning commissions and transportation authorities, and I am very proud that this committee that I have the privilege of serving with recognizes that transportation is needed throughout America and not just in a few places. From that point I thank the chairman for allowing my State of Texas to have included in this bill projects throughout the State so that our transportation system can be complete from one end of the State connecting to the Nation.

Mr. Chairman, because of the importance of transportation and the safety of the traveling public, and also for commerce, it is important that this bill pass, and I would urge all my colleagues, and especially those from my State, to support this bill.

Mr. Speaker, I would like to commend the chairman of the powerful Public Works and Transportation Committee, and the chairman of the Surface Transportation Subcommittee as well as the ranking minority members of the committee and subcommittee for their work and leadership on this legislation.

Thanks to the leadership, Congress is considering this legislation well ahead of the September 1995 deadline which was set forth by ISTEA and they have brought a sound bill to the floor for consideration.

During consideration of H.R. 4385, the committee undertook a stringent screening process of all projects which were submitted to be included in the bill.

Not only were each of the projects subjected to a screening process by the committee, each project which has been included in this bill was submitted in concurrence with their State transportation authority and the local government.

Again, I would like to commend the committee leadership for their work on this legislation and I look forward to working with them as we move this bill through the legislative process.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. TUCKER], a distinguished member of our Committee on Public Works and Transportation.

Mr. PETRI. Mr. Chairman, I yield the gentleman from California [Mr. TUCKER] 1 additional minute.

The CHAIRMAN. The gentleman from California [Mr. TUCKER] is recognized for 3 minutes.

Mr. TUCKER. Mr. Chairman, I thank the gentlemen for having yielded this time to me, and I rise in strong support of H.R. 4385, the legislation to des-

ignate the national highway system which we call the NHS. As a member of the Committee on Public Works and Transportation, Mr. Chairman, I know full well of the economic and commercial impact and potential of the national highway system. The bill, H.R. 4385, is an investment in this Nation's infrastructure. Infrastructure is the backbone to this Nation, and with the passage of this bill, Mr. Chairman, we will be addressing the needs for infrastructure, interstate highways, and moving towards the 21st century.

Mr. Chairman, this is indeed an historic occasion. I would like to take this time to applaud the leadership of my subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL], and also the full committee chairman, the gentleman from California [Mr. MINETA], the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], Secretary Peña, Rodney Slater and all the members of this fine committee, and of course the staff members who have made this work a great accomplishment.

Mr. Chairman, we in the House need to make sure that the Senate takes up this legislation to designate the national highway system. We need to send the Senate this good bill, and it is time to do so, and I rise today to move this legislation to designate the NHS out of the House and to the Senate. The national highway system is one of the provisions provided for in the ISTEA legislation and will not have the deficit effect on the general fund. Within the ISTEA legislation there was a deadline given to Congress to pass the enacting legislation for the National Highway System by September 30, 1995, we are ahead of this deadline when we pass this bill on to the Senate. The ranking minority member of the full Committee on Public Works, BUD SHUSTER, said it best, "This is a first, Congress is doing something ahead of schedule." I fully concur with Mr. SHUSTER, why do we have to wait until the last minute to implement such important legislation? I urge my colleagues to pass H.R. 4385 and then to call on our colleagues in the Senate to do the same.

Mr. Chairman, I would like to take this time today to talk about two projects that are of concern to me, one of them is in my district and the other one is outside of my district. The first project that I would like to talk about is a project in my district, the Alameda corridor. The Alameda Corridor Project is a $1.8 billion investment in the Nation's largest seaport, the World Port of Los Angeles and Long Beach. This project would expedite the delivery of goods imported and exported through the ports of Long Beach and Los Angeles to downtown Los Angeles and to the rest of the country.

With the passage of NAFTA and the increase of Pacific rim trade, this Nation needs a seaport that can accommodate the significant increase in the amount of goods imported and exported and have the ability to move them rapidly to their destinations.

The economic stimulation that the Alameda corridor will bring to the southern California region is phenomenal. Ten thousand construction related jobs right away and 70,000 jobs throughout the country upon completion of the Alameda corridor. This project is a win-win situation for the Nation. This country needs to invest in its infrastructure and the Alameda corridor is the perfect project to invest in.

The other project that I would like to bring to your attention is the Intelligent Vehicle Highway System research going on in the city of Anaheim. Although this IVHS research is not in my district I feel that this body should know about this project.

Based on previous congressional authorizations and awards by the Secretary of Transportation, Federico Peña, the city of Anaheim is working on a state-of-the-art regional integrated traffic management center that is scientifically helping to facilitate the movement of highway and interstate vehicular traffic throughout the Los Angeles/Orange County region.

Mr. Chairman, the city of Anaheim in coordination with the aerospace and defense industry in southern California has proposed an IVHS research program that will use existing Regional Integrated Traffic Management Center, sponsored by the Department, to develop new vehicle and traffic management technology of the kind that the 1991 ISTEA authorization encouraged the Secretary to carry out.

Unfortunately the Anaheim regional IVHS project was not included in the bill H.R. 4385, although the intent of this bill is to help upgrade the Nation's ability to reduce traffic congestion. I would urge the Secretary to consider the eligibility of the Anaheim project for inclusion in DOT's IVHS Development Program.

Mr. Chairman, I would like to quickly talk about another part of H.R. 4385 and that is section 103. Section 103(b) requires a value engineering analysis for all projects on the National Highway System. This provision will result in two clear benefits: the first, the analysis will permit the identification and elimination of excess project costs and harm without sacrificing project quality. The second benefit is the value engineering analysis will provide an objective and effective process to resolve any disputes that may have arisen regarding a particular project. To this end, the evaluation of every NHS project by a multidisciplined team of persons not originally involved in the project or activity will assure that any predispositions as to design—e.g., route, mode, or configuration of a project will be replaced by an objective review of each proposal, regardless of the results of prior analyses, or when such reviews were conducted, or by whom. Accordingly, not until a de novo value engineering analysis is completed as part of NEPA review will any project proposed for inclusion in the NHS obtain the approval of the Secretary in a record of decision. In this way, each NHS project submitted for approval by the Secretary will represent the most efficient and cost effective way to meet specific transportation needs without questions as to cost, quality or disputes as to design.

I would like to thank the gentleman once again for yielding me time to discuss the National Highway System legislation and I yield back any remaining time that I might have.

□ 1150

Mr. PETRI. Mr. Chairman, I yield 1½ minutes to our colleague, the gentleman from Buffalo, New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I rise today in strong support of H.R. 4385, a bill designating the National Highway System [NHS] which was a keystone part of the 1991 Intermodal Surface Transportation Act [ISTEA].

The NHS is one of the most critical undertakings by the Department of Transportation, Congress, and our State and local governments. It will be the first step in combining our Nation's highways, ports, airports, rail centers, border crossings, and population centers into one intermodal national transportation system.

This new intermodal system will play a vital role in our country's economic growth. Although the NHS will comprise less than 5 percent of our Nation's highway miles, it will carry 40 percent of our Nation's total highway traffic, 75 percent of our commercial truck traffic, and 80 percent of all tourist travel. What does this mean for our country, and for my constituents in western New York?

It will mean people and commercial goods being transported quickly and safely to and from our water ports, airports, rail centers, and population centers.

It will mean a reduction in highway fatalities since NHS improvements will help save lives on our Nation's highways.

It will mean more tourism, and lower costs for our domestic industries—which means more jobs.

I would like to applaud the work of our States and the Federal Highway Administration who worked hand in hand in putting the NHS together. This is an example of how government should work. States working with local communities, the Federal Government working with our States, and Congress working with the administration in a bipartisan and timely manner.

As a member of the Public Works and Transportation Committee, I would also like to commend our chairman, NORM MINETA and our ranking member, BUD SHUSTER, as well as our subcommittee chairman, NICK RAHALL and our ranking subcommittee member, TOM PETRI on their hard and dedicated work in making this bill a reality so quickly.

I urge the support of my fellow Members on both sides of the aisle, and I thank the gentleman for his time.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to another distinguished member of our subcommittee, the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Chairman, I rise in strong support of

the National Highway System Designation bill before us today, H.R. 4385. This bill has been masterfully crafted to address America's transportation needs mid-way through the life of the landmark Intermodal Surface Transportation Efficiency Act of 1991.

The leadership of the Public Works and Transportation Committee are to be commended for the cordial, bipartisan manner in which this legislation has been developed and for their recognition of the needs of America's transportation infrastructure.

H.R. 4385 contains a number of provisions which will maintain the excellence in transportation that America's travelling public has come to expect. It does not stop at designating the National Highway System proposed in ISTEA; it goes on to lay the groundwork for a National Transportation System that will integrate all modes of transportation into one national consolidated and efficient system.

The bill also reallocates some authorizations under ISTEA. Half way into the life of ISTEA, we have learned a great deal about the new and innovative programs ISTEA authorizes. By realigning priorities in a revenue neutral manner, H.R. 4385 applies what we have learned to transportation law.

Of particular interest to me is a provision that I proposed and that the Committee accepted that serves as a gentle reminder to States that they need to take their international border crossings, if they have any, into consideration when developing State transportation plans.

A recent study of U.S. border infrastructure by the U.S. Department of Transportation that was mandated by ISTEA in 1991, the Assessment of Border Crossings and Transportation Corridors for North American Trade, recognizes that border crossing communities face special problems created by border crossing traffic, including increased traffic hazards, backups and pollution. More importantly, the study acknowledges for the first time that border States have not adequately addressed these special problems.

With the implementation of NAFTA, these problems will only increase. H.R. 4385, with my amendment, requires border States to take international border crossings into account in their State planning process. This is an effective short-term solution to the problems faced by border crossing communities. This issue will, however, have to be revisited when ISTEA is reauthorized in 1997 if America wants to remain competitive under NAFTA.

Let me reiterate that America's transportation systems are well served by every single provision of this legislation. I urge support for this bill, which is a bipartisan, revenue neutral, and constructive addition to our transportation policies.

Mr. PETRI. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, there is only one thing wrong with this bill, and that is the scheduling. We should have scheduled it in prime time so that the American people, 250 million from coast to coast, could see Congress at its finest, Democrats and Republicans working together hand in hand to craft a bill that addresses a critically important national need, and that is to upgrade our transportation infrastructure.

I could not be prouder than I am to serve on this committee, I could not be prouder than I am to work with the subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL] and the gentleman from Wisconsin [Mr. PETRI] and to see the gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. SHUSTER] working together cooperatively, forgetting partisanship and concentrating on the mission.

Mr. Chairman, the only thing wrong with this is the scheduling. We could be on "Prime Time Live" because the House is doing itself proud today.

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I take this time to engage in a colloquy with the subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL].

Mr. Chairman, on March 10, 1994, the city of Forest Grove, the State of Oregon, and Washington County signed a funding agreement for preliminary engineering on the Highway 47 By-Pass in my district. This project has widespread support because it would address the serious local safety and commercial problems which result from the increasing truck traffic, which is forced to navigate four 90-degree turns through the town of Forest Grove, OR.

Is it the subcommittee chairman's understanding that the Highway 47 By-Pass is the type of project that would be eligible for consideration of Federal highway funds in future fiscal years?

Mr. RAHALL. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the gentlewoman from Oregon is absolutely correct.

Ms. FURSE. Mr. Chairman, I thank the subcommittee chairman, and I also thank Chairman MINETA of the committee and the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Pennsylvania [Mr. SHUSTER] for all they have done for Oregon and the Nation with this legislation.

Mr. PETRI. Mr. Chairman, I yield 30 seconds to our colleague, the gentleman from San Diego, California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I simply want to rise to congratulate and thank the committee chairman, the gentleman from California [Mr. MINETA], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from West Virginia [Mr. RAHALL], and the gentleman from Wisconsin [Mr. PETRI] for the remarkable work they have done on this bill.

Gridlock on California highways is a crucial problem for us that must be solved. This bill is going to help us do that, and I want to personally thank each one of these Members for their work.

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to another distinguished member of our Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for the time, and I seek to engage the gentleman from West Virginia in a colloquy, if I may.

Mr. Chairman, my colleague, the gentleman from New Jersey [Mr. PAYNE] and I are concerned about the current status of the I–280 downtown connector and First Street improvement project which is an absolutely critical link to our State's only public hospital, its key emergency room and trauma services, our medical school complex and all of the city of Newark's major institutions of higher education, science and research. Congressional appropriations have been approved and signed into law in fiscal year 1990, fiscal year 1991, fiscal year 1992 and fiscal year 1993. The State of New Jersey is concerned as to whether the remaining unobligated balances available pursuant to fiscal year 1992 and fiscal year 1993 law are still, in fact, available and have not been rescinded.

Mr. RAHALL. Mr. Chairman, if the gentleman will yield, I can assure him that we have looked into the matter of this project carefully and the remaining unobligated balance pursuant to transportation appropriations in fiscal year 1992 and fiscal year 1993 remain in effect and are available for expenditure. H.R. 4385 does not rescind any of the funds. Thus, the State of New Jersey can move forward as expeditiously as possible on this important matter.

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman from West Virginia.

Mr. PETRI. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to a distinguished member of our Committee on Public Works and Transportation, the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 4385, a bill to designate the National Highway System. Let me thank Chairman RAHALL

and subcommittee Chairman MINETA, as well as the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Wisconsin [Mr. PETRI], for their hard work in support of this legislation.

Establishing the NHS is a major step forward in prioritizing our transportation resources. This system identifies strategic roadways which are critical to economic activity in our communities across this Nation, and help us target Federal highway aid of those designated routes.

The routes designated across central and southern Illinois, Route 50, Route 1, Route 13, and others, will contribute to our future economic development.

I also appreciate the committee's efforts to revisit our 1991 highway bill, making important changes and adjustments to keep our transportation dollars working to meet our highest public needs.

Mr. Chairman, I thank my colleagues and urge adoption to the bill.

Mr. PETRI. Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin [Mr. PETRI] has 4 minutes remaining, and the gentleman from West Virginia [Mr. RAHALL] has 2 minutes remaining.

Mr. PETRI. Mr. Chairman, if we have reached that point, I yield the balance of my time, 4 minutes, to the gentleman from Texas [Mr. PICKLE].

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. PICKLE].

The CHAIRMAN. The gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

□ 1200

Mr. PICKLE. Mr. Chairman, I want to express my appreciation to the gentleman from West Virginia [Mr. RAHALL], chairman of the subcommittee, and the gentleman from Wisconsin [Mr. PETRI], for their courtesy.

As we continue to discuss this highway bill, I want to commend this Committee on Public Works and Transportation for the leadership it has given us. The highway system is the backbone of all of our transportation movements in the United States, and it is important that we concentrate on that.

But I want to make two points, Mr. Chairman. One, we ought to continue to concentrate on intermodalism. That is the key to our operations in the future. No longer are we going to build an airport in isolation or a road in isolation.

Let me give an example. In my city of Austin, TX, alone, a city of over a half a million people, we are in the process now of building a new airport. We have bonds voted for it. We are going to build a new highway around one portion of the airfield. We have authorization now from this committee for a light rail system. We are thinking in the future about how we can operate.

We must have intermodalism. This committee has taken the lead through the ISTEA legislation. Now is the chance, like in my city of Austin, where we can concentrate and prove we can have true intermodalism. That is important in the future.

Second, I wanted to speak in terms of the future, Mr. Chairman. None of us can be a Jules Verne or a Nostradamus. As able as we are, we just cannot see far down the road, but we ought to be thinking more now in terms of how do we move goods and people in the future.

What we have done in the past has been almost a miracle, when you look back 50 or 75 years. None of us could have dreamed we would have jets speeding across the sky or highways built with such accuracy now.

We ought to be thinking in terms of how will we move goods and people 50 and 75 years from now. I think we are doing business as usual, perhaps more than we ought to, and we ought to be thinking in the future.

Let me just think with you for a moment and open our minds about what is going to happen. We are going to be moving people quickly and in different manners now that we cannot imagine what is going to happen in the next 50 or 75 years. You will be checking out of a hotel, perhaps even your home—and your bags will go straight to your destination. You will be not just driving to an airport where you can park 5,000 cars, but you are gong to get out to that airport or train station in ways you never dreamed.

I say you are going to be squirting people out to the airport. We will be doing it by train, by helicopter, by planes, by magnetic levitation and—by tubes. I daresay to you we are thinking in terms now that we may be "faxing" people out to the airport.

The point is, we are going to be moving goods and people so differently in 50 years than we are today that we ought to think in terms of how to do it. I have recommended to the committee that we have a demonstration project to tie together an idea of advanced transportation mobility center and think in terms of how do you move goods and people for the far future.

Now, we are thinking about it, and the leadership for it has come from this committee, and I commend you for it. But as we build these great highways, the greatest highway system in the world, we ought to be concentrating on how do we differently move goods and people. That is the test.

So today, I have been privileged to submit this idea or suggestion to you, I hope we have more discussion in the future about how we can actually meet the challenge in the next 50 or 75 years. It is going to come about. It has already come about in the last 50 to 75 years. The same kind of changes, differentials and progress are going to happen in the next 75 years, and we have to admit that it is going to happen.

I hope that we concentrate on the thought of moving goods and people quicker and more efficiently and more economically. I believe we can meet that challenge, and we ought to set our task to do that.

Mr. Chairman, as we consider the National Highway System bill, it is important to continue to think in terms of intermodalism, levitation or tubes. National highways are not built in isolation any more, but in conjunction with trains, planes, and other transit means. More and more, our society must find better ways to move goods and people, and that requires our best coordinated efforts.

This bill directs the Department of Transportation to make recommendations for the development of the comprehensive National Transportation System, of which the National Highway System is the backbone. I strongly support the Department's idea of a national plan that would create a fully integrated national intermodal transportation system connecting the highways with rail, sea, air, and other modes of transportation. This is indispensable to the future of our country.

In Austin, TX, a city of over one-half million people, we are in the process of building a new light rail system, a new airport, and a new highway to relieve traffic congestion. At some point in the future, high speed rail in Texas may play a part in this transportation plan. Our community is serious about intermodalism, and is poised to make itself a model of coordination.

I believe it is imperative that we build these big highway systems, and that we focus on coordination of all means of transportation. I stress the intermodal approach to every new project we build. In the next 50 years we cannot imagine all of the different ways we will move people and goods—these changes are inevitable and will come about. One suggestion that I have made to some of my colleagues, and to the Department of Transportation is that we establish a large scale, comprehensive testing center where we can demonstrate the intelligent vehicles and roads in conjunction with all other kinds of future technologies and communications.

There is an old saying that if you fail to plan, you really have planned to fail. Let's not plan to fail for our children and grandchildren. For once, let's get ahead of the curve.

Mr. Chairman, new highways are absolutely essential, but they will not be built in isolation. We must plan for the future, and support the intermodal approach to everything we do in transportation.

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to a distinguished gentleman from Alabama [Mr. CRAMER], a member of our committee.

Mr. CRAMER. Mr. Chairman, I rise in strong support of H.R. 4385 and want to congratulate the committee chair, the subcommittee chair, the ranking members, for aggressively working on this.

I am the only Alabama member of this committee. We have worked very aggressively with our State Department of Transportation to see that the projects submitted were approved projects. They have been approved, the ones that could be approved, and I thank the committee for considering my State in that way.

Mr. RAHALL. Mr. Chairman, I yield my final minute of time to the excellent chairman of the Subcommittee on Aviation, the gentleman from Minnesota [Mr. OBERSTAR], with whom we worked closely on this legislation.

Mr. OBERSTAR. Mr. Chairman, I appreciate the opportunity to say the final few words. Mr. Chairman, I would like to congratulate the gentleman from West Virginia [Mr. RAHALL], the chairman of the full committee, the gentleman from California [Mr. MINETA], and the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], on the splendid job all have done in crafting this legislation.

Mr. Chairman, this bill represents an historic demarcation point in the long evolution of the Federal aid to highway program. It launches us into the post-interstate era a time when we must think differently in the way we build, maintain, and operate our highway system, maintaining the interstate, which is 1 percent of the Nation's highway mileage, but carries 26 percent of the Nation's traffic, and to focus on the balance of our highway system and new highways needed throughout this country as the bill provides the framework.

As an important part of this legislation, the committee has looked to the pressures that are put on this highway system, and has included very important language on nondivisible loads. That language requires the Secretary of Transportation to define what is meant by a nondivisible load, and to assure that, if it is in the public interest, nondivisible load regulations are applied to the entire NHS as well as to the Interstate System, so that we are not subjecting these road surfaces to excessive pressures.

Mr. Speaker, the nondivisible load provision is but one element of a greater and much-needed effort to protect our highways and bridges from damages by overweight trucks.

History teaches that trucks have gotten heavier and heavier over the years. In 1927, the truck weight limits were pegged at 40,000 pounds. That weight rose to 61,500 pounds in 1949; to 73,000 in 1974, and in 1974 the limit on the Interstate was raised to 80,000 pounds.

Truck-trailer lengths have also increased. In 1946 the limit was 46 feet; in 1960 it rose to 40 feet; to 45 feet in 1974; to 48 feet in 1984, to 53 feet in 1990. Many truck-trailer combinations are now 53 feet in length, and there are some at 60 feet. To help put this in perspective, the 1946 Buick was slightly under 18 feet. Today's Honda Accord is only 15.33 feet long.

As we stand at the threshold of a new era, as we launch the National Highway System, we must not allow those weight and length limits to continue this historic trend of increases.

Accordingly, Mr. Speaker, today I have introduced the Safe Highways and Infrastructure Preservation Act, which would extend to the new National Highway System and its drivers the same protection offered by truck length and weight limits now in effect on the Interstate System.

Heavy trucks do enormous damage to our highways. According to a study by the American Association of State Highway and Transportation Officials [AASHTO] a single heavy truck—even one that meets the Federal interstate standard of 80,000 pounds—does as much damage as 9,600 cars. And, according to the Federal Highway Administration, a 90,000-pound truck causes approximately two-thirds more wear than one that weighs in at 80,000 pounds.

Truck crash rate studies consistently show that heavier trucks are more dangerous and cause more deaths. Extra-heavy trucks take more time and distance to merge, and to stop, than lighter trucks. The heavier the truck, the greater its chances of rolling over in a crash. Fatal crash rates for heavier tractor-trailers are consistently higher than for lighter trucks in rear-end collisions.

AASHTO has called for a national semitrailer limit of 48 feet in order to be compatible with existing highway design and safety needs. However, all but one State now allow 53-foot rigs, 11 allow 57-foot or longer, and one State allows trailers 60 feet long. The NHS will include county roads and city streets as well as the interstate. Do we really want these rigs on our streets?

It does not make sense to condemn the NHS to premature destruction before the first yard of concrete is poured. Nor does it make sense to deny motorists on this system the highest degree of safety.

In addition to covering nondivisible loads, the bill I have introduced would:

Extend existing interstate weight standards and truck lengths to the NHS. This would preserve current State weight standards including those which exceed the Federal limit, and permit those rigs of more than 53 feet in length now on the road to continue to operate; and

Restore to DOT authority to review State claims of grandfathered rights to run trucks heavier than the Federal limits.

I believe these changes must be made an integral part of the National Highway System program before we start pouring concrete, to keep faith with the American people who must foot the bills for the NHS and any future repairs; and who must share the NHS with big and heavy trucks.

I am gratified at the pledge by Public Works and Transportation Committee Chairman MINETA, and Surface Transportation Subcommittee Chairman RAHALL, to hearings on this bill in early June. And I look forward to waging a very strong effort to include the provisions of the Safe Highways and Infrastructure Preservation Act in the final NHS bill.

Mr. THOMAS of California. Mr. Chairman, I would like to express my continued support for including three projects within the National Highway System [NHS] authorization bill, all which have been recommended for funding by the Committee on Public Works and Transportation.

Two of these proposals seek funding to improve major east-west highways in Kern County, Highway 58 and Highway 178. In addition, one of these highways, Highway 58, has been proposed for inclusion in the National Highway System.

The first project is the continuation of a project that was initially authorized in the Intermodal Surface Transportation Efficiency Act [ISTEA]. The ISTEA authorized $4.7 million in funding for the acquisition of land and rights-of-way for the expansion of Highway 58 through Downtown Bakersfield. The sponsors of that project are now seeking $4.5 million in additional funding to continue this process, a figure which the Committee on Public Works and Transportation has recommended. Highway 58 is the primary artery for vehicles entering northern and central California from Interstate 40 in Barstow, since it connects with Highway 99 in Metropolitan Bakersfield, as well as Interstate 5 a few miles west of Bakersfield.

The second project involves the construction of a crosstown corridor in Metropolitan and Downtown Bakersfield that would coincide with a proposed light-rail system. The Committee on Public Works and Transportation has recommended $4.5 million in funding for the first phase of the project, which include the city of Bakersfield, Kern County and the Kern Council of Governments. This funding will be used for route identification, environmental clearances, and right-of-way acquisition for the eventual construction of an eight-lane freeway connection between Highway 99 and the point where Highway 178 ends today. These highways are currently connected along the proposed route by a series of narrow surface streets. The completion of this project would ease travel through the metropolitan area, by reducing congestion on surface streets, as well as improve safety in these areas.

The final project involves a light-rail system for Metropolitan Bakersfield. The Committee on Public Works and Transportation has endorsed the sponsor's request of $2 million in funding for preliminary engineering, final design, and right-of-way acquisition. When completed, the light-rail system will cover 22.1 miles and serve the Metropolitan Bakersfield area. Construction of such a mass-transit system would serve to reduce congestion and lead to improvements in road safety and air quality in the city. In coordination with planned highway improvements, the light-rail line would create an intermodal transportation network for the Bakersfield community. The first section

proposed for construction would link the downtown area with the campus of the California State University at Bakersfield.

I support the inclusion of all three of these important projects within the National Highway System authorization bill, projects which seek to alleviate serious traffic and air quality problems in one of the largest metropolitan areas in the San Joaquin Valley.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of H.R. 4385, the National Highway System designation. The legislation will provide needed assistance in rebuilding the infrastructure of our Nation.

Mr. Chairman, this legislation addresses more than just transportation, it takes positive steps in worker safety and in the environment. It requires a person trained and certified in workzone safety to be at every construction project site. This legislation also takes the necessary steps toward increased use of recycled paving material.

Finally, this bill authorizes projects throughout the country to rebuild our infrastructure. Let me give you one example, from my home city of Hartford, CT. Interstate 91 cut the city off from the Connecticut River. We are in the process of reestablishing that link. Funds in this bill will allow us to construct walkways around the riverfront linking four surrounding municipalities. Residents and visitors alike will be able to walk along the river and enjoy the natural beauty which this area holds. These walkways will provide access that had previously been impossible because of the interstate highway. This effort would bring the city and river together again, or to use the phrase now current in Hartford, it will allow us to recapture our riverfront.

I urge my colleagues to support this bill, for not only does it provide for today's transportation needs, it provides opportunities for the future.

Mr. McCLOSKEY. Mr. Chairman, I rise in support of the I–69 highway project, especially the segment from Bloomington to Evansville. It is crucial that H.R. 4385, and I–69, are supported by the House. Development of the I–69 corridor is fully deserving of this designation as a priority within the National Highway System.

Currently, I–69 extends from Port Huron, MI, to Indianapolis, IN. Now we must move to complete the Indianapolis-to-Evansville, IN, segment of the I–69 project. The bill authorizes $5 million through fiscal year 1997 to compete design work, and sets the stage for the construction of this vital transportation infrastructure investment.

The Bloomington-to-Evansville segment of this project would reduce the travel time to Evansville by approximately 45 minutes, for a savings of up to 8.5 million manhours per year. Additionally, figures prepared by the Indiana Department of Transportation suggest that, once completed, it will reduce personal injuries by 19,492, and fatalities by 342 over the base case in the 20-year period from 2000 to 2020. This alone could constitute $818 million in savings in property damage and personal injury costs over that period.

This project has broad public support throughout the Eighth District, and with good reason. It is crucial to establishing stronger ties between the thriving—but now isolated—riverport city of Evansville and Indianapolis. It also will serve to more fully integrate the economic activity of Evansville with the rest of the State.

Equally crucial to southwest Indiana is the impetus it would provide to increasing economic opportunity in southwestern Indiana. Five of the 12 poorest counties in Indiana are in this portion of the State, and much of this area is reflective of the national trend which has seen the population of small town and rural America decline from 36 percent to 25 percent since 1950.

The recent preliminary findings of an ongoing Government Accounting Office [GAO] study on rural development suggest that nationwide, the poorest 25 percent of rural counties are sparsely populated, isolated from urban centers, agriculturally based, and located primarily in the Midwest. These characteristics predominate in southwestern Indiana.

Completion of the I–69 extension project would end this isolation. It also would provide the transportation infrastructure necessary to help diversify the local economies of the area, which would, in turn, help end the economic decline experienced there in recent years.

Mr. GLICKMAN. Mr. Chairman, today as we consider H.R. 4385, the National Highway System Designation Act of 1994, I would like to commend my colleague LESLIE BYRNE for including language in the bill that prohibits the Secretary of Transportation from requiring the States to convert highway signs to metric units. During this time of budget cuts and constraints, we must do what we can to lessen the burden of States and local governments. Federally mandated conversion of highway signs to metric would superfluously force States to spend hundreds of millions of dollars. The State of Kansas Department of Transportation alone would have to pay about $1.4 million to convert a computer system and $2.5 million to change thousands of mileage and speed-limit signs. We should be very cautious before passing legislation that imposes an undue financial responsibility on city governments across the country. Before considering metric conversion of our highway signs, we must examine the total economic impact on Federal, State and local budgets. Again, I support Representative LESLIE BYRNE'S efforts to put an end of the use of Federal funds to require States to convert highway signs to metric units. In these tightening times governments must prioritize expenditures. At this time, I believe that metric conversion is not an imperative for our Nation's highway system.

Mr. VENTO. Mr. Chairman, I rise today to express my strong support for H.R. 4385, the National Highway System Designation Act of 1994, and to extend my thanks to the Public Works and Transportation Committee for their hard work. I would especially express my appreciation to my friend, subcommittee Chairman RAHALL, for his support to ensure that this legislation addresses the country's most pressing transportation needs, and to Chairman MINETA, for his continued leadership, working to improve our national infrastructure.

In my hometown of St. Paul, considerable time and effort have been expended to reinvigorate the downtown business environment. The focus of this endeavor has been an attempt to promote, encourage, and coordinate new development along the Mississippi riverfront. I personally have worked for many years to improve access to the Mississippi along the downtown area with the hope that one day it will be the centerpiece, a major attraction to St. Paul, a river city which owes its very existence and success to its location and association with the Mississippi River.

Key to the success of this effort is the replacement of St. Paul's 100-year-old Wabasha Street Bridge. This bridge, which connects the downtown area to an important neighborhood and business district, is rapidly approaching the end of its useful lifespan. Built before the turn of the century, the Wabasha Street Bridge has reached such a state of deterioration that it is no longer possible to permit my traffic other than small passenger vehicles to use it. Even at that, the Wabasha Street Bridge must be inspected twice a month for safety and will have to be closed to traffic in the near future, forcing over 20,000 cars a day to find an alternative route across the river.

Mr. Chairman, the pending loss of this structure clearly represents a significant threat to St. Paul and any effort to revive the riverfront region in Downtown St. Paul, unless we can provide for its replacement. Thankfully, subcommittee Chairman NICK RAHALL recognized the urgency of this situation and thoughtfully included this project in the National Highway System Designation Act. It is the flexibility, demonstrated by the committee and committee leadership, that is inherent in this measure, responding to St. Paul's urgent need and to the need for other projects around the Nation, which will restore and maintain our Nation's transportation system.

On behalf of the Minnesota congressional delegation and the citizens we serve, I would also like to express my appreciation to Chairman RAHALL for the other important Minnesota projects contained in H.R. 4385. Many of these improvements and upgrades, such as the 77th Street project, are vital to the continued safe use and economic benefit of Minnesota's roads. Moreover, the initial commitment to developing a lightrail transit system between St. Paul, the University of Minnesota, and Minneapolis helps to implement an important goal and plans for Minnesota's efforts within the context of the Intermodal Surface Transportation Efficiency Act—to promote greater development and reliance on mass transit.

Mr. Chairman, this measure addresses 159,000 miles of highways and puts to work taxpayer funds upon needed transportation and transit projects. The proposed funds for trails, about $11 million, is vital to continuing positive progress to save corridors and access points for public use, much of which would be lost in the absence of this initiative. The legislative initiative for use of recycled rubber in highway and road pavement is also an important step forward and I commend the committee for such work and policy.

Finally, I strongly support the amendment and provisions that attempt to warrant the construction and repair work being financed by the funding authorized or expended through the trust funds. It is essential that the taxpayer dollars be prudently expended and that contractors stand behind their work so that we are not faced with inordinate expenses and faulty

quality in the programs funded by this legislation.

Mr. Chairman, this 1994 National Highway System Designation Act is the product of considerable thought and effort. I urge my colleagues to support this vital legislation.

Mr. FRANKS of New Jersey. Mr. Chairman, today I rise in support of H.R. 4385, a bill designating the National Highway System. While there are many fine provisions contained in this bill, as a member of the House Surface Transportation Subcommittee, the subcommittee that reported out this bill, I want to bring to my colleagues' attention certain sections of H.R. 4385 that are of particular interest to myself and my constituents.

Mr. Chairman, contained in H.R. 4385 is a $10 million authorization for the restoration of the West Trenton line, located in west-central New Jersey. I thank Chairman RAHALL and ranking minority member PETRI for including this worthy project in the bill. I would also like to thank two of my constituents who took time out of their busy schedules to testify before the House Surface Transportation Subcommittee on the merits of the West Trenton line: Mayor Ken Scherer of Hillsborough, NJ, and Barbara Roos, president of the Somerset County Chamber of Commerce. Mayor Scherer, Ms. Roos, and many other individuals too numerous to mention have been instrumental in the effort to bring this project to fruition. I commend them for their dedication to bring public transportation back to this area of New Jersey.

I believe restoring the West Trenton line makes sense for a number of reasons. First, it would provide cost-effective traffic congestion relief to Routes 31, 27, 1, 206, 22, and for trips to Newark and New York City. The present highway system has no excess capacity, and building new roads or expanding existing ones is a costly and potentially difficult proposition. Major highway improvements in this corridor have proven infeasible and have been removed from the State transportation plan. Bus transit has been tried and found inappropriate because of highway congestion. Additionally, the line would help the State meet its Clean Air Act mandates, and improve the current 1.08 average vehicle occupancy for this area—which is the lowest in the State. Obviously, developing transit in this area makes sense.

Incredibly, despite having a very large commuter population, there is no scheduled public transit service to Philadelphia, Trenton, Newark or New York from this area. This was not always the case, however. The West Trenton line started in the 19th century and continued under various owners until 1982. Unfortunately, service was terminated in 1982 because of declining ridership due to old equipment, poor on-time performance and infrequent service. The line is now operated by Conrail as a freight line.

Much has changed since the line stopped carrying passengers 12 years ago. For example, the area has grown substantially since 1982, with sharp increases in traffic on both State and local roads. The township of Hillsborough alone has experienced a 51-percent increase in population from 1980 to 1990. According to NJ Transit, the government entity which would operate this line, a total of 104,000 people now reside in the West Trenton corridor.

The line would provide transit service to southern and central Somerset County as well as the northern and western portions of Mercer County, and would carry up to 1,750 commuters by 2015. The extent of service would be from West Trenton to Bound Brook, with stops planned at Hopewell and Belle Mead. The train would then join the Raritan Valley Line and terminate at Newark. Passengers traveling south could board SEPTA trains to Philadelphia or other points in Pennsylvania. In fact, there are plans to have future coordination with the Pennsylvania Department of Transportation to eventually extend the line into Bucks County.

This $10 million authorization would be used for capital costs for construction of shelters and low-level platforms, construction of park-and-ride lots, improvements to access roads, and minor upgrades to the railroad tracks.

This project enjoys the support of many groups, including: the Union County Transportation Advisory Board, the Lower Bucks County Chamber of Commerce, the Somerset County Planning Board, the Greater Princeton Transportation Management Association, the Mercer County Chamber of Commerce, the Somerset County Chamber of Commerce, the Somerset County Environmental Stewardship Council, RideWise of Raritan Valley, the West Trenton Coalition, and the Middlesex County Planning Board. This project also enjoys the support of my fellow New Jersey colleague DICK ZIMMER, whose constituents would significantly benefit by restoration of passenger service on this line. I look forward to working with DICK and these groups to bring this project to completion.

I also want to bring to my colleagues' attention a bill, H.R. 3926, I offered as an amendment to H.R. 4385 in subcommittee that would help the States address the enormous damage the winter of 1993–94 inflicted on the roads of the Northeast and Midwest States. As my colleagues are aware, the constant freezing and thawing of last winter have done tremendous damage to the roads by creating potholes and other hazards to motorists. Because of the particular severity of last winter, in March I introduced bipartisan legislation authorizing $98 million for road repairs to combat this problem. To date, H.R. 3926 has garnered 28 cosponsors.

Specifically, my bill would provide funds to the 20 hardest hit States and the District of Columbia to alleviate potholes and for road resurfacing. Under the terms of my amendment, 50 percent of each State's allocation would be directed toward repair of county and local roads, which are often in the worst shape. These funds would be restricted only to offset the cost of road repairs due to the severity of this past winter. Simply put, my amendment is a "one-shot deal" to help the States pay to repair the roads from the damages sustained last winter. This temporary program was not meant to be, nor would it have created an ongoing relief program.

Mr. Chairman, roads in poor condition cost motorists tens of millions of dollars in repair bills, impede commerce, and most importantly, threaten the safety of the motoring public. While fixing the roads is not as headline-grabbing as opening a new bridge or highway, the condition of our roads is of primary concern to every motorist. And while road repair has never been a Federal concern, I believed an exception should have been made this one time because of the abysmal condition of our roads due to the historic severity of last winter.

While passage of H.R. 3926 as an amendment to H.R. 4385 would have brought relief to the millions of motorists who drive daily on these roads, my amendment was unfortunately defeated by voice vote. However, in my home State of New Jersey, the Whitman administration, realizing the merits of this idea, took action by allocating funds to the State's 21 counties to offset the costs to local governments for road repair.

Mr. Chairman, also included in H.R. 4385 is $4 million in contract authority to reconstruct and widen I–287 from I–78 to Route 22, and add signs, noise barriers, and lighting. As this was the New Jersey Department of Transportation's top request to Congress for funding this year, I hope that completion of this improvement will bring much-needed relief to the motorists who use this congested artery.

Finally, I am gratified that the House Public Works and Transportation Committee included report language at my urging concerning the Urban Core. Probably the most important of the Urban Core project is the Secaucus Interchange project. This needed project would provide access to the proposed Secaucus transfer station from the New Jersey Turnpike. I believe the Secaucus interchange project deserves the continuing support of Congress, despite the Clinton administration's narrow-minded recommendation to zero fund this and all other Urban Core projects. I commend my colleagues on the committee for recognizing the importance of the Urban Core.

Mr. Chairman, H.R. 4385 is a good bill. It puts people to work rebuilding America's infrastructure. It will not add to the massive Federal deficit because of the rescissions contained in the bill. It builds upon the foundations laid by the Congress in the landmark ISTEA legislation, Public Law 102–240. Therefore, I urge my colleagues to vote "aye" on H.R. 4385.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 4385, the National Highway System Designation Act of 1994.

Mr. Chairman, this Member would begin by commending the distinguished gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation, as well as the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the ranking member of the committee, for their assistance in expediting this legislation.

This Member would also like to direct commendations to the distinguished gentleman from West Virginia [Mr. RAHALL], the chairman of the subcommittee, and the distinguished gentleman from Wisconsin [Mr. PETRI], the ranking member of the subcommittee for their exceptional work in bringing this bill to the Floor.

Mr. Chairman, it's been said that if you don't know where you're going, any road will get you there. This Member is pleased, however, that this legislation not only gives direction to the surface transportation needs of the future, it also designates which roads will get you

there. The National Highway System will provide a blueprint for this Nation's highway needs by identifying the roadways most important for defense, commerce, and travel.

This Member is pleased that the National Highway System includes a number of routes which are of great importance to Nebraska. Of particular significance is the decision to include a highway in a new State highway link between Wayne, NE, and the expected site of the Newcastle area—Vermillion bridge over the Missouri River. The addition of this route was included due to this Member's recommendation and the approval of the Nebraska Department of Roads. The bridge and this proposed highway link to Wayne will serve as a connector for one of the major north-south routes across Nebraska. This Member has long expressed concern that an adequate access road be provided for this project.

It is also encouraging that State Highway 2 and U.S. Highway 81 in Nebraska are designated as components of the National Highway System.

Another important addition to the National Highway System is the highway mileage for what will eventually be a south and east bypass around the city of Lincoln, NE. On a related matter, this Member would also like to thank the committee and subcommittee for recognizing and proposing to act upon the need for a feasibility and corridor study for a highway project to complete the remaining element of what would be a circumferential highway around the city of Lincoln, by examining routes that at this point are exclusively outside the city limits of the city of Lincoln.

While this is a critically needed study, the city of Lincoln's Metropolitan Planning Organization receives only about $190,000 per year in Federal funds for all transportation planning activities. Clearly, such an expensive study would require additional funding in order to be undertaken by the city of Lincoln.

The current transportation network in Lincoln, NE, a city of nearly 200,000, is under stress and the implementation of a new transportation system must be studied. The approach which seems to make the most sense is the completion of a circumferential roadway system by the development of highway segments south and east of the city. This completed circumferential roadway would help meet current needs and accommodate future growth before such highway development becomes prohibitively expensive. Completion of a beltway highway for Lincoln has been discussed for more than three decades and the need to implement such a plan becomes more apparent each year.

A recent city of Lincoln task force looking at the possibility of the beltway determined that the development of such a system would be a crucial component of the regional transportation network which would accomplish the goals of moving traffic around congested urban areas and providing for an expanded capacity of the urban system.

In addition, a truck route study was recently prepared for the city of Lincoln. One of the conclusions reached by the study was that a very key element, if not the most important element of the Lincoln Truck Study implementation plan is construction and completion of the East-South Bypass link. That study found this proposed project would complete the beltway system for the city of Lincoln, thus enabling major amounts of regional traffic to bypass the major urban development areas of Lincoln.

This Member would also like to stress that he has received written assurances from the city of Lincoln and the Nebraska Department of Roads that these aforementioned National Highway System designations in the Lincoln area are surrogate or temporary designations that will be replaced by new route designations when the bypass study identifies the desired route locations. This Member is voting for this legislation with that understanding.

This Member would further stress that the eventual south and east corridor designation must be exclusively outside the city limits of the city of Lincoln. Although the study will determine the optimal corridor zone, this Member would like to reiterate what he stated before the Committee on Public Works' Subcommittee on Surface Transportation on March 8, 1994. This Member believes it would be preferable to locate the eastern segment on or between 96th and 134th Street and the southern segment on or between Yankee Hill Road and Saltillo Road. With respect to the southern route, this Member believes the corridor should be located no further north then Yankee Hill Road and possible south of Saltillo Road.

This Member is also pleased that the bill includes authorization for a bicycle-pedestrian cable-styled bridge in Lincoln, NE. The structure will be built completely out of advanced composite materials using fiber reinforced plastics. Fiber reinforced plastics were chosen due to the potential cost-effectiveness and durability of the materials as well as their noncorrodible nature—an important consideration in Nebraska.

The proposed bridge would provide a vital link between two trail segments and create a safe crossing over major roadways in Lincoln, NE. Nebraska Highway 2 and 27th Street is one of the city's busiest intersections and has a high automobile accident rate. For public safety reasons, this Member is a long-time supporter of an overpass project at this site and this Member is pleased that the city has chosen such an innovative approach to accomplish this goal.

The proposed bike-pedestrian bridge would be a nearly unique structure in the United States which would not only solve a transportation problem but also provide valuable information for future projects of its kind. This innovative bridge project—which is expected to have the longest span of its kind in the world—is a joint effort involving the University of Nebraska, the city of Lincoln, the Nebraska Department of Roads, and the Federal Highway Administration.

This Member would also like to express his appreciation for the committee's continued support for the proposed bridge between the Newcastle, NE, area and Vermillion, SD. For six decades, the prospect of constructing a bridge in the Newcastle-Vermillion area has enjoyed wide-spread support. An impressive coalition of community organizations, local governments, businesses, and individuals from both Nebraska and South Dakota has joined together in support of this bridge.

Such a bistate consensus is possible because the benefits resulting from the bridge's construction are so clear to all. These benefits include increased economic development, enhanced recreational opportunities, improved access to health care, and a reduction in transportation costs. Also, the construction of this bridge will improve the general quality of life for the area's residents by creating additional opportunities for higher education and cultural and social activities.

Due to the current lack of a bridge in this region, communities in northeast Nebraska and southeast South Dakota—including Vermillion, SD, the location of the University of South Dakota—have remained isolated from each other despite their proximity. As a result, economic activity in the region has been hampered and labor and commerce options have been limited. Clearly, the completion of this bridge across the Missouri River will be a significant aid in attracting new businesses to the area.

Mr. Chairman, this Member is convinced that this bridge, when completed, will serve as a connector for one of two major north-south routes across Nebraska. In addition, to act as a connector it will first require a new highway connection between Wayne, NE, and the bridge; and second, it will require an upgrading of the highway between Wayne and Norfolk, NE, to connect to U.S. 81 which is currently being upgraded.

This will mean that from the Kansas border, near Chester, NE, there will be a direct link across Nebraska to Vermillion, SD, and I–29 to points north, northeast, and northwest.

This Member would also like to thank the committee and subcommittee for continuing to recognize the need for a bridge between Niobrara, NE, and Springfield, SD. Initial authorization for such a bridge is contained in a provision of Public Law 100–17, the Surface Transportation and Uniform Relocation Assistance Act of 1987. An authorization of $4.7 million was also included in the Intermodal Surface Transportation Efficiency Act of 1991. However, this amount was less than originally requested and less than necessary to complete the project.

Because of redistricting, the Nebraska portion of this project is now in the district of the distinguished gentleman from Nebraska [Mr. BARRETT]. However, due to this Member's previous efforts and that of my distinguished colleague from South Dakota [Mr. JOHNSON], and the tremendous need for this bridge, this Member remains totally supportive of this project.

The proposed Niobrara-Springfield bridge has enjoyed widespread support from residents on both sides of the river as well as local and State officials. Since 1927, efforts have been made to construct this much-needed bridge. The issue became even more critical in the mid-1980's with the abandonment of ferry service. As a result of a previous legislative initiative, the Department of Transportation directed the Nebraska Department of Roads and the South Dakota Department of Transportation to conduct a study to determine the feasibility of reinstituting ferry service. The report, which was completed in December 1987, estimated that the car ferry would cost approximately $5 million to $6 million. Because of the Department of Roads' analysis that a

bridge could be built for far less than was previously discussed, the bridge option became more attractive.

Motorists, farmers, and business people would benefit greatly from the reduced travel distance if this bridge is built. Also, because of the beneficial impact this bridge would have on the Indian tribes in the area, the Bureau of Indian Affairs has expressed its support for the project. For example, by reducing the driving time from the Santee Sioux Reservation to the Indian Health Service facility in Wagner, SD, the bridge would play an important role in improving medical care for the tribes served by the facility.

This Member would also like to thank his distinguished colleague from South Dakota [Mr. JOHNSON] for his outstanding efforts and cooperation with this Member on these two interstate bridge projects. The completion of these bridges will play an important role in facilitating a mutually positive interdependence between communities in Nebraska and South Dakota. Mr. JOHNSON certainly deserves equal recognition for the important role he has played in bringing this goal closer to reality. It has been a pleasure to continue the close and good cooperation on their and other bistate projects and issues.

This legislation includes a number of other important provisions, such as a prohibition on the expenditure of any Federal or State funds to construct, erect, or place highway signs using the metric system. This Member would like to reiterate his strong opposition to using either State or Federal funds solely for the purpose of removing existing signs to convert to the metric system. Such unnecessary actions would require large expenditures during tight budgetary times.

Mr. Chairman, H.R. 4385 addresses the current and future highway needs of the United States and this Member urges his colleagues to support the bill.

Mrs. MORELLA. Mr. Chairman, this highway bill, H.R. 4385, merits strong support. Congressman RAHALL and Congressman PETRI have led the Public Works Subcommittee on Transportation in writing a bill that is responsible and sensitive to local needs. The bill designates 159,000 miles of highways in the United States and its territories as a National Highway System [NHS]. These roads represent only 4 percent of the Nation's highways, yet they carry over 50 percent of our road commercial traffic. The NHS incorporates the present Interstate System, the strategic highway corridor network, and other high priority highways that link interstate and interregional roadways with ports, airports and other means of mass transit.

I testified in support of an essential authorization for Montgomery County, MD, the Washington Beltway Advanced Traffic Monitoring System. The authorization will fund the design and construction of the system along 12½ heavily-traveled miles of I-495 from the American Legion Bridge to MD 650. I am happy that this authorization is a part of H.R. 4385.

The Capital Beltway is Washington's "Main Street" and also its interstate. From 75,000 to 227,000 vehicles travel daily on the beltway and by the year 2010, there may be as many as 300,000. Widening the beltway would be too costly; better traffic management is the key to improvement. The Advanced Traffic Monitoring System will allow the collection of up-to-the-minute information on beltway traffic conditions.

The information will be processed at the Maryland State Highway Administration's Statewide Operations Center and motorists will be provided information on accident locations and appropriate detour routes through variable message signs and travelers advisory radio.

In the space of 12 days last summer, seven people were killed in a series of beltway accidents. This monitoring system would have immediately alerted drivers to the massive traffic backup and the potentially dangerous road situation to which they were speeding.

Mr. Chairman, with this authorization will come economic benefits, cleaner air, an improvement in traffic flow, and safer road conditions on a perilous part of our "Main Street."

Mr. EMERSON. Mr. Chairman, I want to thank the leadership of the Subcommittee on Surface Transportation and the full committee for their excellent attention to seeing this bill to the floor, as well as the bi-partisan nature in which they went about crafting this legislation. I strongly support the designation of the National Highway System as an integral part of our intermodal transportation network. The NHS is the backbone of our Nation's highway infrastructure and this bill confirms Congress' commitment to maintaining our Nation's bridges and highways.

In my district in southern Missouri, good roads and safe bridges are the lifeblood for almost every daily activity we undertake. As a predominantly rural area—good, solid, four-lane roads take our agricultural goods to market, our kids to school, and parents to work, and allow tourists from all over the country to travel to our wonderful natural attractions. We drive a lot in southern Missouri to get where we need to go; this bill recognizes the importance of maintaining and improving the existing system we have for future generations.

Mr. Chairman, to those who might claim that this bill is pork—I would tell them it is not pork. It is an investment in our ability to compete. It is an investment in our ability to enhance economic activity throughout the country, and to move our goods more efficiently and quickly to their final destination. This committee worked hand-in-hand with the Department of Transportation, State highway officials, and local community leaders to find out what the transportation priorities were across this Nation. And I want to commend Mr. RAHALL for the excellent and fair criteria that he put forth in order to prioritize the needs across the country.

I know of no other means as effective as the one used by this committee in consulting with all parties to meet the infrastructure needs of this country. If this is pork, Mr. Chairman, then I associate myself with it proudly. If U.S. News and World Report or others in the media want to beat up on this committee for a flashy story—then that is their prerogative—but I believe that it is an investment that will move us into the 21st century. Therefore, I urge my colleagues to strongly support this bill.

Mrs. ROUKEMA. Mr. Chairman, I rise today in support of the National Highway System Designation Act of 1994, and I commend the committee for the many hours of hard work they have invested in bringing this legislation before the House today. While I am grateful to the committee for recognizing the importance of beginning the process of funding the construction of the Route 17/Route 4 interchange in Paramus, NJ, I am deeply concerned that $3 million is simply insufficient to significantly advance this $90 million project in a timely fashion.

The Route 17/Route 4 interchange is a major east/west to north/south link in northern New Jersey and its improvement is vital for commuters and commerce. The interchange lies at the heart of the Borough of Paramus and Bergen County's commercial hub, and it is a critical crossroad for all of northern New Jersey. Fortunately, local officials have worked closely with the New Jersey Department of Transportation to formulate the approved interchange design.

At an estimated total cost of $90 million, completion of the Route 17/Route 4 interchange project is heavily dependent upon Federal funding. Full funding for the interchange should not be a problem since both Route 17 and Route 4 have been designated by the U.S. Department of Transportation as components of the urbanized area portion of the NHS, at the request of the NJ Department of Transportation, the North Jersey Transportation Coordination Council, and other local planning organizations, and in accordance with applicable provisions outlined in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. As a currently authorized project, the Route 17/Route 4 interchange has already demonstrated its merit to the U.S. Congress.

Unfortunately, the desperate need for Federal funding of this project has been accelerated due to a land dispute brought about by the specifications of the NJ Department of Transportation approved design. The owner of the so-called Alexander's property have threatened to raze the existing retail structure and construct three new retail facilities unless a minimum of $8 million in Federal funds can be made available to purchase the property in fiscal year 1995. Should this property be redeveloped, the entire project will have to be placed on-hold while less-vehicle-efficient redesign is formulated. Very simply, this scenario is completely unacceptable.

The existing interchange was built in 1932 and designed to accommodate an estimated volume of 12,000 vehicles per day. Clearly, with the present estimated daily volume of 250,000 vehicles, the interchange is no longer suitable, and in dire need of improvement. Not only is the interchange one of the busiest intersections in New Jersey, it is also one of the most dangerous—averaging one motor vehicle accident per day.

In addition to improving safety and traffic flow, the new interchange will help control northern New Jersey's critical air pollution problem and alleviate the heavy traffic flow which has spilled over to residential streets as commuters attempt to avoid the crowded interchange.

The State of New Jersey stands ready to provide the required matching funding necessary to bring the Route 17/Route 4 inter-

change problem to a successful resolution. I urge the House in the strongest possible terms to continue to uphold the Federal Government's commitment to construction and completion of the Route 17/Route 4 interchange through subsequent authorizations and appropriations. Moreover, I implore my colleagues in the U.S. Senate to address the urgency of the Alexander's site development issue.

Mr. Chairman, on behalf of the residents of New Jersey's Fifth Congressional District and all affected northern New Jersey residents, I thank the committee for including the Route 17/Route 4 interchange in this most needed legislation. I urge my colleagues to support H.R. 4385.

Ms. FURSE. Mr. Chairman, I rise today in strong support of H.R. 4385, a bill to designate the National Highway System. I want to commend Chairman MINETA, Subcommittee Chairman RAHALL, and the entire Public Works Committee for their efforts in crafting this legislation. My colleague from Oregon [Mr. DEFAZIO] deserves special credit for his work on behalf of our home State.

One of my top priorities in Congress has been to keep the Westside Light Rail Project in Oregon on track. Completing the Westside Light Rail Project on schedule is essential to meeting a number of important goals in my district and region: adding transportation capacity, addressing air quality concerns, meeting local mobility needs, and maintaining the quality of life. Public support for this project is remarkably high, and is best represented by the bond measure to provide the local match for the Westside project which passed in 1990 with 74 percent of the vote.

When Oregonians put their money where their mouth was, and took money out of their own pocketbook to put it in light rail, they did so with the commitment that the Westside Light Rail Project would extend from downtown Portland to downtown Hillsboro. I am proud to have helped meet that commitment. One of the reasons I am so supportive of this legislation is because I was able to work with the committee to get important language included in the bill regarding the Westside Light Rail Project, specifically the Hillsboro Extension. The bill before us today authorizes construction and payment for the Hillsboro Extension, guaranteeing its construction. It also confirms, once and for all, that the Hillsboro segment is a part of a singular, unified Westside Light Rail Project. The Hillsboro Extension is an integral part of my region's economic future part, and key to the Westside Light Rail Project. Without a project specific authorization, there was a possibility that all the efforts of our local people could go unrealized. The language in this bill guarantees that the Hillsboro segment will be built, and that the entire region will benefit from its presence.

One of the keys to keeping public support so high for the Westside project has been ensuring that the project stays on schedule. To this end, I also worked to include language which allows the Westside project to use an integrated project financing plan to maintain maximum flexibility between Federal, local, and State resources. We are fortunate that the Westside Light Rail Project has such widespread support at all these levels in Oregon. The language in the bill will keep the Westside project on schedule by reducing borrowing costs and avoiding lengthy—and often costly—delays.

In Oregon, we also have a willingness to use innovations to make our system more efficient and accessible. The Westside project will be the first transit system in North America to operate wheelchair-accessible low-floor cars. I am pleased that the bill before us today includes language to allow the Federal Government to fully fund the low-floor cars, and help the Westside project comply with the Americans with Disabilities Act. It is my belief that low-floor cars will become a mainstay in American transit, and Portland is proud to lead the Nation in their use.

Earlier this year, Secretary Pena came to Oregon to announce the release of some discretionary funding for the Westside project. At that time, the Secretary said that Portland has "the best transit system in the country." Everyone in Oregon has a right to be proud, Mr. Chairman, of the good work that is done at the local, State, and regional level in light rail. As I stated earlier, Westside Light Raid has been one of my top priorities in Congress, and am particularly pleased that this bill ensures that the Hillsboro segment of the Westside Light Rail Project will be a reality, and thousands of Oregonians will be able to continue enjoying what we call paradise.

I would also like to mention two other projects which are of significance to me. Earlier today I had the opportunity to participate in an colloquy on the House floor with Chairman MINETA about the Highway 47 bypass in Forest Grove, OR. Currently, over 100 trucks must navigate four 90-degree turns through downtown Forest Grove on a daily basis, creating a serious, negative effect on this growing community. Local businesses are affected because the endless parade of trucks threaten the safety of pedestrian traffic and discourage commerce. Pacific University, a growing, vibrant institution with a wonderful future, continues to expand on both sides of Highway 47. Daily, hundreds of students participating in collegiate activities traverse back and forth across Highway 47, dodging trucks. These problems, which are seriously troublesome at the present time, will be further exacerbated by the increased logging which is planned to take place in Tillamook Forest over the next few years. In fact, it is estimated that soon nearly 300 log trucks alone will move through Forest Grove on a daily basis. The Highway 47 bypass will help address this crucial safety problem, while helping restore commerce in downtown Forest Grove. There is no doubt that the Highway 47 bypass will reap long-term economic benefits for the entire region. For too long, this project has not been given the attention it deserves. I am pleased that the State, county, and city recently signed an agreement to fund preliminary engineering for this project, and I will continue diligently working to be Forest Grove's best Federal ally until the Highway 47 bypass becomes a reality.

I also would like to mention a project which is in this bill regarding improvements at the Port of Portland. I was very active in supporting these projects in my neighbor's, Rep. WYDEN, district because they will help increase trade and create jobs throughout the Northwest. In fact, the delegation letter I authored—signed my colleagues in Oregon—represents the importance of these projects to the entire region. These projects will provide improved freight access and capacity at the Rivergate marine terminals at the Port of Portland, creating jobs in our community. They will provide more efficient freight movement and decrease the percentage of truck traffic. This reduction will contribute to air quality while reducing noise and congestion in adjacent communities. The Port of Portland has been working diligently to make the concept of intermodality set forth in ISTEA a reality, and deserves credit for advancing these important projects.

The legislation before us today also designates a number of roads in my district as part of the National Highway System. I am pleased to support this effort, and believe these roads will continue to be vital to my region's transportation infrastructure.

Route 30 from Portland to Astoria; Route 26 from Portland to Seaside; Route 101/26 from Astoria to Seaside; Route 202 in Astoria; Highway 47 from Forest Grove to Route 26; Route 8 from Forest Grove to Beaverton; Cornell Road from Route 8 to Route 26; Murray Road from Route 8 to Route 26; Route 99W and Route 18 from Portland to Willamina; Route 217 from Route 26 to I–5; Route 43 from I–5 to Lake Oswego.

I am pleased to have worked closely with my friend PETER DEFAZIO on this legislation, who has proven once again what a leader he is on transportation issues for the State of Oregon. I also want to thank all the people I have worked with in Oregon who have helped make this legislation a reality. I think that H.R. 4385 is a significant step forward for trade and commerce in America, and strongly urge all my colleagues to support its passage here in the House today.

Ms. SNOWE, Mr. Chairman, I rise today to express my severe disappointment that Congress did not seize this timely opportunity to address a matter of grave concern to 38 States.

Recently, the U.S. Department of Transportation released Federal figures which show that 38 States will lose a total of $53.3 million in fiscal year 1995 because they haven't adopted both seat belt and motorcycle helmet laws. States which have chosen not to enact these laws must spend 1.5 percent of their much needed highway construction funds in fiscal year 1995 on highway safety programs, which States already fund.

This means that in fiscal year 1995, 38 States will be forced to divert transportation funds from where the States believe it should be spent, to where the Federal Government dictates it should be spent. It means that $53.3 million will not be available to States for upgrading records in the National Highway System, for constructing and maintaining highways, or for promoting mass transit. This is not sound Federal policy.

My State of Maine is facing the prospect of having roughly $850,000 in fiscal year 1995 and $1.7 million in fiscal year 1996 highway transportation funds diverted away from important highway construction projects and into already funded highway safety programs. In fact, Maine has an effective State motorcycle

rider education program administered by the Secretary of State and paid for by motorcycle registration fees.

Maine has always spent its Federal money carefully, making every effort to ensure that the best interests of its residents are met. It is completely unacceptable that Federal Government should prescribe to Maine how its highway funds must be spent. In essence, the Federal Government is forcing Maine—and other States—to waste valuable Federal resources.

Consequently, I introduced H.R. 799, to prevent the Federal Government from penalizing States which have chosen not to enact mandatory seat belt and motorcycle helmet laws. I think it is interesting to note that a minority of our 50 States have seen fit to enact mandatory laws on seat belts and helmets. That is why my bill has the support of 123 Member of the House of Representatives from both sides of the aisle and from a majority of our Nation's States.

The House Public Works and Transportation Subcommittee on Surface Transportation, during markup of the National Highway System bill, adopted an amendment similar to H.R. 799 which was offered by Congressman PETRI. I congratulate my colleagues on the subcommittee who took this first step in the fight to protect valuable highway construction funds. Unfortunately, Congressman PETRI's amendment was stricken from the bill during full committee markup.

There is no doubt that we must do everything we can to make our roads safer, to reduce the number of fatalities and severe injuries that occur on our Nation's highways. But I do think, however, that there are better ways for us to achieve these goals without resorting to the coercive tactic of imposing Federal penalties on our financially burdened States. One such alternative is to provide grants for States that meet standard goals for the reduction of fatalities and serious injuries. In this way, the Federal Government would respect the prerogative of States to determine their own ways to increase highway safety.

Furthermore, States have been doing an excellent job promoting highway safety without Federal intrusion. Since 1983, the number of accidents has decreased from 307 per 10,000 registered motorcyclists to 206. Fatalities have similarly declined from 8 per 10,000 registered motorcyclists to 6 per 10,000 registered motorcyclists. In addition, the number of motorcycle occupant fatalities declined 45.4 percent, from 5,144 in 1980 to 2,808 in 1991, when no mandatory Federal helmet law existed. This substantial decline in motorcycle fatalities demonstrates that States are capable of addressing safety issues without Federal Government intervention.

It is also interesting to note that of the 10 States with the lowest motorcycle accident rate, 8 had motorcycle rider education programs. In fact, the 10 States with the lowest motorcycle accident rates spent 64.4 percent more on motorcycle rider education programs than States with the 10 highest motorcycle accident rates. Clearly safety programs do work, and we should allow them to continue to work.

It is contrary to the principles of federalism for the Federal Government to thwart the efforts of States to rebuild their transportation infrastructure as a way of coercing the public to buckle up. In addition, it is flawed public policy, because poorly maintained roads are often quite hazardous to the motoring public. Mr. Chairman, opportunities to address serious public policy problems do not often present themselves, and it is deplorable that Congress passed up this valuable opportunity to protect States' rights and to preserve valuable Federal highway funds.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 4385, the National Highway System Designation Act. I commend the members of the Public Works and Transportation Committee, in particular, Mr. MINETA, Mr. SHUSTER, Mr. RAHALL, and Mr. PETRI, for their hard work in drafting this legislation. They are also to be commended for their foresight in moving this legislation in 1994, rather than waiting until the last minute deadline for Congress to act on the designation in September of 1995.

In addition to the designations for the National Highway System, this legislation addresses several transportation needs in the country. In my own district, the Hoosier Heartland Corridor is a high priority Congressional corridor and is included in the National Highway designation. This highway which has undergone significant engineering and development, is moving into the construction phase. Over the next few years, major segments of the highway will be ready for construction. The Hoosier Heartland Corridor extends east-west from Fort Wayne to Lafayette. The project enjoys broad bipartisan support in the communities along the corridor. It is a major delivery route for manufacturers and producers of goods. Tractor trailers use the road as well as passenger cars and slow-moving farm equipment. This project is a top priority for the Indiana Department of Transportation, which projects that every dollar invested in this project will return a benefit of $3.50. I am pleased and grateful to the committee for recognizing the importance of this highway and including an additional authorization of $3 million as a good first step in keeping this project on track.

I also want to commend the Committee for recognizing the budgetary restraints and for balancing authorizations with rescissions. I am hopeful that this measure can move expeditiously.

Mr. KYLE. Mr. Chairman, I rise in opposition to the National Highway System bill, H.R. 4385.

Last fall, after a long and arduous debate about the earmarking of projects in the Transportation Appropriations bill, 281 House Members voted against earmarking and for the distribution of funds under the more equitable distribution system established by the Intermodal Surface Transportation Efficiency Act (ISTEA).

Yet, here we are again talking about earmarking funds for transportation projects—this time, more than $2 billion for 352 road projects and transit systems.

The problem with earmarking is that funds are allocated, not necessarily according to merit or which projects will help the United States of America most, but rather according to how well connected politically the project sponsors are. Fifty-five percent of the total funding earmarked in H.R. 4835 goes to 10 States which just happen to be represented by 36 of the 64 Public Works Committee members. California alone takes 14.5 percent of the total.

The Congressional Quarterly reported 2 weeks ago how funding was allocated on the majority side based on House Members' records on spending cuts. According to the report, those who advocated spending cuts in the past were more likely to have their requests cut—or not funded at all—than those who had opposed spending cuts. The merit of projects didn't matter. House Members were simply rewarded if they had already voted the partyline for more spending and bigger government.

That not only means that American taxpayers are probably being forced to finance some questionable projects, but that many areas of the country are being deprived of additional funding that could be used for really needed transportation improvements. Those States that don't win the earmark game are left to compete for a share of a significantly reduced pot of money.

The earmarking of funds in the 1991 ISTEA bill shortchanged Arizona. Although my State got a few projects in that bill totalling $18.3 million, pork-barreling cost Arizona about $300 million over the life of the more than 500 projects earmarked in that legislation.

The earmarks in last year's Transportation Appropriations bill would have resulted in no additional dollars for Arizona. But, by distributing them by formula instead, the State got almost $4 million more.

The earmarks in this bill give Arizona money for three projects, for a total of about $15 million. The Department of Transportation has yet to compute how much each State would get if the money were allocated by formula instead, but the estimates I've seen for Arizona are that it would get anywhere between $800,000 and $7 million more.

The Arizona projects in this bill are worthwhile and have merit, and it's because of that that I believe they would be funded if the money were allocated by formula instead. But, the point is that Arizona would get a lot more money to allocate for other worthy projects, too.

Mr. Chairman, I know this bill has a great deal of support and will likely pass overwhelmingly, but I believed last year that the practice of earmarking was wrong, and I still believe that today. For that reason, I will vote against this bill.

Mr. LEWIS of Florida. Mr. Chairman, I rise today in support of H.R. 4385, the National Highway System Designation Act of 1994. Let me take this opportunity to thank the chairman and ranking member of the Surface Transportation Subcommittee, Chairman RAHALL and Congressman PETRI, as well as the chairman and ranking minority member of the Public Works Committee, Chairman MINETA and Congressman SHUSTER for their diligence and hard work on behalf of this bill. I wish to point out that through their leadership this bill has been brought before the House a full year earlier than mandated by the 1991 Intermodal Surface Transportation Efficiency Act [ISTEA].

This bill serves three important purposes. First it designates 159,000 miles of roadway into the National Highway System [NHS]. Sec-

ond, it makes a number of technical and perfecting amendments to the 1991 ISTEA. One of those amendments will enhance the operation of the Tri-County Commuter Rail Authority [Tri-Rail] in south Florida. I would like to thank the members of the committee for the authorization for capital improvements for Tri-Rail.

Finally, the bill authorizes 283 projects for roads and other transportation projects throughout the country. Two of those projects are of vital importance to south Florda; the widening of State Road 7/U.S. 441 and the Port of Palm Beach Road relocations.

State Road 7/U.S. 441 will provide a safe evacuation route in case of a hurricane in south Florda. Given the experience of Hurricane Andrew, it is my belief that an additional safe north-south hurricane evacuation route will be vital to the safety of the south Florida population should another major hurricane devastate the area.

As the Port of Palm Beach looks toward the future and prepares for increased activity, plays an important role in authorizing local road improvements. This will facilitate the flow of port-related traffic and will relieve additional congestion that will otherwise result from increased tonnage moving through the port. The committee has shown great foresight in authorizing this project, as well the State Road 7 project. I wish to once again thank them and give my wholehearted support for passage of H.R. 4385.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4385

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 "National Highway System Designation Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—NATIONAL HIGHWAY SYSTEM DESIGNATION AND OTHER PROVISIONS

Sec. 101. National Highway System designation.
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Sec. 103. Quality improvement.
Sec. 104. Contracting for engineering and design services.
Sec. 105. Highway safety promotion program.
Sec. 106. Project eligibility.
Sec. 107. Wisconsin substitute project.
Sec. 108. Use of recycled paving material.
Sec. 109. Work zone safety.
Sec. 110. Corrected projects.
Sec. 111. Rescissions.
Sec. 112. Additional projects.
Sec. 113. Study of radio and microwave technology for commercial and other motor vehicles.
Sec. 114. Foothill/Eastern Transportation Corridor Agency.
Sec. 115. Railway-highway crossings project.
Sec. 116. New River Parkway, West Virginia.
Sec. 117. National recreational trails.
Sec. 118. Coal Heritage.
Sec. 119. Limitations on funding of operating assistance.
Sec. 120. Intercity bus transportation.
Sec. 121. Repeals of existing projects.
Sec. 122. Miscellaneous transit projects.
Sec. 123. Multiyear contract for metro rail project.
Sec. 124. Metric system signing.
Sec. 125. Metropolitan planning.
Sec. 126. Statewide planning.
Sec. 127. High priority corridor feasibility study.
Sec. 128. Reevaluation.

TITLE II—TECHNICAL CORRECTIONS TO ISTEA AND RELATED LAWS

Sec. 201. Definitions.
Sec. 202. References to Dwight D. Eisenhower System of Interstate and Defense Highways.
Sec. 203. Federal-Aid Systems.
Sec. 204. Apportionment.
Sec. 205. Programs of projects.
Sec. 206. Advance acquisition of rights-of-way.
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Sec. 226. Control of junkyards.
Sec. 227. Nondiscrimination.
Sec. 228. Enforcement of requirements.
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Sec. 230. Highway bridge program.
Sec. 231. Great River Road.
Sec. 232. Hazard elimination program.
Sec. 233. Use of safety belts and motorcycle helmets.
Sec. 234. National maximum speed limit.
Sec. 235. Minimum allocation.
Sec. 236. National minimum drinking age.
Sec. 237. Revocation of drivers' licenses of individuals convicted of drug offenses.
Sec. 238. Reimbursement for segments of Interstate System constructed without Federal assistance.
Sec. 239. Federal lands highway program.
Sec. 240. Bicycle transportation and pedestrian walkway.
Sec. 241. State Highway Department.
Sec. 242. Management systems.
Sec. 243. State planning and research.
Sec. 244. Appropriation for highway purposes of Federal lands.
Sec. 245. International highway transportation outreach program.
Sec. 246. Highway safety programs.
Sec. 247. National Highway Safety Advisory Committee.
Sec. 248. Alcohol-impaired driving countermeasures.
Sec. 249. Public transit facilities.
Sec. 250. Pensacola, Florida.
Sec. 251. High cost bridge project.
Sec. 252. Congestion relief project.
Sec. 253. High priority corridors on National Highway System.
Sec. 254. High priority corridor project.
Sec. 255. Rural access projects.
Sec. 256. Urban access and mobility projects.
Sec. 257. Innovative projects.
Sec. 258. Intermodal projects.
Sec. 259. Miscellaneous Intermodal Surface Transportation Efficiency Act amendments.
Sec. 260. Disadvantaged business enterprise program.
Sec. 261. Amendments to Surface Transportation and Uniform Relocation Assistance Act of 1987.
Sec. 262. Freeway service patrols.
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Sec. 274. Project management oversight.
Sec. 275. Planning and research program.
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Sec. 277. State responsibility for rail fixed guideway system.
Sec. 278. National Transit Institute.
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Sec. 280. Performance reports on mass transit systems.
Sec. 281. Cross reference to Federal Transit Act.
Sec. 282. Participation in International Registration Plan and International Fuel Tax Agreement.
Sec. 283. Intelligent vehicle-highway systems.
Sec. 284. Title 49, United States Code, amendments.
Sec. 285. Surface Transportation Assistance Act of 1982 amendments.
Sec. 286. Commercial Motor Vehicle Safety Act of 1986 amendments.
Sec. 287. Cleveland Harbor, Ohio.
Sec. 288. Other Intermodal Surface Transportation Efficiency Act technical amendments.

SEC. 2. SECRETARY DEFINED.

In this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—NATIONAL HIGHWAY SYSTEM DESIGNATION AND OTHER PROVISIONS

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

(a) DESIGNATION; MODIFICATIONS.—Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

"(c) INITIAL DESIGNATION OF NHS.—The National Highway System as submitted by the Secretary of Transportation on the map entitled 'Official Submission, National Highway System, Federal Highway Administration', and dated May 10, 1994, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

"(d) MODIFICATIONS TO THE NHS.—

"(1) PROPOSED MODIFICATIONS.—The Secretary may submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives proposed modifications to the National Highway System. The Secretary may only propose a modification under this subsection if the Secretary determines that such modification meets the criteria and requirements of subsection (b). Proposed modifications may include new segments and deletion of existing segments of the National Highway System.

"(2) APPROVAL OF CONGRESS REQUIRED.—A modification to the National Highway System

may only take effect if a law has been enacted approving such modification.

"(3) REQUIRED SUBMISSION.—Not later than 2 years after the date of the enactment of the National Highway System Designation Act of 1994, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System. Such modifications shall include a list and description of additions to the National Highway System consisting of—

"(A) connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, rail and other intermodal transportation facilities; and

"(B) any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037) which was not identified on the National Highway System designated by subsection (c), subject to the completion of feasibility studies.".

(b) PROPOSED NTS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a proposal for a comprehensive National Transportation System using the National Highway System as the backbone for establishing the National Transportation System. In developing such proposal, the Secretary shall consult with and consider the views of States and metropolitan planning organizations.

SEC. 102. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) APPORTIONMENT FORMULA.—Section 104(b)(2) of title 23, United States Code, is amended—

(1) by inserting "in fiscal year 1994" after "State" each place it appears;

(2) by inserting "in fiscal year 1994" after "States" the first place it appears;

(3) in subparagraph (A) by inserting "in fiscal year 1994" after "Act";

(4) in subparagraph (B) by inserting "in fiscal year 1994" after "subpart";

(5) in subparagraph (C) by inserting "in fiscal year 1994" after "subpart";

(6) in subparagraph (D) by inserting "in fiscal year 1994" after "subpart";

(7) in subparagraph (E) by inserting "in fiscal year 1994" after "subpart";

(8) by inserting "in fiscal year 1994" after "carbon monoxide"; and

(9) by inserting "in fiscal year 1994" after "relative populations".

(b) ELIGIBLE PROJECTS.—Section 149(b) of such title is amended by inserting before "of a national ambient" each place it appears "or maintenance".

(c) STATES WITHOUT A NONATTAINMENT AREA.—Section 149(c) of such title is amended by inserting "in fiscal year 1994" after "Act".

SEC. 103. QUALITY IMPROVEMENT.

(a) LIFE-CYCLE COST ANALYSIS.—Section 106 of title 23, United States Code, is amended by adding at the end the following:

"(e) LIFE-CYCLE COST ANALYSIS.—

"(1) ESTABLISHMENT.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of all projects on the National Highway System.

"(2) ANALYSIS OF LIFE-CYCLE COSTS DEFINED.—In this subsection, the term 'analysis of life-cycle costs' means a process for evaluating the total economic worth of one or more projects by analyzing both initial costs as well as discounted future costs, such as maintenance, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project or projects.".

(b) VALUE ENGINEERING.—Section 106 of such title is amended by adding at the end the following:

"(f) VALUE ENGINEERING FOR NHS.—

"(1) REQUIREMENT.—The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System.

"(2) VALUE ENGINEERING DEFINED.—For purposes of this subsection, the term 'value engineering analysis' means a systematic process of review and analysis of a project or activity during its design phase by a multidisciplined team of persons not originally involved in the project or activity in order to provide suggestions for reducing the total cost of the project or activity and providing a project or activity of equal or better quality. Such suggestions may include a combination or elimination of inefficient or expensive parts of the original proposed design for the project or activity and total redesign of the proposed project or activity using different technologies, materials, or methods so as to accomplish the original purpose of the project or activity.".

(c) WARRANTIES.—Section 112 of such title is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) WARRANTIES.—Each contract relating to construction of a Federal-aid highway entered into after the date of the enactment of this subsection shall contain a provision that requires the contractor to guarantee and warrant that the contractor will perform the contractor's obligations under the contract in accordance with requirements for Federal-aid highway projects under applicable contract law.".

SEC. 104. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

(a) PERMANENT PROGRAM.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following new subparagraphs:

"(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

"(D) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or independent certified public accountant if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

"(E) STATE OPTION.—Subparagraphs (C) and (D) shall take effect 2 years after the date of the enactment of this subparagraph with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to such State.".

(b) REPEAL OF PILOT PROGRAM.—Section 1092 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 112 note; 105 Stat. 2024) is repealed.

SEC. 105. HIGHWAY SAFETY PROMOTION PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 312 the following new section:

"§313. Highway safety promotion program

"(a) ESTABLISHMENT.—The Secretary shall carry out education, research, development, and technology transfer activities to promote the safe operation and maintenance of commercial motor vehicles in interstate commerce.

"(b) GRANTS.—To carry out the purposes of this section, the Secretary shall make grants to, and enter into cooperative agreements with—

"(1) a not-for-profit membership organization that has been engaged exclusively in truck-related research and education since 1985; and

"(2) not-for-profit organizations engaged in commercial motor vehicle safety research.

"(c) FEDERAL SHARE.—The Federal share of the costs of activities carried out under this section shall be 100 percent.

"(d) FUNDING.—Out of administrative funds deducted under section 104(a) of this title for each of fiscal years 1995 through 1997, the Secretary shall make available—

"(1) for making grants and entering into cooperative agreements under subsection (b)(1) $1,000,000; and

"(2) for making grants and entering into cooperative agreements under subsection (b)(2) $500,000.

Such funds shall remain available until expended.

"(e) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant under this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the grant.

"(f) ANNUAL REPORT.—Annually, beginning on January 1, 1996, the Secretary shall transmit to Congress a report which provides information on the progress and activities of the programs conducted under this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of such title is amended by inserting after the item relating to section 312 the following:

"313. Highway safety promotion program.".

SEC. 106. PROJECT ELIGIBILITY.

Section 108(b) of the Federal-Aid Highway Act of 1956 (23 U.S.C. 101 note) is amended—

(1) by striking "(1)" before "such costs may be further"; and

(2) by striking ", and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street".

SEC. 107. WISCONSIN SUBSTITUTE PROJECT.

(a) FEDERAL ASSISTANCE.—Subsection (b) of section 1045 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1994) is amended to read as follows:

"(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—

"(1) GENERAL RULE.—Upon approval of any substitute project or projects under subsection (a)—

"(A) the costs of construction of the eligible transitway project for which such project or projects are substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

"(B) a sum equal to the amount that would have been apportioned to the State of Wisconsin

on October 1, 1994, under section 104(b)(5)(A) of title 23, United States Code, if the Secretary had not approved such project or projects shall be available to the Secretary from the Highway Trust Fund to incur obligations for the Federal share of the costs of such substitute project or projects.

"(2) AVAILABILITY.—Amounts made available under paragraph (1)(B) shall be available for obligation on and after October 1, 1994. Amounts made available under paragraph (1)(B) shall remain available until expended and shall be subject to any limitation on obligations for Federal-aid highways established by law.

"(3) APPLICABILITY OF TITLE 23 U.S.C.—Amounts made available under paragraph (1)(B) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project carried out with such funds shall be determined in accordance with section 103(e)(4)(D) of such title.".

(b) CONFORMING AMENDMENTS.—

(1) SUBSECTION (c).—The second sentence of subsection (c) of section 1045 of such Act is amended by striking "the authority of section 103(e)(4) of title 23, United States Code," and inserting "section 21(a)(2) of the Federal Transit Act".

(2) SUBSECTION (d)(1).—Subsection (d)(1) of section 1045 of such Act is amended by striking "project for" and all that follows through the period at the end thereof and inserting "transit project.".

(3) SUBSECTION (d).—Subsection (d) of section 1045 of such Act is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) REDUCTION OF INTERSTATE CONSTRUCTION AUTHORIZATION.—Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by striking "$1,800,000,000 for the fiscal year ending September 30, 1996" and inserting "$1,800,000,000, reduced by the amount made available under section 1045(b)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, for the fiscal year ending September 30, 1996".

SEC. 108. USE OF RECYCLED PAVING MATERIAL.

(a) DOT GUIDANCE.—Section 1038(c)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note) is amended by striking "an interest in the use of such asphalt" and inserting the following: "concern in fulfilling the minimum utilization requirements of subsection (d)(1). Such technology transfer activities and training programs shall be initiated without delay and shall include all eligible uses of recycled rubber, alternative applications, and other materials and shall focus on achieving the best performance results for all eligible uses. Not later than 90 days after the date of the enactment of this sentence, the Secretary shall transmit to Congress a report detailing the plans to implement this subsection.

(b) STATE CERTIFICATION.—Section 1038(d)(1) of such Act is amended—

(1) by striking "established by this section." and inserting ", other materials, and alternative applications established by this section. Each State shall also annually certify its progress in its waste tire abatement program under paragraph (7).";

(2) by striking "1995" the first place it appears and inserting "1996";

(3) in subparagraph (A) by striking "1994" and inserting "1995";

(4) in subparagraph (B) by striking "1995" and inserting "1996";

(5) in subparagraph (B) by inserting "and" after the semicolon at the end;

(6) in subparagraph (C), by striking "1996; and" and inserting "1997."; and

(7) by striking subparagraph (D).

(c) OTHER MATERIALS.—Section 1038(d)(2) of such Act is amended by striking the period at the end and inserting the following: "; except that, of that amount, no more than ½ may be met with the use of asphalt containing reclaimed asphalt in fiscal years 1996 and 1997. For the purposes of this paragraph, cold in-place recycling technology shall be allowable.".

(d) PENALTY.—Section 1038(d)(4) of such Act is amended—

(1) by inserting before "The" the following: "(A) WITHHOLDING.—";

(2) by indenting subparagraph (A), as designated by paragraph (1) of this subsection, and moving such paragraph 2 ems to the right;

(3) by inserting before "utilization requirement" the following: "by which such State does not satisfy the"; and

(4) by adding at the end the following:

"(B) ESCROW ACCOUNT.—Apportionments withheld from a State by the Secretary under this subsection shall be placed in escrow for 2 years pending satisfaction of the minimum utilization requirement of paragraph (1) and pending satisfaction of the requirement for which the apportionments were originally withheld. Pending satisfaction of such requirements, the withheld apportionment shall be returned to the State.

"(C) SUNSET PROVISION.—If a State which has apportionments withheld under this paragraph has not satisfied current minimum utilization requirements of paragraph (1) within 2 years and has not fulfilled the previous requirements for which such apportionments were withheld, then the apportionments held in the escrow account shall be returned to the Highway Trust Fund.".

(e) INDIVIDUAL STATE REDUCTION.—Section 1038(d)(7) of such Act is amended—

(1) by striking "prior to disposal"; and

(2) by adding at the end the following: "The Secretary, in consultation with the Administrator, shall exempt from the requirements of paragraph (1), any State that has implemented a documented waste tire abatement program if such program will result in the elimination of tire stockpiles by 1997.".

(f) ALTERNATIVE APPLICATION.—Section 1038(d) of such Act is further amended by adding at the end the following:

"(8) ALTERNATIVE APPLICATIONS.—

"(A) IN GENERAL.—A State may for any year meet up to ½ of the minimum utilization requirement established by paragraph (1) (excluding any deduction a State may take pursuant to subsection (c)) by using an equivalent amount of recycled rubber for alternative applications, other than making asphalt pavement, if—

"(i) the State certifies that the alternative application does not present a threat to safety, human health, or the environment; and

"(ii) it is demonstrated that such alternative applications provide equal or enhanced engineering benefits.

"(B) GUIDELINES.—The Secretary, in consultation with the Administrator, shall issue guidelines with respect to compliance with alternative applications under the conditions set forth in clauses (i) and (ii).".

(g) DEFINITIONS.—Section 1038(e) of such Act is amended—

(1) by striking "and" at the end of paragraph (1);

(2) in paragraph (2) by inserting before "taken" the following: "(other than tire buffings defined as a byproduct of the retreading industry) or any products produced from the processing of whole scrap tires or tire materials".

(3) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(4) by adding at the end the following:

"(3) the term 'alternative applications' means uses of recycled rubber in such civil engineering applications such as noise and safety barriers, other safety hardware, fences, soil retaining walls, slope stabilization measures, subgrade insulation, and lightweight fill, where the product or material containing recycled rubber provides a benefit to the highway construction and is left in place as a result of the highway construction; such term does not apply to products or materials, such as traffic cones or vehicles, which are used only temporarily in construction of the highway;

"(4) the term 'Administrator' means the Administrator of the Environmental Protection Agency; and

"(5) the term 'State' has the meaning such term has under section 101 of title 23, United States Code.".

SEC. 109. WORK ZONE SAFETY.

Section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 401 note) is amended—

(1) by inserting "technologies and services," after "appurtenances,";

(2) by inserting "training," after "traffic control plans,"; and

(3) by adding at the end the following new sentence: "The Secretary shall annually review, and provide to State and local governments, information and recommendations concerning safety practices that can enhance safety at highway construction sites, including information relating to new safety technologies, services, traffic control plans, training, and work zone-related bidding practices. The Secretary is directed to develop within the program a process for assuring that, for each project, there will be a person trained and certified who will have the responsibility and authority for assuring that the provisions of the traffic control plan and other safety aspects of the work zone are effectively administered.".

SEC. 110. CORRECTED PROJECTS.

(a) IN GENERAL.—The purpose of this section is to provide assistance for certain highway projects in order to correct errors and omissions in the Intermodal Surface Transportation Efficiency Act of 1991.

(b) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the projects described in this subsection. There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 1995 to carry out each such project the amount listed for each such project:

City/State	*Projects*	*Amount in millions*
1. North Minnesota	*Construction and reconstruction of Forest Highway 11 connecting Aurora-Hoyt Lakes and Silver Bay, MN*	*8.5*
2. Philadelphia, Pennsylvania.	*Reconstruction of the Old Delaware Avenue Service Road*	*1.6*

(c) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(d) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(e) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to

such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(f) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 111. RESCISSIONS.

(a) RESCISSIONS.—Effective October 1, 1994, the following unobligated balances on September 30, 1994, of funds made available for the following provisions are hereby rescinded:

(1) $78,993.92 made available by section 131(c) of the Surface Transportation Assistance Act of 1982.

(2) $26,500,000 made available by section 404(a)(2) of the Surface Transportation Assistance Act of 1982.

(3) $1,500,000 made available by section 106(a)(1) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(4) $942,249 made available for section 149(a)(66) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(5) $376,194.94 made available for section 149(a)(111)(C) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(6) $36,979.05 made available for section 149(a)(111)(J) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(7) $34,281.53 made available for section 149(a)(111)(K) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(8) $258,131.85 made available for section 149(a)(111)(L) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(9) $446,768 made available for section 149(a)(92) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(10) $2,058,323 made available for section 149(a)(94) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(11) $52,834 made available for section 149(a)(95) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(12) $427,340 made available for section 149(a)(99) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(13) $3,559,837 made available for section 149(a)(35) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(14) $797,800 made available for section 149(a)(100) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(15) $55.43 made available by section 149(c)(3) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(16) $49,700,000 made available by section 1012(b)(6) of the Intermodal Surface Transportation Efficiency Act of 1991.

(17) $29,300,000 made available by section 1003(a)(7) of the Intermodal Surface Transportation Efficiency Act of 1991.

(18) $150,000,000 made available by section 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

(19) $1,500,000 made available by section 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991.

(20) $10,800,000 made available by section 21(a)(1) of the Federal Transit Act.

(b) REDUCTIONS IN AUTHORIZED AMOUNTS.—Section 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1986) is amended—

(1) by striking "$100,000,000" the second place it appears and inserting "$50,000,000"; and

(2) by striking "$125,000,000" each place it appears and inserting "$62,500,000".

SEC. 112. ADDITIONAL PROJECTS.

(a) AUTHORIZATION OF PROJECTS.—The Secretary is authorized to carry out the projects described in this subsection. There is authorized to be appropriated for fiscal years 1995, 1996, and 1997 to carry out each such project the amounts listed for each such project:

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
1. Alabama	Birmingham Northern Beltline		2.900
2. Alabama	Black Warrior River Bridge Study		0.100
3. Alabama	I-759 Extension		20.000
4. Alabama	AL182/I-10 Evacuation Connector Improvements		4.000
5. Alabama	Patton Island Bridge Construction	9.000	
6. Alabama	Montgomery Outer Loop Beltway		3.000
7. Arizona	Gila River Crossing	6.000	
8. Arizona	US93 Upgrade: Kingman to Lake Mead		4.000
9. Arizona	Veterans Memorial Overpass		5.000
10. Arkansas	US71 Upgrade: Alma to Louisiana Border		3.000
11. Arkansas	US71 Upgrade: I-40 to Fayetteville	1.500	2.000
12. Arkansas	US71 Upgrade: Alma to Mena	2.000	
13. Arkansas	Lake Bull Shoals Bridge	0.400	
14. Arkansas	Van Buren Regional Intermodal Facility	0.100	
15. Arkansas	US63 Bypass Upgrade, Jonesboro		5.000
16. Arkansas	Conway Bypass Study and Design		3.000
17. California	CA84/I-580 Interchange Construction	4.000	
18. California	CA4 Freeway Expansion, Pittsburg		2.000
19. California	Galena Street Improvements/I-15 Interchange Construction		3.000
20. California	CA56 Extension: I-5 to I-15		3.000
21. California	Stocker Street/La Cienega Interchange		7.100
22. California	South Lake Tahoe Loop Road Reconfiguration		2.000
23. California	Bristol Street Improvement Project		3.000
24. California	CA30 Extension/Gap Closure	2.000	5.000
25. California	CA87 Corridor Construction	7.000	
26. California	CA113 Railroad Grade Separation		5.240
27. California	Third Feather River Bridge	1.500	
28. California	I-5/Highway 99W Interchange	0.500	
29. California	CA113/I-5 Interchange and Improvements		0.500
30. California	CA905 Congestion Mitigation	4.000	5.000
31. California	CA119/US101/Rice Avenue Interchange Upgrade		1.000
32. California	Humboldt Bay Port Access Enhancement	10.000	
33. California	CA7 Improvements: CA98 to I-8		2.000
34. California	Ontario Airport Ground Access	4.000	
35. California	CA71 Planning and Design, Riverside County		2.000
36. California	CA71 Interchange, Brea		0.950
37. California	CA41 Expansion		3.000
38. California	I-15 Widening: Victorville to Barstow	2.000	14.000
39. California	I-15 Access, George Air Force Base		1.000
40. California	Arden-Garden Connector		6.000
41. California	CA126 Improvements: I-5 to McBean Parkway	4.000	
42. California	CA138-Avenue P-8 Improvements: CA14 to 50th St, E		2.000
43. California	CA4 Upgrade	19.000	
44. California	Mare Island Access Study		1.000
45. California	CA237—Maude Avenue/Middlefield Road Interchange	13.500	
46. California	I-205 Widening: I-580 to I-5		3.000
47. California	I-710/Firestone Boulevard Interchange		5.800

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
48. California	CA58 Upgrade, Bakersfield	2.000	2.500
49. California	CA178 Crosstown Corridor: CA 178 to CA99	2.000	2.500
50. California	I-5 Capacity Enhancement		9.400
51. California	Alameda Corridor	4.000	5.000
52. California	Arbor Vitae Street Expansion		4.000
53. California	Pacific Coast Highway Palisades Bluff Stabilization		5.000
54. California	US101—Sonoma County Congestion Relief		4.000
55. California	US101—Marin County HOV Lanes		1.000
56. Colorado	Powers Boulevard Corridor		1.000
57. Colorado	120th Avenue Improvements	5.500	
58. Connecticut	Regional Transportation Center Improvements, Norwich		6.000
59. Connecticut	Hartford Riverfront Access		3.000
60. Connecticut	Seaview Avenue Reconstruction		2.000
61. District of Columbia	Constitution Avenue Rehabilitation	3.000	
62. District of Columbia	Independence Avenue Rehabilitation	0.590	
63. District of Columbia	First Street Rehabilitation	0.260	
64. Florida	Fuller—Warren Bridge	2.000	19.000
65. Florida	Jacksonville Airport Access Road		2.000
66. Florida	Midpoint Bridge and Corridor	2.000	5.000
67. Florida	FL7/US441 Widening		5.000
68. Florida	I-4/Greeneway Interchange	4.000	2.000
69. Florida	US301/University Parkway Intersection Upgrade		2.000
70. Florida	Palm Beach Port Road Relocations	0.265	5.000
71. Florida	Eller Drive/I-595 Improvements	2.600	
72. Florida	Northeast Dade Bike Path	1.135	
73. Georgia	GA61 Connector with I-20		7.200
74. Georgia	Appalachian Scenic Parkway		4.000
75. Georgia	GA92 Corridor Upgrade, Cherokee County	1.700	20.000
76. Georgia	GA9 Widening, Roswell	8.300	
77. Georgia	Sidney-Lanier Bridge Reconstruction	4.000	6.000
78. Georgia	University Center Pedestrian Corridor, Atlanta		12.960
79. Hawaii	Kuakini Street Improvements		1.500
80. Illinois	Sauget Road Extension	3.100	0.818
81. Illinois	West Boulevard Extension	0.900	
82. Illinois	IL159 Relocation, Edwardsville		6.000
83. Illinois	US67/IL267 Improvements		4.000
84. Illinois	Centennial Bridge Improvements		1.000
85. Illinois	Business Loop 55 Widening: I-55 to Clearwater Ave	5.000	
86. Illinois	Central Avenue Bypass, Chicago	15.000	
87. Illinois	US20 Improvements: East Dubuque to Galena		2.000
88. Illinois	Peoria—Chicago Highway	3.000	2.000
89. Illinois	Springfield Veterans Parkway	2.000	2.000
90. Illinois	Grand View Drive Improvements		3.000
91. Illinois	Heartland Riverfront Project		2.000
92. Illinois	US67: Macomb to Jacksonville		1.000
93. Illinois	Brush Creek Connector	3.000	
94. Illinois	Richton Road Improvements, Crete	1.720	
95. Illinois	Steger Roadway Improvements, Steger	0.720	
96. Illinois	Polk Avenue Extension, Richton Park	0.336	
97. Illinois	Minooka Street Improvements, Minooka	0.334	
98. Illinois	Rathje Road Improvements, Peotone	0.320	
99. Illinois	Main Street Improvements, Ottawa	0.312	
100. Illinois	Otter Creek Road Improvements, Streator	0.270	
101. Indiana	96th Street Upgrade	2.000	5.000
102. Indiana	Hoosier Heartland Corridor: Ft. Wayne to Lafayette		3.000
103. Indiana	I-265 Extension		10.000
104. Indiana	US231 Reconstruction		10.000
105. Indiana	Evansville—Bloomington Corridor		5.000
106. Indiana	Lafayette Rail Relocation	5.000	18.500
107. Indiana	Six Points Road Interchange		1.500
108. Indiana	City of Columbus "Front Door"		8.000
109. Indiana	IN67 Improvements		1.000
110. Indiana	East Chicago Marine Access Road		4.834
111. Indiana	Lake Shore Drive Extension Study		0.600
112. Iowa	I-29 Corridor Improvements, Sioux City		3.000
113. Iowa	IA330: Marshalltown to Des Moines		6.000
114. Iowa	Burlington Iowa Southern Arterial Connector	0.880	
115. Iowa	US 63: Bremer County to Minnesota Border		3.000
116. Iowa	IA5 Relocation		10.000
117. Kentucky	US231 Relocation	5.000	
118. Kentucky	US27 Improvements	1.000	3.000
119. Kentucky	KY114 Widening: Salyersville to US23	1.000	5.000
120. Louisiana	I-10/I-12 Baton Rouge Bypass		1.000
121. Louisiana	I-210/Nelson Access Road	3.000	
122. Louisiana	I-10: St. Charles Parish Line to Tulane Avenue	2.000	3.000
123. Maryland	MD5/MD373 Interchange		10.000
124. Maryland	MD235 Improvements		5.000
125. Maryland	MD237 Improvements	3.882	
126. Maryland	Beltway Advanced Traffic Monitoring		3.000
127. Massachusetts	Lincoln Square, Southbridge Street Gateways	2.400	
128. Massachusetts	I-90/MA146 Reconstruction	1.600	
129. Massachusetts	Franklin County Bikeway		2.250
130. Michigan	US23 Expansion	3.000	
131. Michigan	Bay City Road Interchange		3.000
132. Michigan	M-59 Corridor		20.000
133. Michigan	Highway Safety Improvements		20.000

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
134. Michigan	Ambassador Bridge Facilities	10.000	
135. Michigan	Monroe Rail Consolidation		10.000
136. Michigan	Detroit Airport Access Road		5.000
137. Michigan	US31 Improvements: Holland to Grand Haven	1.200	
138. Michigan	M-6: Grand Rapids South Beltline Construction	6.800	4.000
139. Michigan	M-102/Grand River Interchange Redesign		4.000
140. Michigan	McClellan Avenue		2.300
141. Michigan	US31 Upgrade, Berrien County	2.000	5.000
142. Minnesota	TH610-Crosstown Expressway	1.000	3.000
143. Minnesota	Trunk Highway 33 Improvements	9.680	
144. Minnesota	34th Street Corridor		2.000
145. Minnesota	TH212 Construction		3.000
146. Minnesota	77th Street Improvements	5.000	10.000
147. Minnesota	Wabasha Street Bridge Replacement	9.000	11.000
148. Mississippi	Norrell Road Interchange	3.000	
149. Missouri	Lindbergh Boulevard Relocation		5.000
150. Missouri	St. Joseph Loop Expressway	8.300	
151. Missouri	Chouteau Bridge Replacement		9.000
152. Missouri	Cape Girardeau Bridge Replacement	6.250	5.000
153. Missouri	MO21 Upgrade		14.400
154. Missouri	MO Highway M Relocation	4.000	
155. Missouri	I-255/MO231 Intersection		1.600
156. Missouri	Hannibal Bridge Replacement		1.000
157. Montana	MT323 Upgrade		5.000
158. Montana	Belgrade/I-90 Interchange	2.110	
159. Nebraska	Niobrara, NE/Springfield, SD Bridge		3.000
160. Nebraska	27th Street and Highway 2 Pedestrian Bridge		0.413
161. Nebraska	South and East Beltway Study, Lincoln		0.400
162. Nevada	Spring Mountain I-15 Interchange		5.000
163. Nevada	I-80/Sparks Road Pyramid Interchange	1.000	4.000
164. New Hampshire	Second Nashua River Crossing	3.000	1.500
165. New Hampshire	Manchester Airport Access Road Construction	5.000	
166. New Jersey	I-287 Improvements: I-78 to US22	4.000	
167. New Jersey	NJ21/McCarter Highway Improvements	5.000	
168. New Jersey	NJ17/NJ4 Interchange, Paramus		3.000
169. New Mexico	Santa Fe Relief Route		5.000
170. New Mexico	Sunport Boulevard East Corrdior		1.400
171. New Mexico	US70/Las Cruces Frontage Road System		3.000
172. New York	Utica-Rome Expressway	6.250	5.000
173. New York	Westchester/Putnam Intelligent Vehicle Highway Systems		2.000
174. New York	NY60 Reconstruction, Ellicott		3.000
175. New York	Quay Street Extension, Niagara Falls		2.240
176. New York	Delaware Street Reconstruction, Tonawanda		2.100
177. New York	Williams Road Widening, Wheatfield		1.060
178. New York	Lockport Corridor Study, Erie and Niagara Counties		0.800
179. New York	Rochester-Brockport Access Study		0.800
180. New York	NY531 Extension Study: Ogden to Sweden		0.400
181. New York	Jericho Turnpike Improvements: New York City to Herricks Road	4.000	2.000
182. New York	New York Thruway Upgrade		5.000
183. New York	US9 Reconstruction, Plattsburgh		1.750
184. New York	International Bridge Feasibility Study		.250
185. New York	New York Intermodal Facilities Study	1.000	
186. New York	NY277 Reconstruction, Cheektowaga	4.000	
187. New York	Main Street Bascule Bridge		2.000
188. New York	Bronx/North Manhattan Intelligent Vehicle Highway System		6.480
189. New York	Latta Road Improvements, Monroe County	6.000	
190. New York	Baldwinsville Bypass		5.000
191. North Carolina	US220 Construction		3.000
192. North Carolina	US17 Bridge Replacement		5.000
193. North Carolina	Charlotte Beltway East Segment		2.000
194. North Carolina	US64 Improvements		10.000
195. North Carolina	US74 Improvements		10.000
196. North Carolina	US19/23 Upgrade		1.000
197. North Carolina	Southern Charlotte Outer Loop		5.000
198. Ohio	Lorain Central Corridor		5.000
199. Ohio	US23-Fostoria Bypass		3.000
200. Ohio	US22/US33-Lancaster Bypass	1.000	5.800
201. Ohio	Boston Road Interchange		2.000
202. Ohio	Cleveland Gateway Project		1.000
203. Ohio	New Intermodal Terminal, Fearing Boulevard		5.000
204. Ohio	US30: OH235 to US68		4.000
205. Ohio	Alum Creek Drive Improvements	2.000	4.000
206. Ohio	US30 Widening: Wooster to Riceland	3.400	10.000
207. Ohio	Mt. Vernon to I-71 Connector Study	1.600	
208. Ohio	OH43 Improvements		3.920
209. Ohio	Cuyahoga River Bridge, Cleveland		4.320
210. Ohio	Cleveland Pedestrian Walkway		1.440
211. Ohio	Pomeroy to Ravenswood Access Improvements		8.900
212. Ohio	Youngstown-Hubbard Expressway	10.000	
213. Oklahoma	I-44 Widening: Arkansas River to Yale Avenue	6.250	5.000
214. Oregon	Jordon Cove Road Safety Improvements	0.529	
215. Oregon	Salem Bypass Improvements		4.471
216. Oregon	Columbia Slough Intermodal Projects		5.000
217. Pennsylvania	Philadelphia Traffic Signal Controllers	1.800	
218. Pennsylvania	Philadelphia Bicycle Network	0.472	
219. Pennsylvania	Tioga Marine Terminal	8.000	

State	Project name	Authorization in millions from highway trust fund (other than mass transit account)	Authorization in millions from general fund of the Treasury
220. Pennsylvania	US15 Upgrade—Tioga County	5.952	
221. Pennsylvania	US 219 Truck Route—Osterhout Street	2.880	
222. Pennsylvania	PA948 Improvements, Forest County	1.168	
223. Pennsylvania	Pennsylvania Pier 98, Philadelphia		1.000
224. Pennsylvania	PA2001 Improvements, Pike County	4.800	0.300
225. Pennsylvania	PA14 Improvements, Bradford County		4.800
226. Pennsylvania	PA3011 Improvements, Scranton		3.500
227. Pennsylvania	PA1069 Widening, Athens	0.200	1.400
228. Pennsylvania	US219 Improvements, Cambria County	10.000	
229. Pennsylvania	PA56 Improvements: Johnstown to Cessna	8.000	
230. Pennsylvania	US 22—Section B07 Reconstruction		8.000
231. Pennsylvania	US219 Improvements: Carrolltown to I-80	1.000	2.000
232. Rhode Island	Davisville Bridges		5.000
233. South Carolina	US17 Bridges	2.485	1.515
234. South Carolina	US301 Improvements	1.515	
235. South Dakota	Vermillion Bridge		4.600
236. Tennessee	Harding Place Extension	5.000	
237. Tennessee	Gay Street Bridge Rehabilitation	5.000	0.760
238. Tennessee	Foothills Parkway—Missing Link	1.250	9.240
239. Tennessee	Old Nashville Highway Bridge		4.000
240. Tennessee	Murfreesboro Alternative Transportation System		1.000
241. Tennessee	I-81 Interchange Construction	1.200	
242. Tennessee	Memphis Outer Loop Beltway		3.000
243. Texas	TX121 Upgrade Study	2.500	
244. Texas	Border Highway Extension		10.000
245. Texas	NASA Road 1 Upgrade	4.500	15.000
246. Texas	US59 Upgrade, Ft. Bend County	0.500	
247. Texas	US67 Widening	5.416	
248. Texas	Loop 12 Widening		2.200
249. Texas	TX36 Improvements	5.000	
250. Texas	Brownsville Navigation District Access		1.680
251. Texas	Brownsville 6th & 7th Streets Improvements		1.600
252. Utah	US89 Upgrade	4.000	
253. Utah	I-15/University Avenue Interchange		3.000
254. Utah	20th East Highway Project	6.000	
255. Utah	I-15 Corridor Improvements, Salt Lake County		6.000
256. Virgin Islands	Christiansted Bypass	5.000	
257. Virginia	Coleman Bridge Expansion		2.000
258. Virginia	I-95/Outer Connector/VA627 Interchange		2.000
259. Virginia	Coalfields Expressway	5.000	
260. Virginia	VA123 Philadelphia, Northern Virginia	10.000	
261. Virginia	Fairfax County Parkway/Franconia-Springfield Parkway		5.000
262. Virginia	I-81 to I-40 "I-83" Connector		5.000
263. Virginia	Pinners Point Connector		4.400
264. Virginia	S. Battlefield Boulevard/VA168		5.000
265. Virginia	14th Street Bridge Lane Addition	5.000	7.000
266. Washington	I-5/196th Street Interchange	3.336	
267. Washington	WA305 Improvements		0.672
268. Washington	Port Angeles Multi-Model Center		6.400
269. Washington	WA18 Improvements: 312th Way to Maple Valley	4.000	1.000
270. Washington	I-405/Northeast 8th Street Interchange		1.000
271. Washington	US12 Improvements		9.000
272. Washington	US395 Improvements		9.000
273. Washington	Chelan/Douglas Transportation Center		2.000
274. Washington	Mill Plain Extension		5.000
275. West Virginia	Fairmont Riverside Expressway	10.000	
276. West Virginia	New River Parkway	14.400	
277. Wisconsin	Janesville River Street Realignment	3.454	
278. Wisconsin	Main Street Bridge Replacement, Racine		2.000
279. Wisconsin	CTH P Improvements	0.480	
280. Wisconsin	WI29 Upgrade	10.000	
281. Wisconsin	Oshkosh Rail Relocation	6.000	
282. Wisconsin	US10 Upgrade: Anderson Road to CTH U	4.000	
283. Wisconsin	US41 Upgrade: Kaukauna to CTH F		3.000

(b) ALLOCATION PERCENTAGES FOR HTF FUNDS.—65.86 percent of the amount allocated by subsection (a) from the Highway Trust Fund for each project authorized by subsection (a) shall be available for obligation in fiscal year 1995. 17.07 percent of such amount shall be available for obligation in each of fiscal years 1996 and 1997.

(c) APPROPRIATIONS CAP.—Of the amounts authorized to be appropriated from the general fund of the Treasury by subsection (a), not more than $300,000,000 may be appropriated in any single fiscal year.

(d) FEDERAL SHARE.—The Federal share payable on account of any project under this section shall be 80 percent of the cost thereof.

(e) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section to the State in which such project or projects are located upon request of such State.

(f) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(g) APPLICABILITY OF TITLE 23.—Funds authorized by this section from the Highway Trust Fund shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

SEC. 113. STUDY OF RADIO AND MICROWAVE TECHNOLOGY FOR COMMERCIAL AND OTHER MOTOR VEHICLES.

(a) IN GENERAL.—Section 6057 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) STUDY OF RADIO AND MICROWAVE TECHNOLOGY FOR COMMERCIAL AND OTHER MOTOR VEHICLES.—

"(1) IN GENERAL.—The Secretary shall conduct a research study to develop and evaluate radio and microwave technology for furtherance of safety in commercial and other motor vehicles.

"(2) EQUIPMENT.—Equipment developed under the study to be conducted under paragraph (1) shall be directed toward, but not limited to, warning drivers of obstructions in a highway or limited visibility conditions caused by snow, rain, fog, or dust.

"(3) SAFETY APPLICATIONS.—In conducting the study under paragraph (1), the Secretary shall determine whether the technology described in paragraph (1) has other safety applications consistent with the goals of this Act.".

(b) FUNDING.—Such section is further amended by adding at the end the following new subsection:

"(d) FUNDING.—Of the funds made available in fiscal year 1995 to carry out section 6058(b), $500,000 shall be used to conduct the study under subsection (b).".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

*(1) in the section heading by inserting "**AND OTHER**" after "**COMMERCIAL**"; and*

(2) in the heading to subsection (a) by inserting "OF SAFETY TECHNOLOGY FOR COMMERCIAL MOTOR VEHICLES" after "STUDY".

SEC. 114. FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY.

(a) FEDERAL LINE OF CREDIT.—For the purpose of carrying out a demonstration of the construction of public toll roads in Orange County, California, authorized by section 129(d) of title 23, United States Code, there is authorized to be appropriated $10,000,000 for the Secretary to enter into an agreement to make a line of credit available, with a principal amount not to exceed $120,000,000 to the public entity or entities with the statutory authority to construct such facilities.

(b) EFFECTIVE PERIOD.—The line of credit under this section shall be available for draws during the period beginning on the date of completion of construction and ending on the last day of the tenth calendar year following the date construction of the facilities is completed.

(c) PURPOSES.—The line of credit under this section shall be available to pay the costs of extraordinary repair and replacement of the facilities, unexpected Federal or State environmental restrictions, operation and maintenance expenses of the facilities, and debt service on tax-exempt or taxable obligations financing the facilities.

(d) LIMITATIONS.—

(1) CAPITAL EXPENDITURES.—With respect to capital expenditures, draws on the line of credit under this section shall only be made if and to the extent proceeds from the sale of the obligations issued by the public entity or entities which otherwise would be available for such purposes are exhausted, or are otherwise unavailable for the payment of such capital expenditures.

(2) EXPENSES.—With respect to expenses, including operation and maintenance expenses and debt service, a draw on the line of credit under this section shall only be made if revenues from toll operations and capitalized interest are insufficient (or are otherwise unavailable) for such purposes.

(3) PER YEAR.—No more than 10 percent of the total principal amount of the line of credit under this section shall be available for draws in any one year.

(4) THIRD PARTY CREDITOR RIGHTS.—No third party creditor of the public entity or entities shall have any right against the Federal Government with respect to draws on the line of credit under this section.

(5) AVAILABILITY FOR PARTICULAR COSTS.—There is no guaranteed availability of proceeds of the line of credit under this section for the payment of any particular cost of the public entity or entities which might be financed under this section.

(e) INTEREST RATE AND REPAYMENT PERIOD.—Any draws (except for operation and maintenance expenses) on the line of credit under this section shall accrue interest at the 30-year United States Treasury bond rate beginning on the date such draws are made and shall be repaid in not more than 30 years; except that any draws under the line of credit for operation and maintenance expenses shall accrue interest at the 3-year United States Treasury note rate beginning on the date such draws are made and shall be repaid in not more than 3 years.

SEC. 115. RAILWAY-HIGHWAY CROSSINGS PROJECT.

Of the funds appropriated by Public Law 103-122 for railroad-highway crossings projects, $20,000,000 shall be made available for costs, not to exceed 80 percent, of a project to reduce rail-highway conflicts on M-59 near Pontiac, Michigan, and a project on Bristol Road near Flint, Michigan. From the $20,000,000 made available under the preceding sentence, $500,000 shall be made available to improve and upgrade Maple Road at Bishop Airport, Michigan.

SEC. 116. NEW RIVER PARKWAY, WEST VIRGINIA.

(a) PRIORITY CONSIDERATION.—

(1) COMPLETION OF STUDIES.—The Secretary shall require, as a matter of the highest priority, the completion of all remaining studies associated with the project authorized by section 149(a)(69) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191).

(2) SCHEDULE.—Notwithstanding any other provision of law, the Secretary is authorized and directed to establish a schedule—

(A) for the completion by other Federal agencies of any reviews required by law of such studies; and

(B) by which the reconciliation of any discrepancies among reviewing Federal agencies must be met.

(3) DEADLINE.—The schedule referred to in paragraph (2) shall provide for the project referred to in paragraph (1) to proceed to construction before December 31, 1995.

(b) VISITORS CENTER.—

(1) GRANTS.—The Secretary shall make grants to the Secretary of the Interior, acting through the Director of the National Park Service, for the planning, design, and construction of a visitors center, and such other related facilities as may be determined to be necessary, to facilitate visitor understanding and enjoyment of scenic, historic, cultural, and recreational resources accessible by the New River Parkway, West Virginia, and any related buildings as may be determined to be necessary for the administration of the parkway.

(2) SITE.—The visitors center, related facilities, and buildings referred to in paragraph (1) shall be located at a suitable location on a site for which title is held by the United States in the vicinity of the intersection of the New River Parkway and Interstate Route 64 or along the New River Parkway itself.

(3) CONSULTATION.—The Director of the National Park Service shall consult with the New River Parkway Authority and the State of West Virginia in the planning, design, and construction of the visitors center, related facilities, and buildings referred to in paragraph (1).

(4) FUNDING.—Of the amounts made available pursuant to section 1003(a)(6)(C) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) $1,300,000 for fiscal year 1995 and $1,200,000 for fiscal year 1996 shall be made available for the purposes of carrying out this subsection. Such funds shall remain available until expended.

SEC. 117. NATIONAL RECREATIONAL TRAILS.

(a) STATE ELIGIBILITY.—Section 1302(c) of the Intermodal Surface Transportation Act of 1991 (33 U.S.C. 1261(c)) is amended—

(1) by striking "Act" each place it appears and inserting "part";

(2) in paragraph (2) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(3) by adding at the end the following:

"(3) SIXTH YEAR PROVISION.—On and after the date that is 5 years after the date of the enactment of this part, a State shall be eligible to receive moneys under this part in a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in such fiscal year.".

(b) ADMINISTRATIVE COSTS.—Section 1302(d)(1) of such Act (33 U.S.C. 1261(d)(1)) is amended—

(1) in subparagraph (C) by striking "national surveys" and inserting "a 1-time national survey";

(2) by striking "and" at the end of subparagraph (C);

(3) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

"(D) contracting for services with other land management agencies; and"; and

(4) by adding the end the following:

"The 3 percent limitation in the preceding sentence shall not apply to expenditures to pay the cost of conducting the 1-time national survey described in subparagraph (C).".

(c) ENVIRONMENTAL MITIGATION.—

(1) IN GENERAL.—Section 1302(e) of such Act (33 U.S.C. 1261(e)) is amended by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively, and by inserting after paragraph (4) the following:

"(5) ENVIRONMENTAL MITIGATION.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State shall give priority to project proposals which provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

"(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).".

(2) CONFORMING AMENDMENT.—Section 1302(e)(4) of such Act (33 U.S.C. 1261(e)(4)) is amended by striking "paragraphs (6) and (8)(B)" and inserting paragraphs "(7) and (9)(B)".

(d) EXCLUSIONS.—Section 1302(e)(7) of such Act, as redesignated by subsection (c), is amended—

(1) by striking "(7) SMALL STATE EXCLUSION.—Any State" and inserting the following:

"(7) EXCLUSIONS.—

"(A) SMALL STATE.—Any State";

(2) by moving the text of subparagraph (A), as so designated, 2 ems to the right; and

(3) by adding at the end the following:

"(B) BEST INTEREST OF A STATE.—Any State which determines based on trail needs identified

in its State Comprehensive Outdoor Recreation Plan that it is in the best interest of the State to be exempt from the requirements of paragraph (4) may apply to the Secretary for such an exemption. Before approving or disapproving an application for such an exemption, the Secretary shall publish in the Federal Register notice of receipt of the application and provide an opportunity for public comment on the application.".

(e) RETURN OF MONEYS NOT EXPENDED.—Section 1302(e)(9) of such Act, as redesignated by subsection (c), is amended—

(1) by inserting "the State" before "may be exempted"; and

(2) by striking "and expended or committed" and all that follows before the period.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1302 of such Act (16 U.S.C. 1261) is amended by adding at the end the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section and section 1303 $6,000,000 for fiscal year 1995.

"(2) APPLICABILITY OF TITLE 23.—Funds authorized by paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities conducted with such funds shall be as provided in this section, such funds shall not be subject to any obligation limitation other than subsection (d)(3), and such funds shall remain available until expended.

"(3) TREATMENT.—Funds authorized by paragraph (1) shall be treated as if such funds were part of the National Recreational Trails Trust Fund for purposes of making allocations to the States under subsection (d).".

(g) ADVISORY COMMITTEE.—Section 1303 of such Act (16 U.S.C. 1262) is amended—

(1) in subsection (b) by striking "11 members" and inserting "12 members";

(2) in subsection (b) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following:

"(2) 1 member appointed by the Secretary representing individuals with disabilities;".

SEC. 118. COAL HERITAGE.

(a) GRANTS.—The Secretary shall make grants to the State of West Virginia for the purpose of erecting signs or other informational devices depicting Coal Heritage along public roads identified as "Heritage Tour Routes" and "Tour Route Connectors" on the map entitled "Alternative Concept C" in the the study entitled "A Coal Mining Heritage Study: Southern West Virginia" (1993, United States Department of the Interior, National Park Service) and along additional public roads which provide access to the interpretive sites and areas identified on such map. Such signs or devices shall be devised by the West Virginia Division of Culture and History with the concurrence of the West Virginia Division of Highways and shall be subject to public comment.

(b) TECHNICAL ASSISTANCE.—With respect to areas along the roads referred to in subsection (a) which are administered by Federal, State, local, or nonprofit entities, the Secretary may, pursuant to cooperative agreements with such entities and in consultation with the State of West Virginia, provide technical assistance in the development of interpretive devices and information in order to contribute to public appreciation of the historical, cultural, natural, scenic, and recreational sites along such roads.

(c) FUNDING.—Of amounts made available pursuant to section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1998), there shall be available $1,000,000 per fiscal year for each of fiscal years 1995 and 1996 for the purposes of carrying out this section. Such sums shall remain available until expended.

SEC. 119. LIMITATIONS ON FUNDING OF OPERATING ASSISTANCE.

Section 9(k)(2) of the Federal Transit Act (49 U.S.C. App. 1607a(k)(3)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (E) and (F), respectively;

(2) in subparagraph (E), as redesignated by paragraph (1), by inserting "INCREASE.—" before "Beginning";

(3) in subparagraph (F), as redesignated by paragraph (1)—

(A) by inserting "CONSUMER PRICE INDEX DEFINED.—" before "As"; and

(B) by striking "(B)" and inserting "(E)";

(4) by moving subparagraphs (E) and (F), as redesignated by paragraph (1), 4 ems to the right; and

(5) by striking "(2)" and subparagraph (A) and inserting the following:

"(2) LIMITATIONS ON FUNDING OF OPERATING ASSISTANCE.—

"(A) IN GENERAL.—The amount of funds apportioned under this section which may be used for operating assistance shall not exceed 80 percent of the amount of funds apportioned in fiscal year 1982 under paragraphs (1)(A), (2)(A), and (3)(A) of section 5(a) of this Act to an urbanized area with a population of 1,000,000 or more, 90 percent of funds so apportioned to an urbanized area with a population of 200,000 or more and less than 1,000,000 population; and 95 percent of funds so apportioned to an urbanized area of less than 200,000 population. Notwithstanding the preceding sentence, an urbanized area that first became an urbanized area under the 1980 census or thereafter may use each fiscal year for operating assistance not to exceed an amount equal to ⅔ of its apportionment during the first full year it received funds under this section.

"(B) SPECIAL RULE FOR CERTAIN URBANIZED AREAS WITH REDUCED POPULATIONS.—If an urbanized area had a population under the 1980 decennial census of the United States of more than 1,000,000 and has a population under the 1990 decennial census of less than 1,000,000, the maximum percentage of funds which may be used for operating assistance for purposes of subparagraph (A) shall be 90 percent of the amount of funds apportioned in fiscal year 1982 under such paragraphs (1)(A), (2)(A), and (3)(A) to such area.

"(C) SPECIAL RULE FOR URBANIZED AREAS OF LESS THAN 200,000.—If an urbanized area had a population under the 1990 decennial census of the United States of less than 200,000, 100 percent of the funds apportioned to such area under this section for each of fiscal years 1995, 1996, and 1997 may be used for operating assistance, notwithstanding any limitation otherwise imposed on operating assistance.

"(D) OFFSET.—The amount of funds apportioned under this section to each urbanized area with a population of 200,000 or more in each of fiscal years 1995, 1996, and 1997 which may be used for operating assistance but for this subparagraph shall be reduced by the amount determined by multiplying—

"(i) the aggregate amount of increases of operating assistance under subparagraph (C) in such fiscal year; by

"(ii) the quotient determined by dividing—

"(I) the amount of funds apportioned under this section to such area in such fiscal year which may be used for operating assistance but for this subparagraph; by

"(II) the aggregate amount of funds apportioned to all urbanized areas with a population of 200,000 or more under this section in such fiscal year but for this subparagraph which may be used for operating assistance.".

SEC. 120. INTERCITY BUS TRANSPORTATION.

(a) BASIC PROGRAM.—Section 18(i)(1) of the Federal Transit Act (49 U.S.C. App. 1614(i)(1)) is amended—

(1) by striking "and" before "15 percent";

(2) by inserting ", and 7.5 percent of such amounts in fiscal year 1995" after "1994"; and

(3) by inserting after "demonstration projects," the following: "the purchase of accessibility devices,".

(b) DISCRETIONARY PROGRAM.—Section 3 of such Act (49 U.S.C. App. 1602) is amended by adding at the end the following new subsection:

"(o) INTERCITY BUS TRANSPORTATION.—Of the amounts made available by subsection (k)(1)(C) in each fiscal year beginning after September 30, 1994, the Secretary shall make to operators of intercity bus transportation systems capital grants to support such systems, including the purchase of accessibility devices, an amount equal to 7.5 percent of the amounts made available under section 18 in such fiscal year. The Federal grant for any project under this subsection shall be 80 percent of the net project cost; except that the Federal grant for the purchase of accessibility devices under this subsection shall be 90 percent of the net project cost.".

SEC. 121. REPEALS OF EXISTING PROJECTS.

(a) LONG BEACH METRO LINK FIXED RAIL PROJECT.—Section 3035(o) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131) is repealed.

(b) HONOLULU RAPID TRANSIT PROJECT.—Section 3035(ww) of such Act (105 Stat. 2136) is repealed.

SEC. 122. MISCELLANEOUS TRANSIT PROJECTS.

(a) PORTLAND WESTSIDE LIGHT RAIL PROJECT.—Section 3035(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2129) is amended—

(1) by inserting "(1) IN GENERAL.—" after "WESTSIDE LIGHT RAIL PROJECT.—"

(2) by striking the last sentence;

(3) by indenting paragraph (1) and moving it 2 ems to the right; and

(4) by adding at the end the following:

"(2) AMENDMENT.—

"(A) NEGOTIATION.—Within 90 days after the date of the enactment of this paragraph, the Secretary shall negotiate and sign an amendment to the Westside Light Rail Project multiyear grant agreement authorized under paragraph (1) with the Tri-County Metropolitan Transportation District of Oregon to carry out the final design and construction of the locally preferred alternative for the Hillsboro extension, systems related costs as authorized in Public Law 102–240, and acquisition of low floor light rail vehicles, as set forth in Public Law 102–388.

"(B) ADVANCE CONSTRUCTION; CONTINGENT COMMITMENT.—The amendment negotiated under this paragraph shall provide for the use of advance construction authority under section 3(l) of the Federal Transit Act and for the use of contingent commitment authority under section 3(a)(4)(C) of the Federal Transit Act for the activities set forth in subparagraph (A) for an amount equivalent to the Federal share authorized under section 3 of the Federal Transit Act for each specific activity; except that the Federal share of the cost of the final design and construction of the Hillsboro extension shall not exceed ⅓.

"(C) SPECIAL RULE FOR ADVANCE CONSTRUCTION.—In the event that the Tri-County Metropolitan Transportation District of Oregon uses advance construction authority under this paragraph, the Secretary shall convert that authority into a grant and shall reimburse the Tri-County Metropolitan Transportation District of Oregon from funds made available under section 3 of the Federal Transit Act in fiscal years 1998 and 1999 for the Federal share of the amounts expended (plus any eligible financing costs).

"(D) INTEGRATED PROJECT FINANCING PLAN.—The amendment negotiated under this paragraph shall also include an integrated project financing plan to permit the interchangeable use of Federal funds for activities set forth in paragraph (1) and subparagraph (A) to maintain the entire project construction schedule.

"(3) TREATMENT AS A SINGLE PROJECT.—The Hillsboro extension to the Westside Light Rail Project shall be considered by the Federal Transit Administration as a single project extending from downtown Portland, Oregon, to downtown Hillsboro, Oregon, for the purposes of project review, evaluation, and approval of construction under section 3(i) of the Federal Transit Act and for the purpose of preparing a report under section 3(j) of such Act.".

(b) NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122–2123) is amended—

(1) by inserting after "Hudson River Waterfront Transportation System" the following: "(including corridor connections to and within the city of Bayonne)"; and

(2) by inserting after "Concourse," the following: "the West Shore Line,".

(c) NORTH BAY FERRY SERVICE.—Section 3035(c) of such Act (105 Stat. 2129) is amended by striking "$8,000,000" and all that follows through "1993" and inserting "$17,000,000".

(d) STATEN ISLAND-MIDTOWN MANHATTAN FERRY SERVICE.—Section 3035(d) of such Act is amended by striking "$1,000,000" and all that follows through "1993" and inserting "$12,000,000".

(e) CENTRAL AREA CIRCULATOR PROJECT.—Section 3035(e) of such Act is amended by striking the last sentence.

(f) SALT LAKE CITY LIGHT RAIL PROJECT.—Section 3035(f) of such Act is amended by inserting after "including" the following: "related high-occupancy vehicle lane, intermodal corridor design,".

(g) LOS ANGELES-SAN DIEGO RAIL CORRIDOR IMPROVEMENT PROJECT.—Section 3035(g) of such Act is amended by striking "not less than" and all that follows through "1994" and inserting "$20,000,000".

(h) ADDITIONAL TRACKAGE RIGHTS AND RIGHT-OF-WAY PURCHASE FOR GILROY SERVICE.—Section 3035(h) of such Act is amended—

(1) by striking "July 1, 1994" and inserting "September 30, 1996"; and

(2) by striking "August 1, 1994," and inserting "October 31, 1996,".

(i) DALLAS LIGHT RAIL PROJECT.—

(1) MULTIYEAR GRANT AGREEMENT.—Section 3035(i) of such Act is amended—

(A) by striking "6.4 miles" and inserting "9.6 miles";

(B) by striking "10 stations" and inserting "not to exceed 14 stations";

(C) by striking "such light rail line" and inserting "the program of interrelated projects identified in section 3(a)(8)(C)(vii) of the Federal Transit Act"; and

(D) by striking "of such elements" and inserting "element of such program of interrelated projects"

(2) PROGRAM OF INTERRELATED PROJECTS.—Section 3(a)(8)(C)(vii) of the Federal Transit Act (49 U.S.C. App. 1602(a)(8)(C)(vii)) is amended by striking "Camp Wisdom" and inserting "Interstate Route 20, L.B.J. Freeway".

(j) SOUTH BOSTON.—Section 3035(j) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2130–2131) is amended—

(1) by striking "$278,000,000" each place it appears and inserting "$323,000,000";

(2) by inserting "the second place it appears" after "striking '—' "; and

(3) by adding at the end the following: "Funds made available for the South Boston Piers Transitway in fiscal year 1994 for alternatives analysis may also be used for construction.".

(k) KANSAS CITY LIGHT RAIL LINE.—Section 3035(k) of such Act is amended by striking "$1,500,000 in fiscal year 1992, and $4,400,000 in fiscal year 1993" and inserting "$5,900,000".

(l) DOWNTOWN ORLANDO CIRCULATOR PROJECT.—Section 3035(l) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The";

(2) by striking "$5,000,000" and inserting "$12,000,000"; and

(3) by striking "for" the second place it appears and all that follows through the period at the end and inserting "and the completion of final design, construction, land and equipment acquisition, and related activities for the Downtown Orlando Circulator project.".

(m) DETROIT LIGHT RAIL PROJECT.—Section 3035(m) of such Act is amended by striking "not less than" the first place it appears and all that follows through "1993," and inserting "$20,000,000".

(n) LAKEWOOD-FREEHOLD-MATTAWAN OR JAMESBURG RAIL PROJECT.—Section 3035(p) of such Act is amended by striking "$1,800,000" and all that follows through "1994" and inserting "$7,800,000".

(o) CHARLOTTE LIGHT RAIL STUDY.—Section 3035(r) of such Act is amended by striking "$125,000" and all that follows through "1993" and inserting "$500,000".

(p) SAN DIEGO MID COAST FIXED GUIDEWAY PROJECT.—Section 3035(u) of such Act is amended—

(1) in the subsection heading by striking "LIGHT RAIL" and inserting "FIXED GUIDEWAY";

(2) by striking "No later than April 30, 1992, the" and inserting "The";

(3) by striking ", $2,000,000" and all that follows through "right-of-way," and inserting "$42,000,000"; and

(4) by striking "Light Rail" and inserting "Fixed Guideway".

(q) RAILTRAN COMMUTER RAIL PROJECT.—Section 3035(x) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The"; and

(2) by striking "$2,480,000" and all that follows through "1993" and inserting "$8,680,000".

(r) EUREKA SPRINGS, ARKANSAS.—Section 3035(z) of such Act is amended by striking the first sentence and inserting the following: "From funds provided under section 3(k)(1)(c) of the Federal Transit Act, the Secretary shall make available $63,600 to Eureka Springs Transit for the purchase of an alternative fueled vehicle, which is accessible to and usable by individuals with disabilities.".

(s) BALTIMORE-CENTRAL LIGHT RAIL EXTENSION.—Section 3035(nn) of such Act is amended—

(1) in paragraph (1) by striking "as follows:

"(A) Not less than $30,000,000 for fiscal year 1993.

"(B) Not less than $30,000,000 for fiscal year 1994."

and inserting "and shall be $60,000,000."; and

(2) in paragraph (2) by striking "as follows" and all that follows through the period at the end of subparagraph (C) and inserting "totaling $160,000,000.".

(t) JACKSONVILLE AUTOMATED SKYWAY EXPRESS EXTENSION.—Section 3035(vv) of such Act is amended to read as follows:

"(vv) JACKSONVILLE AUTOMATED SKYWAY EXPRESS EXTENSION.—Not later than December 31, 1994, the Secretary shall negotiate and sign an agreement which modifies the full funding agreement signed on September 27, 1991, with the Jacksonville Transportation Authority for phase 1–B of the north segment of the Automated Skyway Express project to make available $15,000,000 in already appropriated funds and $35,000,000 under section 3(k)(1)(B) of the Federal Transit Act to carry out construction of the locally preferred alternative for an operable segment of a not to exceed 1.8 mile extension to such project.".

(u) DULLES CORRIDOR RAIL PROJECT.—Section 3035(aaa) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The";

(2) by striking "$6,000,000" and inserting "$16,000,000"; and

(3) by striking "the completion" and all that follows through "engineering for".

(v) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—Section 3035(bbb) of such Act is amended to read as follows:

"(bbb) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $300,000,000 for the Central Puget Sound Regional Transit Project.".

(w) CANAL STREET CORRIDOR LIGHT RAIL.—Section 3035(fff) of such Act is amended—

(1) by striking "No later than April 30, 1992, the" and inserting "The"; and

(2) by striking "negotiate" and all that follows through "includes" and inserting "make available"; and

(3) by striking "$4,800,000" and all that follows through "statement for" and inserting "$44,800,000 to construct".

(x) ADDITIONAL PROJECTS.—

(1) SANTA CRUZ BUS FACILITY CONSOLIDATION.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $4,120,000 for the Santa Cruz Bus Facility Consolidation project.

(2) SANTA CRUZ FIXED GUIDEWAY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $4,750,000 for the Santa Cruz Fixed Guideway project.

(3) SAN FRANCISCO FERRY BUILDING RENOVATION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $1,250,000 for the San Francisco Ferry Building Renovation project.

(4) AC TRANSIT BUS IMPROVEMENTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $10,000,000 to the Alameda County Transit District for the purchase of buses.

(5) DENVER SOUTHWEST CORRIDOR LIGHT RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $13,000,000 for the Denver Southwest Corridor Light Rail project.

(6) GRIFFIN LINE TRANSITWAY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $4,900,000 for the Griffin Line Transitway project.

(7) TAMPA TO LAKELAND COMMUTER RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $16,300,000 for the Tampa to Lakeland Commuter Rail project.

(8) RAVENSWOOD RAPID TRANSIT LINE.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before the formula distribution of funds under such section, the Secretary shall make available $20,000,000 to the Chicago Transit Authority for the reconstruction of track on the Ravenswood Rapid Transit line between Kimball Terminal and Clark Junction and between Armitage Avenue and Tower 18.

(9) FITCHBURG INTERMODAL FACILITY.—From funds provided under section 3(k)(1)(C) of the

Federal Transit Act, the Secretary shall make available $2,250,000 for the Fitchburg Intermodal Facility.

(10) EAST-WEST TRANSITWAY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the East-West Transitway project in Montgomery County, Maryland.

(11) MINNEAPOLIS.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $20,000,000 for the Minnesota Central Corridor Light Rail project.

(12) HOBOKEN TERMINAL FACILITY IMPROVEMENTS.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before the formula distribution of funds under such section, the Secretary shall make available $8,000,000 to rehabilitate the Hoboken Terminal and Yard Complex in Hoboken, New Jersey.

(13) WEST 72D STREET TRANSIT STATION.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before the formula distribution of funds under such section, the Secretary shall make available $9,500,000 to refurbish and expand the West 72d Street Transit Station in New York, New York.

(14) TREN URBANO LIGHT RAIL LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $40,000,000 for the Tren Urbano Light Rail project in Puerto Rico.

(15) MEMPHIS RIVERFRONT LOOP.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,900,000 for the Memphis Riverfront Loop Light Rail project.

(16) DART NORTH CENTRAL LIGHT RAIL EXTENSION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $18,628,000 for the DART North Central Light Rail Extension project.

(17) AUSTIN LIGHT RAIL PROJECT.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the Austin Light Rail project.

(18) EDMONDS MULTI-MODAL CENTER.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $400,000 for fixed guideway improvements in the vicinity of the Edmonds, Washington ferry terminal.

(19) MILWAUKEE BUS PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $10,000,000 to purchase transit buses in Milwaukee County, Wisconsin.

(20) TRI-STATE TRANSIT AUTHORITY PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $3,416,000 to the Tri-State Transit Authority in Huntington, West Virginia, for the purchase of transit vehicles, equipment, and related right-of-way facility costs.

(21) ALASKA MARINE TRANSPORTATION SYSTEM.—Notwithstanding section 3(a) of the Federal Transit Act, from funds provided under section 3(k)(1)(B), the Secretary shall make available $20,000,000 to the State of Alaska for the Alaska Marine Transportation System project.

(22) LONG BEACH BUS PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $3,000,000 to the Long Beach Public Transportation Company for the purchase of buses and spare parts.

(23) PALM DESERT PEOPLE MOVER.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the Palm Desert People Mover Project.

(24) LOS ANGELES/BURBANK/GLENDALE/SAN FERNANDO VALLEY LIGHT RAIL/INTERMODAL CONNECTION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 for the Los Angeles/Burbank/Glendale/San Fernando Valley Light Rail/Intermodal Connection project.

(25) ORANGE COUNTY TRANSITWAY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $15,000,000 for the Orange County Transitway Project, including the connector in Costa Mesa, California .

(26) GOLDEN EMPIRE TRANSIT LIGHT RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $2,000,000 for the Golden Empire Transit Light rail project.

(27) DELAWARE AREA RAPID TRANSIT BUS PURCHASE.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $5,000,000 to the Delaware Area Rapid Transit District for the purchase of buses.

(28) TRI-COUNTY COMMUTER RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $20,000,000 for capital improvements to Tri-Rail Commuter Rail Service.

(29) SAFETY AND SECURITY PILOT PROJECT.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $2,750,000 for a safety and security pilot project in Champaign-Urbana, Rock Island, and Springfield, Illinois.

(30) METRA WISCONSIN CENTRAL COMMUTER RAIL LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 for capital improvements to provide commuter rail service between Antioch, Illinois, and Chicago Union Station.

(31) CINCINNATI NORTHEAST/NORTHERN KENTUCKY RAIL LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $6,000,000 for the Cincinnati Northeast/Northern Kentucky Rail Line project.

(32) WORCESTER INTERMODAL CENTER.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $20,000,000 for the Union Station Intermodal Center project.

(33) BOSTON COLLEGE ALTERNATIVE FUELS/ENVIRONMENTAL EFFICIENCY BUS DEMONSTRATION PROJECT.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $1,600,000 to Boston College for the alternative fuels/environmental efficiency bus demonstration project.

(34) SHADY GROVE TO FREDERICK CORRIDOR.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $5,000,000 to the State of Maryland for a corridor study of transit options in the Shady Grove to Frederick Corridor.

(35) BALTIMORE REGIONAL TRANSIT CORRIDOR STUDY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 to the State of Maryland for a study of transit corridors in the Baltimore and southern Maryland regions.

(36) WEST TRENTON LINE.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 to make capital improvements for the West Trenton Commuter Rail Line.

(37) WHITEHALL FERRY TERMINAL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $20,000,000 for reconstruction of the Whitehall Ferry Terminal in New York, New York.

(38) BUFFALO CROSSROADS STATION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $9,000,000 to the Niagara Frontier Transportation Authority for the Crossroads Station project.

(39) COLUMBUS NORTH CORRIDOR/OSU LINK.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $10,000,000 for the Columbus North Corridor/OSU Link project.

(40) BAYFRONT CENTRE INTERMODAL COMPLEX.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $8,000,000 for the Bayfront Centre Intermodal Complex project.

(41) ST. LOUIS METRO LINK EXTENSIONS.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $16,000,000 for the St. Clair extension to the St. Louis Metro Link light rail transit system, $2,450,000 for the Cross-County extension to such system, and $3,450,000 for the St. Charles extension to such system.

(42) ALBANY MULTIMODAL TRANSPORTATION FACILITY.—From funds provided under section 3(k)(1)(C), the Secretary shall make available $590,000 for the multimodal transportation facility in Albany, Oregon.

(43) MIAMI METRORAIL NORTH CORRIDOR EXTENSION.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $15,000,000 for the northern extension of the Metrorail rapid transit system in Miami, Florida.

(44) VALPARAISO-CHICAGO COMMUTER CORRIDOR STUDY.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $56,000 to determine the feasibility of restoring commuter rail service between Valparaiso, Indiana, and Chicago, Illinois.

(45) AREA TRANSPORTATION AUTHORITY OF NORTH CENTRAL PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $3,434,000 for construction of a bus maintenance facility in Elk County, satellite garage in Potter County, and CNG fueling equipment in DuBois for the Area Transportation Authority of North Central Pennsylvania.

(46) JOHNSTOWN, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $2,700,000 for the purchase of buses and repair of a storage and repair facility and associated fuel storage tanks for the Cambria County Transit Authority, Pennsylvania.

(47) INDIANA COUNTY, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $600,000 for the purchase of buses for the Indiana County Transit Authority, Pennsylvania.

(48) ALTOONA, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $1,200,000 for the purchase of buses and spare parts, an electronic public information system and capital improvements to the Altoona Transportation Center to Altoona Metro Transit, Pennsylvania.

(49) DUBOIS/FALLS CREEK/SANDY TOWNSHIP, PENNSYLVANIA.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $480,000 for the purchase of buses and lift-equipped vans for the DuBois/Falls Creek/Sandy Township Area Transit Authority, Pennsylvania.

(50) TACOMA EASTERN RAIL.—From funds provided under section 3(k)(1)(B) of the Federal Transit Act, the Secretary shall make available $4,000,000 to the city of Tacoma, Washington, for the Tacoma Eastern Rail project from Tacoma to Ashford.

(51) PITTSBURGH BUSWAY.—From funds provided under section 3(k)(1)(B) of the Federal

Transit Act, the Secretary shall make available $5,036,000 for the Pittsburgh Busway project.

(52) ILLINOIS BUS PROJECTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $5,000,000 for the purchase of buses in Peoria, Champaign-Urbana, Rockford, PACE in the suburban area of Chicago, and other nonurbanized area systems in Illinois.

(53) SOUTHWEST BROOKLYN TRANSIT STATION AND TRACK IMPROVEMENT PROJECT.—From funds provided under section 3(k)(1)(A) of the Federal Transit Act, and before formula distribution of funds under such section, the Secretary shall make available $4,000,000 to make station and track improvements in Southwest Brooklyn, New York.

(54) WISCONSIN BUS PROJECTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $2,600,000 for the purchase of buses, vans, and bus-related facilities to the State of Wisconsin.

(y) 1996 OLYMPIC AND PARA-OLYMPIC BUS GRANTS.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act in fiscal year 1995, the Secretary shall transfer $16,000,000 to the program being carried out under section 9 of such Act to make available $10,400,000 in capital and operating grants for the 1996 Olympic and Para-Olympic games and $5,600,000 in capital and operating grants for the 1996 Para-Olympic games. The Federal share of such grants shall be 100 percent.

(z) CALSTART CONSORTIUM.—From funds provided under section 3(k)(1)(C) of the Federal Transit Act, the Secretary shall make available $5,000,000 to the CALSTART Consortium to perform the services described in section 6071(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

SEC. 123. MULTIYEAR CONTRACT FOR METRO RAIL PROJECT.

(a) IN GENERAL.—Section 3034 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2126–2129) is amended—

(1) in subsection (b)(3)(A) by striking "$695,000,000" and inserting "$720,000,000";

(2) by adding at the end of subsection (e)(3) the following:

"(D) SCOPE.—The amended contract under subparagraph (A) shall provide Federal assistance for the design and construction of an interim operable segment of the East Side Extension, consisting of a line running generally east from Union Station of approximately 3.7 miles in length or in accordance with the East Side Extension locally preferred alternative, when approved by the Board of the Los Angeles County Metropolitan Transportation Authority.

"(E) FUNDING.—The $25,000,000 increase in authorization provided for Minimum Operable Segment-3 under the National Highway System Designation Act of 1994 shall be made available by the Secretary for funding the scope of the East Side Extension described in subparagraph (D). These funds shall be in addition to the amounts provided for the East Side Extension in the contract executed in May 1993 pursuant to subsection (b) of this section.".

(b) DEFINITIONS.—Section 3034(i)(3) of such Act is amended—

(1) by striking "7 stations" and inserting "12 stations";

(2) by striking "11.6" and inserting "15.4"; and

(3) by striking subparagraph (C) and inserting the following:

"(C) One line, known as the East Side Extension locally preferred alternative, running generally east from Union Station for approximately 6.8 miles to the Whittier/Atlantic Station, with 6 intermediate stations.".

SEC. 124. METRIC SYSTEM SIGNING.

(a) PLACEMENT OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to construct, erect, or otherwise place any sign relating to any speed limit, distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or other measurement using the metric system.

(b) MODIFICATION OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to modify any sign relating to any speed limit, any distance, or other measurement on any highway for the purpose of having such sign establish such speech limit, distance, or measurement using the metric system.

(c) DEFINITIONS.—For purposes of subsections (a) and (b), the following definitions apply:

(1) HIGHWAY.—The term "highway" has the meaning such term has under section 101 of title 23, United States Code.

(2) METRIC SYSTEM.—The term "metric system" has the meaning the term "metric system of measurement" has under section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

SEC. 125. METROPOLITAN PLANNING.

Section 134(g)(2)(A) of title 23, United States Code, is amended by inserting after "transit," the following: "airport, port, inland waterway,".

SEC. 126. STATEWIDE PLANNING.

(a) INTEGRATED STATE TRANSPORTATION SYSTEM FACILITIES.—Section 135(e) of title 23, United States Code, is amended by inserting after the first sentence the following: "The plan shall, at a minimum, identify transportation facilities (including major roadways, transit, airport, port, inland waterway, and multimodal and intermodal facilities) that should function as an integrated State transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.".

(b) MEETING FUNDING NEEDS OF INTERNATIONAL BORDER CROSSING COMMUNITIES.—Such section is further amended by inserting after the first sentence the following: "The State plan must consider the special transportation requirements created by international motor vehicle border crossings if applicable to such State.".

SEC. 127. HIGH PRIORITY CORRIDOR FEASIBILITY STUDY.

With amounts available to the Secretary under section 1105(h) of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary in cooperation with the States of Virginia and West Virginia shall conduct a study to determine the feasibility of establishing a route for the East-West Transamerica Corridor (designated pursuant to section 1105(c)(3) of such Act) from Beckley, West Virginia, utilizing a corridor entering Virginia near the city of Covington then moving south from the Allegheny Highlands to serve Roanoke and continuing east to Lynchburg. From there such route would continue across Virginia to the Hampton Roads-Norfolk area.

SEC. 128. REEVALUATION.

(a) INITIATION.—After completion of current construction on Interstate Route 10 and Gessner Road, Texas, the Secretary shall initiate a reevaluation in consultation with State and local officials of—

(1) a proposed exit ramp from the Sam Houston Tollway eastbound direct connector to the eastbound Interstate Route 10 frontage road between Beltway 8 and Gessner Road; and

(2) a proposed entrance ramp from the westbound Interstate Route 10 frontage road between Gessner Road and Beltway 8 to the westbound direct connector to the Sam Houston Tollway in Houston, Harris County, Texas.

(b) DEADLINE FOR DECISION.—The Secretary shall issue a decision on the proposed ramps referred to in subsection (a) within 6 months after completion of the construction referred to in subsection (a).

TITLE II—TECHNICAL CORRECTIONS TO ISTEA AND RELATED LAWS

SEC. 201. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended by striking the 1st undesignated paragraph of such section that relates to public lands highways.

SEC. 202. REFERENCES TO DWIGHT D. EISENHOWER SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

(a) DECLARATION OF POLICY.—Section 2 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914–1915) is amended—

(1) in the 3d undesignated paragraph by striking "National System of" and inserting "Dwight D. Eisenhower System of"; and

(2) in the 7th undesignated paragraph by striking "Interstate and Defense Highway System" and inserting "Dwight D. Eisenhower System of Interstate and Defense Highways".

(b) COMPLETION OF INTERSTATE SYSTEM.—Section 1001 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1915–1916) is amended in each of subsections (a) and (b) by striking "National".

(c) DEFINITION OF INTERSTATE SYSTEM IN TITLE 23.—The undesignated paragraph of section 101(a) of title 23, United States Code, relating to the Interstate System, is amended by striking "National".

(d) CONFORMING AMENDMENT TO VEHICLE WEIGHT LIMITATIONS.—Section 127(a) of title 23, United States Code, is amended by striking "National" each place it appears and inserting "Dwight D. Eisenhower".

(e) VEHICLE LENGTH RESTRICTION.—Section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)) is amended in each of paragraphs (1), (5)(D), and (6)(A) by striking "National" and inserting "Dwight D. Eisenhower".

(f) LONGER COMBINATION VEHICLE DEFINED.—Section 4007(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2153) is amended by striking "National" and inserting "Dwight D. Eisenhower".

(g) COMMEMORATION.—Section 6012 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2180–2181) is amended—

*(1) in the section heading by striking "**NATIONAL**"; and*

(2) in subsection (a) by striking "National".

SEC. 203. FEDERAL-AID SYSTEMS.

(a) INTERSTATE SYSTEM.—Section 103(e)(1) of title 23, United States Code, is amended by striking the next to the last sentence.

(b) SUBSTITUTE PROJECTS.—Section 103(e)(4) of such title is amended—

(1) in the last sentence of subparagraph (B) by striking "projects on the Federal-aid secondary system" and inserting "surface transportation program projects";

(2) in subparagraph (G) by inserting "and" before "$240,000,000"; and

(3) in subparagraph (J)(i) by inserting a comma after "October 1, 1991".

SEC. 204. APPORTIONMENT.

(a) SET-ASIDE.—Section 104(a) of title 23, United States Code, is amended—

(1) by striking "for the Federal-aid systems" and inserting "for this chapter"; and

(2) by striking "upon the Federal-aid systems" and inserting "under this chapter".

(b) CROSS REFERENCE TO INTERSTATE CONSTRUCTION PERIOD OF AVAILABILITY.—Section 104(b)(5)(A) of such title is amended by striking "118(b)(2)" and inserting "118(b)(1)".

(c) TECHNICAL AMENDMENT.—Section 104(b)(5)(B) of such title is amended by striking

the comma following "1984" each place it appears.

(d) REPEAL OF URBAN SYSTEM APPORTIONMENT.—Section 104(b)(6) of such title is repealed.

(e) PLANNING SET-ASIDE.—Section 104(f)(3) of such title is amended by striking "(j)".

(f) TRANSFERABILITY AMONG SAFETY AND BRIDGE PROGRAMS.—Section 104(g) of such title is amended by striking "Not more than" and all that follows through "any other of such sections" the second place it appears and inserting the following: "Not more than 40 percent of the amount which is apportioned in any fiscal year to each State under section 144 or which is reserved for such fiscal year under section 133(d)(1) only for carrying out section 130 or 152 may be transferred from the apportionment under section 144 or one of the reservations under section 133(d)(1) to the apportionment or reservation under such other section if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve the transfer of 100 percent of the apportionment under section 144 or one of the reservations under section 133(d)(1) to the apportionment or reservation under such other section".

SEC. 205. PROGRAMS OF PROJECTS.

(a) REPEAL OF REQUIREMENT.—Section 105 of title 23, United States Code, and the item relating to such section in the analysis for chapter 1 of such title are each repealed.

(b) CONFORMING AMENDMENTS.—Section 106(a) of such title is amended—

(1) by striking ", as soon as practicable after program approval,"; and

(2) by striking "included in an approved program".

(c) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—Section 1105(g)(7) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2036) is amended to read as follows:

"(7) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—In selecting projects for inclusion in a plan or program under chapter 1 of title 23, United States Code, a State may give priority to high priority segments of corridors identified under subsection (c) of this section.".

SEC. 206. ADVANCE ACQUISITION OF RIGHTS-OF-WAY.

(a) INTERSTATE SYSTEM.—Section 107(a)(2) of title 23, United States Code, is amended by striking "subsection (c)" and inserting "subsection (a)".

(b) APPORTIONED FUNDS.—Section 108(a) of such title is amended—

(1) by striking "on any Federal-aid highway" and inserting "for any project eligible for assistance under this chapter";

(2) by striking "on such highway" and inserting "on such project"; and

(3) by striking "a road" and inserting "the project".

(c) RIGHT-OF-WAY REVOLVING FUND FUNDS.—Section 108(c) of such title is amended—

(1) in paragraph (2) by striking "highways and passenger transit facilities on any Federal-aid system" and inserting "any project eligible for assistance under this chapter"; and

(2) in paragraph (3) by striking "such project for the actual construction" and all that follows through "Secretary" the last place it appears and inserting "actual construction of such project on rights-of-way with respect to which funds are advanced under this subsection, whichever shall occur first, the right-of-way revolving fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of this title, out of any funds apportioned under this chapter to the State in which such project is located and available for obligation for such projects and the State shall reimburse the Secretary".

(d) EARLY ACQUISITION.—Section 108(d)(2)(F) of such title is amended by striking "this Act" and inserting "this title".

SEC. 207. STANDARDS.

Section 109 of title 23, United States Code, is amended—

(1) in subsection (h) by striking "Federal-aid system" and inserting "Federal-aid highway"; and

(2) in subsection (q) by striking "under sections" and inserting "under section".

SEC. 208. LETTING OF CONTRACTS.

Section 112(g) of title 23, United States Code, relating to applicability to contracts for projects on the secondary system, as redesignated by section 103(c) of this Act, is repealed.

SEC. 209. PREVAILING RATE OF WAGE.

Section 113 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "highway projects on" and all that follows through "authorized under" and inserting "highway projects on Federal-aid highways authorized under";

(2) in subsection (a) by striking "upon the Federal-aid systems," and inserting "on Federal-aid highways,"; and

(3) in subsection (b) by striking "of the Federal-aid systems" and inserting "Federal-aid highway".

SEC. 210. CONSTRUCTION.

Section 114 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "highways or portions of highways located on a Federal-aid system" and inserting "Federal-aid highway or portion thereof";

(2) in subsection (b)(1) by striking "highways or portions of highways located on a Federal-aid system" and inserting "a Federal-aid highway or portion thereof"; and

(3) in subsection (b)(3) by striking "highways or portions of highways located on a Federal-aid system" and inserting "any Federal-aid highway or portion thereof".

SEC. 211. ADVANCE CONSTRUCTION.

Section 115 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "PLANS, SPECIFICATIONS," and inserting "PROJECT APPROVAL"; and

(2) in subsection (c) by striking "134," and the second comma after "144".

SEC. 212. MAINTENANCE.

Section 116 of title 23, United States Code, is amended—

(1) by inserting "highway" before "project" the first place it appears in each of subsections (a) and (c);

(2) in subsection (a) by striking "no longer constitutes a part of a Federal-aid system" and inserting "is no longer a Federal-aid highway"; and

(3) in subsection (b) by striking "the Federal-aid secondary system" and inserting "a Federal-aid highway".

SEC. 213. CERTIFICATION ACCEPTANCE.

Section 117 of title 23, United States Code, is amended—

(1) in subsection (e) by striking "2000(d)" and inserting "2000d"; and

(2) by striking subsection (f), relating to discharge of the Secretary's responsibilities with respect to the secondary system.

SEC. 214. AVAILABILITY OF FUNDS.

(a) PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by striking "Interstate construction in a State" and inserting "completion of the Interstate System in a State"; and

(2) in the second sentence by inserting "for completion of the Interstate System" after "shall be allocated".

(b) SET-ASIDE FOR INTERSTATE CONSTRUCTION PROJECTS.—Section 118(c)(1) of such title is amended by striking the period at the end of the first sentence and all that follows through the period at the end of the second sentence and inserting "for obligation at the discretion of the Secretary for projects to complete the Interstate System.".

(c) SET-ASIDE FOR 4R PROJECTS.—Section 118(c)(2) of such title is amended by inserting "of" after "$64,000,000 for each".

SEC. 215. FEDERAL SHARE.

(a) INTERSTATE SYSTEM PROJECTS.—Section 120(a) of title 23, United States Code, is amended by inserting before "including a project" the following: "including a project the cost for which is included in the 1991 interstate cost estimate and".

(b) SAFETY PROJECTS.—Section 120(c) of such title is amended by striking "for all the Federal-aid systems".

(c) EMERGENCY RELIEF.—The first sentence of section 120(e) of such title is amended—

(1) by striking "system, including" and inserting ", including a highway on";

(2) by striking "on a project on such system";

(3) by striking "and (c)" and inserting "and (b)"; and

(4) by striking "90 days" and inserting "180 days".

(d) PLANNING PROJECTS.—Section 120 of such title is amended by adding at the end the following new subsection:

"(j) PLANNING PROJECTS.—The Federal share payable on account of any project to be carried out with funds set aside under section 104(f) of this title shall be 80 percent of the costs thereof unless the Secretary determines that the interest of the Federal-aid highway program would best be served by decreasing or eliminating the non-Federal share of such costs.".

(e) CONFORMING AMENDMENT.—Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking "section 120(a) of title 23, United States Code;".

SEC. 216. PAYMENT TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) in subsection (b) by striking "After" and inserting "Except as otherwise provided in this title, after"; and

(2) in subsection (c) by striking "Federal-aid system" and inserting "Federal-aid highway".

SEC. 217. RELOCATION OF UTILITY FACILITIES.

Section 123(a) of title 23, United States Code, is amended—

(1) by striking "on any Federal-aid system" and inserting "eligible for assistance under this chapter"; and

(2) by striking the last sentence.

SEC. 218. ADVANCES TO STATES.

Section 124(a) of title 23, United States Code, is amended by striking "projects on any of the Federal-aid systems, including the Interstate System, he" and inserting "a project eligible for assistance under this title, the Secretary".

SEC. 219. EMERGENCY RELIEF.

(a) TECHNICAL AMENDMENT.—The first sentence of section 125(b) of title 23, United States Code, is amended by striking all preceding "Provided" and inserting the following: "The Secretary may expend funds from the emergency fund herein authorized for projects for repair or reconstruction on Federal-aid highways in accordance with the provisions of this chapter:".

(b) CONFORMING AMENDMENTS.—Section 125(b) of such title is further amended—

(1) by striking "authorized" in the second sentence and all that follows through the period

at the end of such sentence and inserting "authorized on Federal-aid highways."; and

(2) by striking "the Disaster Relief and Emergency Assistance Act (Public Law 93–288)" and inserting "The Robert T. Stafford Disaster Relief and Emergency Assistance Act".

SEC. 220. APPLICABILITY OF AXLE WEIGHT LIMITATIONS.

(a) WISCONSIN STATE ROUTE 78 AND UNITED STATES ROUTE 51.—Section 127 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a) of title 23, United States Code, the single axle, tandem axle, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the operation on such 104-mile portion of any vehicle which could legally operate on such 104-mile portion before the date of the enactment of this subsection.".

(b) VEHICLE WEIGHT LIMITATIONS IN THE STATE OF OHIO.—

(1) REVIEW.—The Secretary of Transportation shall review the Federal and State commercial motor vehicle weight limitations applicable to Federal-aid highways in the State of Ohio.

(2) WAIVER AUTHORITY.—If the Secretary of Transportation determines, on the basis of the review conducted under paragraph (1), that it is in the public interest, the Secretary may waive application of the vehicle weight limitations of section 127(a) of title 23, United States Code, and of the State certification requirements of sections 141(b) and 141(c) of such title, in whole or in part, to highways on the Dwight D. Eisenhower System of Interstate and Defense Highways in the State of Ohio for short wheel-base vehicles for such period as the Secretary determines may be necessary to permit a reasonable period of depreciation for short wheel-base vehicles purchased before October 1, 1991.

(3) MORATORIUM ON WITHHOLDING OF FUNDS.—Until the Secretary of Transportation makes a determination relating to the public interest under paragraph (2), the Secretary shall not withhold funds under section 127(a) or 141(c) of title 23, United States Code, from apportionment to the State of Ohio for failure to comply with such section with respect to short wheel-base vehicles.

(c) TECHNICAL AMENDMENTS.—Section 127 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "118(b)(1)" and inserting "118(b)(2)"; and

(2) in subsection (d)(1)(E) by striking "July 5, 1991" and inserting "July 6, 1991".

SEC. 221. TOLL ROADS.

(a) USE OF REVENUES.—Section 129(a)(3) of title 23, United States Code, is amended by striking "all toll revenues received" and all that follows through the period at the end of the first sentence and inserting the following: "toll revenues received from operation of the toll facility will be used for financing and any other obligations in respect of the facility, for reserves, for reasonable return to investors financing the project (as determined by the State), and for the costs necessary for the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation.".

(b) REFERENCE TO FEDERAL-AID HIGHWAYS.—The last sentence of section 129(a)(4) of such title is amended by striking "the Federal-aid system" and inserting "Federal-aid highways".

(c) LOANS.—Section 129(a)(7) of such title is amended—

(1) by inserting "or commit to loan" after "loan" the first place it appears;

(2) by striking "agency" each place it appears and inserting "entity";

(3) by inserting after "constructing" the first place it appears "or proposing to construct";

(4) by striking "all Federal environmental requirements have been complied with and permits obtained" and inserting "the National Environmental Policy Act of 1969 has been complied with";

(5) by inserting "to a private entity" after "Any such loan";

(6) by inserting after the fifth sentence the following new sentence: "Any such loan to a public entity shall bear interest at such rate as the State determines appropriate."; and

(7) by striking "the time the loan was obligated" and inserting "the date of the initial funding of the loan".

(d) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of such title is amended—

(1) in the first sentence of subsection (b) by striking "the route of which" and all that follows through the period at the end of such sentence and inserting "the route of which has been classified as a public road and has not been designated as a route on the Interstate System."; and

(2) in subsection (c)(4) by striking "and" preceding "repair".

(e) PILOT PROGRAM.—Section 129(d) of such title is amended—

(1) in each of paragraphs (1) and (3) by striking "7" and inserting "9";

(2) in paragraph (3) by striking "State of Pennsylvania" each place it appears and inserting "States of Pennsylvania and West Virginia"; and

(3) in paragraph (3) by inserting "the" before "State of Georgia".

(f) TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.—For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110), shall be treated as if such agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified accordingly.

(g) TREATMENT OF I–95 AND PENNSYLVANIA TURNPIKE.—For purposes of section 129 of title 23, United States Code, the project for construction of an interchange between Interstate Route 95 and the Pennsylvania Turnpike shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title.

SEC. 222. RAIL-HIGHWAY CROSSINGS.

Section 130 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "Except as provided in subsection (d) of" and inserting "Subject to";

(2) in subsection (a) by striking "entire" each place it appears;

(3) in subsection (a) by striking "except as provided in subsection (d) of" and inserting "subject to";

(4) in subsection (e) by striking "authorized for and";

(5) in subsection (e) by striking the last sentence;

(6) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(7) in subsection (f) as so redesignated by striking "railroad highway" and inserting "railroad-highway".

SEC. 223. SURFACE TRANSPORTATION PROGRAM.

(a) STATE CERTIFICATION.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "subsections (b) (3) and (4)" and inserting "subsections (b)(3) and (b)(4)";

(2) in subsection (d)(3)(B) by striking "tobe" and inserting "to be"; and

(3) in subsection (e)(2) by inserting after "each State" the following: "or the designated transportation authority of the State".

(b) TECHNICAL AMENDMENT.—Section 1007(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1930) is amended—

(1) by striking "104(b)(3)" and inserting "104(b)"; and

(2) by striking "to read as follows" and inserting "by inserting after paragraph (2) the following new paragraph".

SEC. 224. METROPOLITAN PLANNING.

(a) TECHNICAL AMENDMENTS.—Section 134 of title 23, United States Code, is amended—

(1) in each of subsections (b)(2), (b)(3), and (h)(4) by striking "the date of the enactment of this section" and inserting "December 18, 1991";

(2) in each of subsections (b)(3)(B) and (g)(2)(B) by striking "long-range" and inserting "long range";

(3) in subsection (f)(11) by inserting "passengers and" before "freight";

(4) in subsection (g)(5) by redesignating subparagraphs (i) and (ii) as subparagraphs (A) and (B); and

(5) in subsection (k) by striking "the Federal-Aid Highway Act of 1991" and inserting "this title".

(b) FACTORS TO BE CONSIDERED.—Section 134(f) of such title is amended by adding at the end the following new paragraphs:

"(16) Recreational travel and tourism.

"(17) Revitalization of the central urban core.".

(c) TRANSFER OF FUNDS.—Section 134(k) of such title is amended by striking the last sentence.

(d) CONFORMING CHAPTER ANALYSIS AMENDMENT.—The analysis for chapter 1 of such title is amended by striking

"134. Transportation planning in certain urban areas."

and inserting

"134. Metropolitan planning.".

SEC. 225. STATEWIDE PLANNING.

Section 135 of title 23, United States Code, is amended—

(1) in subsection (c) by striking paragraph (1) and inserting the following new paragraph:

"(1) The transportation needs identified through use of the management systems required by section 303 of this title.";

(2) in subsection (c)(5) by inserting after "nonmetropolitan areas" the following: ", including the identification of a rural priority local road and bridge system,";

(3) in subsection (c) by striking paragraph (15) and redesignating paragraphs (16) through (20) as paragraphs (15) through (19), respectively;

(4) in subsection (c)(18), as so redesignated, by striking "commercial motor vehicles" and inserting "passengers and freight";

(5) in subsection (d)(3) by striking "concerns" and inserting "transportation needs";

(6) in each of subsections (e) and (f)(1) by inserting "Indian tribal governments," after "private providers of transportation,"; and

(7) in subsection (h)—

(A) by striking "United States Code," and inserting "other Federal laws, and";

(B) by striking "this Act" and inserting "this title"; and

(C) by striking "or section 8 of such Act," and inserting "of this title, or section 8 of the Federal Transit Act,".

SEC. 226. CONTROL OF JUNKYARDS.

(a) STRICTER STATE STANDARDS.—Section 136(l) of title 23, United States Code, is amended by striking "the Federal-aid highway systems" and inserting "Federal-aid highways".

(b) PRIMARY SYSTEM DEFINED.—Section 136 of such title is amended by adding at the end the following new subsection:

"(n) PRIMARY SYSTEM DEFINED.—For purposes of this section, the term 'primary system' means the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.".

SEC. 227. NONDISCRIMINATION.

(a) STATE ASSURANCES.—Section 140(a) of title 23, United States Code, is amended by striking "any of the Federal-aid systems" and inserting "Federal-aid highways".

(b) TRAINING.—Section 140(b) of such title is amended—

(1) by striking "for the surface transportation program"; and

(2) by striking "the bridge program".

SEC. 228. ENFORCEMENT OF REQUIREMENTS.

Section 141(b) of title 23, United States Code, is amended by striking "the Federal-aid primary system" and all that follows through "including" and inserting "Federal-aid highways, including highways on".

SEC. 229. AVAILABILITY OF RIGHTS-OF-WAY.

Section 142 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "the surface" and inserting "surface"; and

(2) in subsection (f) by striking "exits" and inserting "exists".

SEC. 230. HIGHWAY BRIDGE PROGRAM.

(a) SET-ASIDES.—Section 144(g) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking "103" and inserting "1003";

(2) in paragraph (3) by striking "OFF-SYSTEM BRIDGES" and inserting "BRIDGES NOT ON FEDERAL-AID HIGHWAYS";

(3) in paragraph (3) by striking ", other than those on a Federal-aid system" and inserting "that are functionally classified as local or rural minor collectors"; and

(4) in paragraph (3) by striking "bridges not on a Federal-aid system" and inserting "such bridges".

(b) CROSS REFERENCE.—Section 144(i) of such title is amended by striking "307(e)" and inserting "307(h)".

(c) CONTINUATION OF EXISTING BRIDGE APPORTIONMENT CRITERIA.—The criteria for apportionment of funds used by the Department of Transportation under section 144 of title 23, United States Code, as in effect on September 30, 1991, shall remain in effect until September 30, 1997, or until changed by law, whichever occurs first.

SEC. 231. GREAT RIVER ROAD.

Section 148(a)(1) of title 23, United States Code, is amended by striking "centers of the State" and inserting "centers of the States".

SEC. 232. HAZARD ELIMINATION PROGRAM.

Section 152 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "authorized" and inserting "available"; and

(2) by striking subsections (d) and (e) and redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively.

SEC. 233. USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.

(a) REFERENCE TO DATE OF ENACTMENT.—Section 153 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "the date of the enactment of this section" and inserting "December 31, 1991"; and

(2) in subsection (i)(3) by striking "the date of the enactment of this section" and inserting "December 31, 1991,".

(b) ELIGIBILITY FOR GRANTS.—Section 153(f)(2) of such title is amended by striking "at all times" each place it appears.

(c) PENALTIES.—Section 153(h) of such title is amended—

(1) in paragraph (1) by striking "at any time in" and inserting "by the last day of";

(2) in paragraph (2) by inserting "by the last day of fiscal year 1995 or" after "If,";

(3) in paragraph (2) by striking "1994," and inserting "1995,"; and

(4) in paragraph (4)(A) by striking "under section 402" and inserting "by this subsection".

(d) DEFINITIONS.—Section 153(i) of such title is amended by adding at the end the following new paragraph:

"(5) STATE.—The term 'State' has the meaning such term has under chapter 4 of this title.".

SEC. 234. NATIONAL MAXIMUM SPEED LIMIT.

(a) EXISTING PROGRAM.—Section 154(a)(1) of title 23, United States Code, is amended by striking "on the Interstate System" and all that follows through "or more" and inserting "described in clause (2) or (3) of this subsection".

(b) NEW PROGRAM.—Section 1029 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1968–1970) is amended—

(1) in subsection (c)(1)(A) by inserting "of a State" after "apportionments";

(2) in subsection (c)(1)(A) by striking "if a State" and inserting "to the apportionment of the State under section 402 of such title if the State";

(3) in subsection (c) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) of subsection (c) the following new paragraph:

"(2) LIMITATION ON USE OF FUNDS.—

"(A) GENERAL RULE.—A State must obligate at least 50 percent of its funds transferred pursuant to this subsection for a fiscal year for speed limit enforcement and public information and education.

"(B) WAIVER.—Upon request of a State, the Secretary may waive the requirement of subparagraph (A) for any fiscal year if in the preceding fiscal year the State was in compliance with the speed limit requirements established pursuant to paragraph (1).".

SEC. 235. MINIMUM ALLOCATION.

Section 157 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "118(b)(2)" and inserting "118(b)(1)";

(2) in subsection (a)(3)(A) by striking "year 1989" and inserting "years 1989"; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 236. NATIONAL MINIMUM DRINKING AGE.

Section 158 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "104(b)(5), and 104(b)(6)" each place it appears and inserting "104(b)(3), and 104(b)(5)";

(2) in subsection (b)(1)(A)(iii) by striking "104(b)(6)" and inserting "104(b)(3)";

(3) in subsection (b)(3)(B) by striking "104(b)(5)(B), or 104(b)(6)" and inserting "104(b)(3), or 104(b)(5)(B)"; and

(4) in each of subsections (b)(3) and (b)(4) by striking "118(b)" and inserting "118".

SEC. 237. REVOCATION OF DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.

Section 159 of title 23, United States Code, is amended in each of subsections (b)(3) and (b)(4) by striking "118(b)" and inserting "118".

SEC. 238. REIMBURSEMENT FOR SEGMENTS OF INTERSTATE SYSTEM CONSTRUCTED WITHOUT FEDERAL ASSISTANCE.

Section 160 of title 23, United States Code, is amended—

(1) in subsection (b) by striking "The amount" and inserting "Subject to subsection (g), the amount"; and

(2) by adding at the end the following new subsection:

"(g) PUERTO RICO.—Notwithstanding any other provision of this section, Puerto Rico shall receive in a fiscal year ½ of 1 percent of the amounts appropriated pursuant to subsection (f) for such fiscal year. No State (including the District of Columbia) which has a reimbursement percentage in the table contained in subsection (c) of 0.50 shall have its reimbursement amount in fiscal years 1996 and 1997 reduced as a result of the enactment of the preceding sentence.".

SEC. 239. FEDERAL LANDS HIGHWAY PROGRAM.

(a) PUBLIC LANDS HIGHWAYS ALLOCATION.—Section 202(b) of title 23, United States Code, is amended by striking "66 percent of the remainder" and inserting "the remaining 66 percent".

(b) AVAILABILITY OF FUNDS.—Section 203 of such title is amended by striking the comma preceding "forest development" each place it appears.

(c) PURPOSES FOR WHICH FUNDS MAY BE USED.—Section 204(b) of such title is amended—

(1) by striking "construction and improvement" each place it appears and inserting "planning, research, engineering, and construction"; and

(2) by striking "construction or improvement" and inserting "planning, research, engineering, or construction".

(d) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS.—Section 204(c) of such title is amended by inserting "of" after "15 percent".

(e) OBLIGATION OF FUNDS.—Section 204 of such title is amended by adding at the end the following new subsection:

"(k) OBLIGATION OF FUNDS.—Notwithstanding any other provision of law, funds available for Federal lands highway programs shall be treated as obligated if—

"(1) the Secretary authorizes engineering and related work for a particular project; or

"(2) the Secretary approves plans, specifications, and estimates for procurement of construction under section 106 or 117 of this title.".

(f) REFERENCE TO PARK ROADS.—Section 1003(a)(6)(C) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) by striking "HIGHWAYS" in the subparagraph heading and inserting "ROADS"; and

(2) by striking "highways" the place it appears preceding "$69,000,000" and inserting "roads".

(g) TECHNICAL AMENDMENT.—Section 1032(b)(2) (A) of such Act (105 Stat. 1974) is amended by striking "improvements" and inserting "improvement".

SEC. 240. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAY.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b) by inserting "pedestrian walkways and" before "bicycle transportation facilities";

(2) in subsection (f) by striking "and the Federal share" and all that follows through "80 percent";

(3) by redesignating subsection (j) as subsection (k); and

(4) by inserting after subsection (i) the following new subsection:

"(j) INCLUSION OF PEDESTRIAN WALKWAYS AND BICYCLE TRANSPORTATION FACILITIES IN PLANNING.—

"(1) GENERAL RULE.—The Secretary may not approve under this chapter a highway project for new construction or reconstruction within the boundaries of a State along which a pedestrian walkway or bicycle transportation facility is required to be included under the State's

transportation improvement plan developed under section 135 unless such pedestrian walkway or bicycle transportation facility is part of such highway project.

"(2) EXCEPTION.—The Secretary does not have to approve a project for construction of a pedestrian walkway or bicycle transportation facility under paragraph (1)—

"(A) if the Secretary determines that such construction is not feasible or that use of the walkway or facility would pose a safety risk to pedestrians or bicyclists, as the case may be; or

"(B) the Secretary determines that there will be no substantial transportation or recreation benefit resulting from the project.".

SEC. 241. STATE HIGHWAY DEPARTMENT.

Section 302(b) of title 23, United States Code, is amended by striking "on the Federal-aid secondary system, financed with secondary funds," and inserting "not on the National Highway System".

SEC. 242. MANAGEMENT SYSTEMS.

Section 303 of title 23, United States Code, is amended in each of subsections (a) and (b) by striking "1 year after the date of the enactment of this section" and inserting "December 18, 1992".

SEC. 243. STATE PLANNING AND RESEARCH.

Section 307 of title 23, United States Code, is amended—

(1) in subsection (c)(1) by striking "104" and inserting "104(b)";

(2) in subsection (e)(3)(C) by striking "climactic" and inserting "climatic";

(3) in subsection (e)(13) by striking the quotation marks preceding "$35,000,000";

(4) in subsection (f)(2) by striking "section" the first place it appears and inserting "paragraph";

(5) in the heading to subsection (f)(3) by inserting "EARTHQUAKE" after "NATIONAL"; and

(6) in subsection (f)(3) by inserting "Earthquake" after "National".

SEC. 244. APPROPRIATION FOR HIGHWAY PURPOSES OF FEDERAL LANDS.

Section 317(d) of title 23, United States Code, is amended by striking "system" and inserting "highway".

SEC. 245. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

Section 325(a)(5) of title 23, United States Code, is amended by striking "the date of the enactment of this section" and inserting "December 18, 1991".

SEC. 246. HIGHWAY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 402 of title 23, United States Code, is amended to read as follows:

"§402. Highway safety programs

"(a) IN GENERAL.—Each State shall have a highway safety program approved by the Secretary which is designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom.

"(b) UNIFORM GUIDELINES.—

"(1) REQUIREMENT.—The State highway safety programs approved under this section shall be in accordance with uniform guidelines promulgated by the Secretary.

"(2) PERFORMANCE CRITERIA.—The uniform guidelines shall be expressed in terms of performance criteria.

"(3) PURPOSES.—The uniform guidelines shall include, at a minimum, criteria relating to—

"(A) reducing injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits;

"(B) encouraging the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and increasing public awareness of the benefit of motor vehicles equipped with airbags;

"(C) reducing deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance;

"(D) reducing deaths and injuries resulting from accidents involving motorcycles;

"(E) reducing injuries and deaths resulting from accidents involving school buses; and

"(F) improving law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures.

"(4) EFFECTIVENESS DETERMINATION.—A State highway safety program relating to a guideline established pursuant to paragraph (3) shall be considered a most effective program for purposes of subsection (i) unless the Secretary determines, after a rulemaking process under subsection (i), that it should not be so considered and submits a report to Congress describing the reasons for the determination.

"(5) ADDITIONAL PURPOSES.—The uniform guidelines may include provisions to improve driver performance (including driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance and bicycle safety. In addition the uniform guidelines may include provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, and emergency services.

"(6) APPLICABILITY TO FEDERALLY ADMINISTERED AREAS.—The uniform guidelines which are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

"(7) LIMITATION ON STATUTORY CONSTRUCTION.—Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State.

"(8) COOPERATION IN PROMULGATION.—Uniform guidelines promulgated by the Secretary to carry out this section shall be developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate.

"(9) ASSISTANCE OF OTHER FEDERAL DEPARTMENTS.—The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform guidelines for the highway safety programs contemplated by this subsection and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

"(c) REQUIREMENTS FOR APPROVAL.—

"(1) IN GENERAL.—The Secretary may not approve a State highway safety program under this section which does not—

"(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

"(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary under this section;

"(C) except as provided in paragraph (2), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B); and

"(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

"(3) USE OF TECHNOLOGY FOR TRAFFIC ENFORCEMENT.—The Secretary may encourage States to use technologically advanced traffic enforcement devices (including the use of automatic speed detection devices such as photoradar) by law enforcement officers.

"(d) DATA COLLECTION AND REPORTING PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a highway safety program for the collection and reporting of data on traffic-related deaths and injuries by the States. Under such program, the States shall collect and report to the Secretary such data as the Secretary may require.

"(2) PURPOSES.—The purposes of the program under this subsection are to ensure national uniform data on such deaths and injuries and to allow the Secretary to make determinations for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs.

"(3) PROGRAM REQUIREMENTS.—The program under this subsection shall include information obtained by the Secretary under section 4004 of the Intermodal Surface Transportation Efficiency Act of 1991 and provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts.

"(4) REPORTING CRITERIA.—The Secretary shall establish minimum reporting criteria for the program under this subsection. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents.

"(e) USE OF FUNDS.—

"(1) FOR HIGHWAY SAFETY PROGRAMS.—Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of traffic accidents and deaths and injuries resulting therefrom.

"(2) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States under subsection (f).

"(3) LIMITATION.—Nothing in this section authorizes the appropriation or expenditure of funds—

"(A) for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines); or

"(B) for any purpose for which funds are authorized by section 403 of this title.

"(f) APPORTIONMENT OF FUNDS.—

"(1) FORMULA.—After the deduction under subsection (e)(2), the remainder of the funds authorized to be appropriated to carry out this section shall be apportioned 75 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States.

"(2) MINIMUM PERCENTAGE.—The annual apportionment to each State shall not be less than ½ of 1 percent of the total apportionment; except that the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than ¼ of 1 percent of the total apportionment.

"(3) APPROVED HIGHWAY SAFETY PROGRAM.—The Secretary shall not apportion any funds under this subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section.

"(4) REDUCTION OF APPORTIONMENT.—Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 percent of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction.

"(5) APPORTIONMENT OF WITHHELD FUNDS.—The Secretary shall promptly apportion to the State the funds withheld from its apportionment if the Secretary approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

"(6) DETERMINATION OF PUBLIC ROAD MILEAGE.—For the purposes of this subsection, the term a 'public road' means any road under the jurisdiction of, and maintained by, a public authority and open to public travel. As used in this subsection, public road mileage shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying the provisions of chapter 1 of this title in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State for the purposes of this section.

"(h) APPLICATION IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of the application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding the provisions of subsection (c)(1)(C), 95 percent of the funds transferred to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subsection (c)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—For the purpose of this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

"(i) RULEMAKING PROCESS.—The Secretary may from time to time conduct a rulemaking process to determine those highway safety programs that are most effective in reducing traffic accidents, injuries, and deaths. Any rule under this subsection shall be promulgated taking into account consideration of the views of the States having a major role in establishing such programs. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing traffic accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.".

(b) SECTION 2005.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) by striking "and" the first place it appears and inserting a comma; and

(2) by striking ", 1994," and inserting "and 1994, and $146,000,000 for each of fiscal years".

SEC. 247. NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.

Section 404(d) of title 23, United States Code, is amended by striking "Commerce" and inserting "Transportation".

SEC. 248. ALCOHOL-IMPAIRED DRIVING COUNTER- MEASURES.

(a) TECHNICAL AMENDMENT.—Section 410(d)(1)(E) of title 23, United States Code, is amended by striking "the date of enactment of this section" and inserting "December 18, 1991".

(b) BASIC GRANT ELIGIBILITY.—Section 410(d)(3) of such title is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following:

"(B) A State shall be treated as having met the requirement of this paragraph if—

"(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

"(ii) the State demonstrates to the satisfaction of the Secretary—

"(I) that the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

"(II) that the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years.".

SEC. 249. PUBLIC TRANSIT FACILITIES.

Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking "this Act" each place it appears and inserting "the Department of Transportation and Related Agencies Appropriations Act, 1993".

SEC. 250. PENSACOLA, FLORIDA.

Section 1086(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2022) is amended by striking "Not later than 2 years after the date of the enactment of this Act," and inserting "On or before June 18, 1995,".

SEC. 251. HIGH COST BRIDGE PROJECT.

The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027–2028) is amended in item number 5, relating to Gloucester Point, Virginia, by inserting after "York River" the following: "and for repair, strengthening, and rehabilitation of the existing bridge".

SEC. 252. CONGESTION RELIEF PROJECT.

The table contained in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2029–2031) is amended—

(1) in item number 10, relating to San Diego, California, by striking "1 block of Cut and Cover Tunnel on Rt. 15" and inserting "bridge decking on Route 15"; and

(2) in item number 43, relating to West Virginia, by striking "Coal Fields" and inserting "Coalfields".

SEC. 253. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) EAST-WEST TRANSAMERICA CORRIDOR.—Section 1105(c)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by inserting before the period at the end the following: ", including (A) a Kentucky corridor centered on the cities of Paducah, Benton, Hopkinsville, Bowling Green, Columbia, Somerset, London, Hazard, Jenkins, and Pikeville, Kentucky, to Williamson, West Virginia, and (B) a West Virginia corridor from Williamson to the vicinity of Welch, West Virginia, sharing a common corridor with the I-73/74 corridor (referred to in item 12 of the table contained in subsection (f)), and from the vicinity of Welch to Beckley, West Virginia, as part of the Coalfields Expressway described in section 1069(v)".

(b) INDIANAPOLIS TO HOUSTON CORRIDOR.—Section 1105(c)(18) of such Act (105 Stat. 2032) is amended by inserting before the period at the

end the following: ", including a Kentucky corridor centered on the cities of Henderson, Sturgis, Smithland, Paducah, Bardwell, and Hickman, Kentucky".

SEC. 254. HIGH PRIORITY CORRIDOR PROJECT.

The table contained in section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033–2035) is amended—

(1) in item 1, relating to Pennsylvania, by inserting after "For" the following: "the segment described in item 6 of this table and, after completion of such segment, for"; and

(2) in item number 26, relating to Indiana, Kentucky, Tennessee, by striking "Newberry" and inserting "Evansville".

SEC. 255. RURAL ACCESS PROJECTS.

(a) PROJECT DESCRIPTIONS.—The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037–2042) is amended—

(1) in item number 34, relating to Illinois, by striking "Resurfacing" and all that follows through "Omaha" and inserting "Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County";

(2) in item number 52, relating to Bedford Springs, Pennsylvania, by striking "and Huntington" and inserting "Franklin, and Huntingdon";

(3) in item number 61, relating to Lubbock, Texas, by striking "with" and inserting "with Interstate 10 through";

(4) in item number 75, relating to Pennsylvania, by striking "Widen" and all that follows through "lanes" and inserting "Road improvements on a 14-mile segment of U.S. Route 15 in Lycoming County, Pennsylvania";

(5) in item number 92, relating to Ohio, by striking "Minerva, Ohio" and insert "Lisbon, Ohio";

(6) in item number 93, relating to New Mexico, by striking "Raton-Clayton Rd., Clayton, New Mexico" and inserting "U.S. Rt. 64/87 from Raton, New Mexico, through Clayton to the Texas-New Mexico State line"; and

(7) in item number 111, relating to Parker County, Texas (SH199)—

(A) by striking "Parker County" and inserting "Parker and Tarrant Counties"; and

(B) by striking "to four-" and inserting "in Tarrant County, to freeway standards and in Parker County to a 4-".

(b) ADDITIONAL FUNDING.—Section 1106(a) of such Act is amended by adding at the end the following:

"(8) ADDITIONAL FUNDING.—In addition to funds otherwise made available by this subsection for the project described in item number 52 of the table contained in paragraph (2), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for carrying out such project $5,000,000 for fiscal year 1995 and $1,300,000 per fiscal year for each of fiscal years 1996 and 1997.".

SEC. 256. URBAN ACCESS AND MOBILITY PROJECTS.

The table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2043–2047) is amended—

(1) in item number 13, relating to Joliet, Illinois, by striking "and construction and interchange at Houbolt Road and I–80"; and

(2) in item number 36, relating to Compton, California, by striking "For a grade" and all that follows through "Corridor" and inserting "For grade separations and other improvements in the city of Compton, California".

SEC. 257. INNOVATIVE PROJECTS.

The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048–2059) is amended—

(1) in item 20, relating to Holidaysburg, Pennsylvania—

(A) by striking "Holidaysburg," the first place it appears; and

(B) by inserting ", or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania" after "Pennsylvania" the second place it appears;

(2) in item number 29, relating to Blacksburg, Virginia, by inserting "methods of facilitating public and private participation in" after "demonstrate";

(3) in item number 35, relating to Alabama, by striking "to bypass" and all that follows through "I–85" and inserting "beginning on U.S. Route 80 west of Montgomery, Alabama, and connecting to I–65 south of Montgomery and I–85 east of Montgomery";

(4) in item number 52, relating to Pennsylvania, by striking "off Interstate" and all that follows through "Pennsylvania" and inserting "and other highway projects within a 30-mile vicinity of Interstate Route 81 or Interstate Route 80 in northeastern Pennsylvania";

(5) in item number 61, relating to Mojave, California, by striking "Mojave" and inserting "Victorville" and by inserting "Mojave" after "reconstruct";

(6) in item number 76, relating to Tennessee—

(A) by inserting after "I–81" the following: "interchange at"; and

(B) by striking "Interchange" and inserting "or Kendrick Creek Road";

(7) in item number 100, relating to Arkansas, by striking "Thornton" and inserting "Little Rock";

(8) in item number 113, relating to Durham County, North Carolina, by inserting after "Route 147" the following: ", including the interchange at I–85"; and

(9) in item number 114, relating to Corpus Christi to Angleton, Texas, by striking "Construct new multi-lane freeway" and inserting "Construct a 4-lane divided highway".

SEC. 258. INTERMODAL PROJECTS.

The table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2060–2063) is amended—

(1) in item number 9, relating to E. Haven/Wallingford, Connecticut—

(A) by striking "$8.8" and inserting "$7.5";

(B) by striking "$2.4" and inserting "$2.0"; and

(C) by striking "$0.7" and inserting "$0.6";

(2) in item 38, relating to Provo, Utah, strike "South" and all that follows through "Airport" and insert "East-West Connector from United States Highway 89–189, Provo, Utah"; and

(3) in item 51, relating to Long Beach, California, by inserting "(including a grade separation project for the Los Alamitos traffic circle at Lakewood Boulevard and Pacific Coast Highway)" after "Access".

SEC. 259. MISCELLANEOUS INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT AMENDMENTS.

(a) CROSS REFERENCE IN HIGHWAY USE TAX EVASION PROGRAM.—Section 1040(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking "(e)" and inserting "(f)".

(b) REPORT TO CONGRESS ON QUALITY IMPROVEMENT.—Section 1043(b) of such Act (105 Stat. 1993) is amended by inserting "General" after "Comptroller".

(c) COALFIELDS EXPRESSWAY.—Section 1069(v) of such Act (105 Stat. 2010) is amended by striking "97, 10, 16, and 93" and inserting "16, and 83".

(d) PERIOD OF AVAILABILITY OF FUNDS FOR MISCELLANEOUS PROJECTS.—Section 1069 of such Act is amended—

(1) by striking the last sentence of subsection (y); and

(2) by adding at the end the following new subsection:

"(ii) PERIOD OF AVAILABILITY.—Funds provided to carry out this section shall remain available until expended.".

(e) FINAL RULE FOR ROADSIDE BARRIERS AND SAFETY APPURTENANCES.—Section 1073(b) of such Act (105 Stat. 2012) is amended by striking "1 year" and inserting "2 years".

(f) INTERSTATE STUDY COMMISSION.—Section 1099 of such Act (105 Stat. 2026) is amended—

(1) by striking "bill" and inserting "Act";

(2) by striking "passage of this legislation" and inserting "the enactment of this Act";

(3) by inserting after "Columbia" the second place it appears the following: "appointed by the Governors of the States of Maryland and Virginia and the Mayor of the District of Columbia, respectively"; and

(4) by striking "appointed by the Governors and the Mayor" and inserting ", 1 each for Maryland, Virginia, and the District of Columbia appointed by the Governors and the Mayor, respectively".

(g) DRUG RECOGNITION EXPERT TRAINING PROGRAM.—Section 2006(b) of such Act (23 U.S.C. 403 note; 105 Stat. 2080) is amended by inserting "Federal" before "Advisory".

(h) APPLICABILITY OF OBLIGATION CEILING TO CERTAIN HIGHWAY SAFETY PROGRAMS.—Section 2009 of such Act (105 Stat. 2080) is amended—

(1) by striking "(a) IN GENERAL.—";

(2) by striking "211(b)" the first place it appears and inserting "211";

(3) by striking "102" and inserting "1002"; and

(4) by striking subsection (b).

SEC. 260. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

In administering section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991, the limitation on annual gross receipts of a small business concern set forth in paragraph (2)(A) of such section shall be the only limitation on annual gross receipts which applies to small business concerns.

SEC. 261. AMENDMENTS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.

(a) SECTION 149.—Section 149(a)(69) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), relating to Burbank-Glendale-Pasadena Airport, California, is amended—

(1) in the first sentence by striking "highway";

(2) in the first sentence by striking "and construction of terminal and parking facilities at such airport"; and

(3) by striking "by making" in the second sentence and all that follows through the period at the end of such sentence and inserting: "by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.".

(b) SECTION 317.—Section 317(b) of such Act (49 U.S.C. App. 1608 note; 101 Stat. 233) is amended—

(1) in paragraphs (2) and (3) by inserting "or cooperative agreement" after "contract" each place it appears; and

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

"(7) CONVERSION OF CONTRACTS.—The Secretary may convert existing contracts entered into under this subsection into cooperative agreements.".

SEC. 262. FREEWAY SERVICE PATROLS.

(a) GENERAL RULE.—Except to the extent that the Secretary shall find that it is not feasible, any funds expended in a fiscal year directly or indirectly for freeway service patrols from amounts made available to a State under titles

I and III of the Intermodal Surface Transportation Efficiency Act of 1991 shall be expended with privately owned or privately operated business concerns. The preceding sentence shall not apply to any publicly owned or operated freeway service patrol that was in operation before the date of the enactment of this Act.

(b) DEFINITION.—For purposes of this section, the term "freeway service patrol" means automotive road service vehicles and automotive towing vehicles operated in a continuous, dedicated service as part of an incident management program.

SEC. 263. PAN AMERICAN HIGHWAY.

(a) STUDY.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

(b) ELEMENTS.—The study to be conducted under subsection (a) shall at a minimum include the following elements:

(1) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

(2) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.

(3) Recommendations for establishing a Pan American highway authority to monitor financing, construction, maintenance, and operations of the Pan American Highway.

(4) Findings on the benefits to trade and prosperity of a more efficient Pan American Highway.

(5) Findings on the benefits to United States industry through the use of United States technology and equipment in construction of improvements to the Pan American Highway.

(6) Findings on environmental considerations, including environmental considerations relating to the Darien Gap.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 264. SECTION 3 PROGRAM AMENDMENTS.

(a) LETTERS OF INTENT.—Section 3(a)(4)(E) of the Federal Transit Act (49 U.S.C. App. 1602(a)(4)(E)) is amended—

(1) in the first sentence by striking "letters of intent" and all that follows through "shall not exceed the" and inserting "letters of intent, early systems work agreements, and full funding grant agreements shall not exceed the"; and

(2) in the second sentence by striking "new letters issued" and all that follows through "shall not exceed any" and inserting "new letters issued and contingent commitments included in early systems work agreements and full funding agreements shall not exceed any".

(b) ASSURED TIMETABLE FOR FINAL DESIGN STAGE.—Section 3(a)(6)(C) of the Federal Transit Act (49 U.S.C. App. 1602(a)(6)(C)) is amended by inserting before the period at the end the following: "or, if an environmental impact statement is not required for such project, the date of completion of an environmental assessment for such project or of a finding of no significant impact".

(c) OREGON LIGHT RAIL PROGRAM.—Section 3(a)(8)(C)(v) of such Act is amended—

(1) by striking "Westside" the first place it appears;

(2) by striking "and" following "101-584;"; and

(3) by inserting before the period at the end the following "; and the locally preferred alternative for the South/North Corridor Project between Clackamas County, Oregon, Portland, Oregon, and Clark County, Washington".

(d) RAIL MODERNIZATION.—Section 3(h) of such Act is amended in paragraph (6) by striking "paragraph" and inserting "subsection".

(e) NONAPPLICABILITY.—Section 3(i)(5)(C) of such Act is amended by striking "the Federal-Aid Highway Act of 1991" and inserting the following: "title 23, United States Code,".

(f) TRANSITIONAL PROVISION FOR PROGRAMS OF INTERRELATED PROJECTS.—Section 3011(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. App. 1602 note; 105 Stat. 2098) is amended by inserting after "interrelated projects" the following: "but excluding any project for which a timetable for project review or for Federal funding is provided for by a provision of law other than section 3(a)(6) of the Federal Transit Act and for which such timetable is different than the timetable established by such section".

(g) CONFORMING AMENDMENTS.—Section 3007 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2091) is amended—

(1) in paragraph (5)(B) by striking the comma which precedes the closing quotation marks and the semicolon; and

(2) in paragraph (6) by striking the comma which precedes the closing quotation marks and the final period.

SEC. 265. METROPOLITAN PLANNING.

(a) TECHNICAL AMENDMENTS.—Section 8 of the Federal Transit Act (49 U.S.C. App. 1607) is amended—

(1) in subsection (f)(5) by inserting "of title 23, United States Code" after "133";

(2) in subsection (f)(9) by striking "of this title" and inserting "of such title";

(3) in subsection (f)(11) by inserting "passengers and" before "freight";

(4) in subsection (g)(5) by redesignating subparagraphs (i) and (ii) as subparagraphs (A) and (B), respectively;

(5) in subsection (i)(3) by striking "this title and the Federal Transit Act" and inserting "title 23, United States Code, and this Act";

(6) in subsection (i)(4) by striking "or pursuant to the Federal Transit" and inserting ", or pursuant to this";

(7) in subsection (i)(5) by inserting "of title 23, United States Code," after "section 134";

(8) in subsection (i)(5) by inserting "of such title" after "104(b)(3)";

(9) in subsection (i)(5) by inserting "of such title" after "133(d)(3)" each place it appears;

(10) in subsection (i)(5) by striking "the Federal Transit" the first 2 places it appears and inserting "this";

(11) in subsection (i)(5) by striking "section 8(o) of the Federal Transit Act" and inserting "subsection (o) of this section";

(12) in subsection (m)(1) by striking "or the Federal Transit" and inserting ", or this";

(13) in each of subsections (p)(2) and (p)(4) by striking "section 8" the first place it appears and inserting "this section";

(14) in subsection (p)(2) by striking "section 8 of this Act" and inserting "this section";

(15) in subsection (p)(3) by striking "subparagraph (B)" and inserting "paragraph (2)"; and

(16) in subsection (p)(5) by striking "paragraph" and inserting "section".

(b) FACTORS TO BE CONSIDERED.—Section 8(f) of such Act is amended by adding at the end the following new paragraph:

"(16) Recreational travel and tourism.".

(c) LONG RANGE PLAN.—Section 8(g)(2)(B) of such Act is amended by striking "long-range" and inserting "long range".

(d) TRANSFER OF FUNDS.—Section 8(k) of such Act is amended by striking the last sentence.

(e) NONATTAINMENT AREA REQUIREMENTS.—Section 8(l) of such Act is amended by striking "transit" and inserting "highway".

SEC. 266. FORMULA GRANT PROGRAM.

(a) TRANSIT SECURITY SYSTEMS.—Section 9(e)(3) of the Federal Transit Act (49 U.S.C. App. 1607a(e)(3)) is amended by inserting before "and any other" in the last sentence the following: "employing law enforcement or security personnel in areas within or adjacent to such systems;".

(b) GRANDFATHER OF CERTAIN URBANIZED AREAS.—Section 9(s)(2) of such Act is amended by striking "fiscal year 1993," and inserting "each of fiscal years 1993 and 1994,".

(c) FERRYBOAT OPERATIONS.—For purposes of calculating apportionments under section 9 of the Federal Transit Act for fiscal years beginning after September 30, 1994, 50 percent of the ferryboat revenue vehicle miles and 50 percent of the ferryboat route miles attributable to service provided to the city of Avalon, California, for which the operator receives public assistance shall be included in the calculation of "fixed guideway vehicle revenue miles" and "fixed guideway route miles" attributable to the Los Angeles urbanized area under sections 9(b)(2) and 15 of such Act.

SEC. 267. MASS TRANSIT ACCOUNT BLOCK GRANTS.

Section 9B(a) of the Federal Transit Act (49 U.S.C. App. 1607a-2(a)) is amended by striking "subsections (b) and (c) of".

SEC. 268. GRANTS FOR RESEARCH AND TRAINING.

(a) NATIONAL CENTER.—Section 11(b)(10)(A) of the Federal Transit Act (49 U.S.C. 1607c(b)(10)(A)) is amended by striking "technology" and inserting "Technology".

(b) APPLICABILITY OF OBLIGATION CEILING TO FUNDING FOR UNIVERSITY TRANSPORTATION CENTERS.—Section 11(b)(12) of such Act is amended by striking "102" and inserting "1002".

(c) INTERNATIONAL INSTITUTE FOR SURFACE TRANSPORTATION POLICY STUDIES.—Section 11(c) of such Act is amended—

(1) in the heading to paragraph (1) by striking "INSTITUTE FOR NATIONAL" and inserting "INTERNATIONAL INSTITUTE FOR";

(2) in paragraph (1) by striking "an institute for national" and inserting "an international institute for";

(3) in paragraph (3) by striking "through the Institute for Transportation Research and Education and" and inserting a comma;

(4) in paragraph (3) by inserting a comma after "South Florida"; and

(5) in paragraph (6) by striking "through the Institute for Transportation Research and Education".

SEC. 269. GENERAL PROVISIONS.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 12(b) of the Federal Transit Act (49 U.S.C. App. 1608(b)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULES FOR ENGINEERING AND DESIGN CONTRACTS.—

"(A) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with paragraph (4), whether funded in whole or in part with Federal transit funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

"(B) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with paragraph (4) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant government agency or independent certified public accountant if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings in accordance with section 15.901(c) of such title 48. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to any other firm or to any govern-

ment agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

"(C) STATE OPTION.—Subparagraphs (A) and (B) shall take effect 2 years after the date of the enactment of this paragraph with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to such State.".

(b) RAIL TRACKAGE RIGHTS AGREEMENTS.—Section 12(c)(1) of such Act is amended by inserting "payments for the capital portions of rail trackage rights agreements," after "rights-of-way,".

(c) TECHNICAL AMENDMENT.—The first sentence of section 12(f)(1) of such Act is amended by striking "such State of local" and inserting "such State or local".

(d) TURNKEY SYSTEM PROJECT.—Section 12(l) of such Act is amended—

(1) in paragraph (1)(C) by striking "is" and inserting "may be"; and

(2) in paragraph (3) by striking "the date of the enactment of this Act" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991".

(e) SALE OF CAPITAL ASSETS.—Section 12 of such Act is further amended by adding at the end the following new subsection:

"(n) SALE OF CAPITAL ASSETS.—

"(1) IN GENERAL.—If a recipient of assistance under this Act determines that facilities and equipment and other assets (including land) acquired, in whole or in part, with such assistance are no longer needed for the purposes for which they were acquired, the Secretary shall authorize the sale of the assets with no further obligation to the Federal Government if the Secretary determines that—

"(A) there are no purposes eligible for assistance under this Act for which the asset should be used; and

"(B) the proceeds from the sale of the asset will be used by the recipient to procure items eligible for capital assistance under this Act.

"(2) RELATIONSHIP TO OTHER LAWS.—The provisions of this subsection shall be in addition to and not in lieu of any other provision of law governing use and disposition of facilities and equipment under an assistance agreement.".

SEC. 270. PERIOD OF AVAILABILITY AND REAPPORTIONMENT OF SECTION 16 FUNDS.

Section 16 of the Federal Transit Act (49 U.S.C. App. 1612) is amended—

(1) in subsection (b) by inserting "and" after the semicolon at the end of paragraph (1);

(2) in subsection (b) by striking "; and" at the end of paragraph (2) and inserting a period;

(3) in subsection (b) by striking paragraph (3) and inserting the following:

"Eligible capital expenses under this subsection may include, at the option of the recipient, the acquisition of transportation services under a contract, lease, or other arrangement.";

(4) in subsection (c)(4) by striking "the enactment of the Federal Transit Act" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991";

(5) by adding at the end of subsection (c) the following new paragraph:

"(5) PERIOD OF AVAILABILITY.—Sums apportioned under this subsection shall be available for obligation by the State for a period of 2 years following the close of the fiscal year for which the sums are apportioned and any amounts remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year.";

(6) in subsection (e) by striking "handicapped and elderly individuals" and inserting "elderly persons and persons with disabilities"; and

(7) in subsection (e) by striking "such individuals" and inserting "such persons".

SEC. 271. RURAL TRANSIT PROGRAM.

The second sentence of section 18(a) of the Federal Transit Act (49 U.S.C. App. 1614(a)) is amended by striking the final period.

SEC. 272. NONDISCRIMINATION.

Section 19 of the Federal Transit Act (49 U.S.C. App. 1615) is amended—

(1) by striking "(1)" each place it appears;

(2) by redesignating paragraphs (2), (3), (4) and (5) as subsections (b), (c), (d), and (e), respectively;

(3) in subsection (c) as so redesignated—

(A) by striking "(A)" and inserting "(1)";

(B) by striking "(B)" and inserting "(2)";

(C) by striking "paragraph (a)" and inserting "paragraph (1)";

(D) by striking "(i)" and inserting "(A)";

(E) by striking "(ii)" and inserting "(B)";

(F) by striking "(iii)" and inserting "(C)"; and

(G) by striking "(iv)" and inserting "(D)"; and

(4) in subsection (d) as so redesignated by striking "(a)(3)(B)(ii)" and inserting "(c)(2)(B)".

SEC. 273. AUTHORIZATIONS.

(a) FORMULA GRANT PROGRAM FROM TRUST FUND.—Section 21(a)(1) of the Federal Transit Act (49 U.S.C. App. 1617(a)(1)) is amended—

(1) by striking "8 9B," and inserting "6, 8, 9B, 10,"; and

(2) by inserting "20," after "18,".

(b) FORMULA GRANT PROGRAM FROM GENERAL FUND.—Section 21(a)(2) of such Act is amended—

(1) by striking "8 9," and inserting "6, 8, 9, 10,"; and

(2) by inserting "20," after "18,".

(c) SETASIDE FOR PLANNING, PROGRAMMING, AND RESEARCH.—Section 21(c) of such Act is amended—

(1) by inserting "beginning after September 30, 1992," after "each fiscal year";

(2) by striking "or appropriated" each place it appears;

(3) in paragraph (3) by striking "the State program under"; and

(4) in paragraph (4) by striking "the national program under".

(d) OTHER SETASIDES.—Section 21(d) of such Act is amended by striking "or appropriated" each place it appears.

(e) COMPLETION OF INTERSTATE TRANSFER TRANSIT PROJECTS.—Section 21(e) of such Act is amended by striking "$160,000,000" and all that follows through the period at the end and inserting "for fiscal years beginning after September 30, 1991, not to exceed $324,843,000. Such sums shall remain available until expended.".

SEC. 274. PROJECT MANAGEMENT OVERSIGHT.

Section 23 of the Federal Transit Act (49 U.S.C. App. 1619) is amended—

(1) in subsection (a) by striking "or 18" and inserting "and 18"; and

(2) in subsection (h) by striking "subsections (a) (1) through (5)" and inserting "subsection (a)".

SEC. 275. PLANNING AND RESEARCH PROGRAM.

(a) STATE PROGRAM.—Section 26(a) of the Federal Transit Act (49 U.S.C. App. 1622(a)) is amended to read as follows:

"(a) ALLOCATION OF PLANNING FUNDS.—

"(1) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Fifty percent of the funds made available under sections 21(b)(3)(D) and 21(c)(3) shall be available for the transit cooperative research program to be administered as follows:

"(A) INDEPENDENT GOVERNING BOARD.—The Secretary shall establish an independent governing board for such program to recommend such transit research, development, and technology transfer activities as the Secretary deems appropriate.

"(B) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities as the Secretary determines are appropriate.

"(2) STATE PLANNING AND RESEARCH.—The remaining 50 percent of funds made available under sections 21(b)(3)(D) and 21(c)(3) shall be apportioned to the States for grants and contracts consistent with the purposes of sections 6, 8, 10, 11, and 20 of this Act in the ratio which the population in urbanized areas in each State bears to the total population in urbanized areas in all the States, as shown by the latest available decennial census, except that no State shall receive less than ½ of 1 percent of the amount apportioned under this subsection. In any case in which a statewide transit agency is responsible under State law for the financing, construction, and operation, directly, by lease, contract, or otherwise, of statewide public transportation services, such agency shall be the recipient for receiving and dispensing funds under this paragraph.

"(3) ALLOCATION WITHIN A STATE.—A State may authorize a portion of its funds made available under paragraph (2) to be used to supplement funds available under paragraph (1), as the State deems appropriate.".

(b) NATIONAL PROGRAM.—Section 26(b) of such Act is amended—

(1) in paragraph (1) by striking "section 21(c)(4)" and inserting "sections 21(b)(3)(E) and 21(c)(4)"; and

(2) in paragraph (2) by inserting "annually" after "$2,000,000".

(c) PILOT PROJECT.—Section 26(c)(4) of such Act is amended by striking "the date of the enactment of this Act" each place it appears and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991".

SEC. 276. NEEDS SURVEY AND TRANSFERABILITY STUDY.

Section 27(b) of the Federal Transit Act (49 U.S.C. App. 1623(b)) is amended—

(1) in paragraph (1) by striking "(3)";

(2) in paragraph (2) by striking "such sections" and inserting "section 9(j) of this Act"; and

(3) in paragraph (2) by striking "With" and inserting "with".

SEC. 277. STATE RESPONSIBILITY FOR RAIL FIXED GUIDEWAY SYSTEM.

Section 28 of the Federal Transit Act (49 U.S.C. App. 1624(b)) is amended—

*(1) in the section heading by inserting "**RAIL**" before "**FIXED GUIDEWAY**"; and*

(2) in subsection (b)(1) by inserting "rail" before "fixed guideway".

SEC. 278. NATIONAL TRANSIT INSTITUTE.

Section 29 of the Federal Transit Act (49 U.S.C. App. 1625) is amended in the heading to subsection (b) by striking "FUNDING" and inserting "TRAINING OF STATE AND LOCAL GOVERNMENT TRANSPORTATION PERSONNEL".

SEC. 279. INCREASED FEDERAL SHARE.

The Federal Transit Act (49 U.S.C. App. 1601–1625) is amended by adding at the end the following new section:

"SEC. 30. INCREASED FEDERAL SHARE.

"(a) STATES WITH LARGE AREAS OF INDIAN AND CERTAIN PUBLIC DOMAIN LANDS.—In the case of any State containing nontaxable Indian lands, individual and tribal, and public domain

lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands in the State, the Federal share which, but for this subsection, would be applicable for any construction project under this Act shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in the State is of its total area.

"(b) STATES WITH LARGE AREAS OF INDIAN AND PUBLIC DOMAIN LANDS AND NATIONAL FORESTS, PARKS, AND MONUMENTS.—In the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share which, but for this subsection, would be applicable for any construction project under this Act shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area.

"(c) MAXIMUM SHARE.—Notwithstanding subsections (a) and (b) of this section, the Federal share for any construction project under this Act shall not exceed 95 percent of the total cost of such project.

"(d) GRANT RECIPIENT AGREEMENT.—In any case where a grant recipient elects to have the Federal share provided in subsection (b) of this section, the grant recipient must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring grant recipient to use solely for purposes eligible for assistance (other than operating assistance) under this Act (other than paying its share of projects approved under this Act) during the period covered by such agreement the difference between the grant recipient's share as provided in subsection (b) and what its share would be if it elected to pay the share provided in subsection (a) for all projects subject to such agreement.".

SEC. 280. PERFORMANCE REPORTS ON MASS TRANSIT SYSTEMS.

Section 308(e)(1) of title 49, United States Code, is amended by striking "January of each even-numbered year" and inserting "January 1994, January 1995, and January of each odd-numbered year thereafter".

SEC. 281. CROSS REFERENCE TO FEDERAL TRANSIT ACT.

Section 176 of the Clean Air Act (42 U.S.C. 7506) is amended in each of subsections (c)(2) and (d) by striking "Urban Mass Transportation" each place it appears and inserting "Federal Transit".

SEC. 282. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Section 4008(j) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2155) is amended by striking "102" in the second sentence and inserting "1002".

SEC. 283. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

(a) OPERATIONAL TESTING PROJECTS.—Section 6055(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2192–2193) is amended by inserting "and enter into cooperative agreements and contracts with" after "The Secretary may make grants to".

(b) FUNDING.—Section 6058 of such Act (105 Stat. 2194–2195) is amended—

(1) in the second sentence of subsection (d) by striking "projects undertaken pursuant to subsection (c) of this section" and inserting "activities undertaken with funds made available under subsection (b) and activities undertaken with funds subject to subsection (c)";

(2) in subsection (e) by striking "102" and inserting "1002"; and

(3) by adding at the end the following new subsection:

"(f) NONAPPLICABILITY OF OTHER REQUIREMENTS OF LAW.—A person (including a public agency) that does not receive assistance under title 23, United States Code, the Federal Transit Act, or any provision of this Act (other than the Intelligent Vehicle-Highway Systems Act of 1991) shall not be subject to any Federal design standard, law, or regulation applicable to persons receiving such assistance solely by reason of such person receiving assistance under this section.".

SEC. 284. TITLE 49, UNITED STATES CODE, AMENDMENTS.

The analysis for chapter 1 of title 49, United States Code, is amended—

(1) by striking "Sec. 110. Saint Lawrence Seaway Development Corporation."; and

(2) by striking "Sec. 111." and inserting "111.".

SEC. 285. SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982 AMENDMENTS.

(a) MOTOR CARRIER SAFETY GRANT PROGRAM.—Section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2302) is amended—

(1) by moving each of subparagraphs (H) through (N) (including any clauses therein) 2 ems to the left;

(2) in subsection (b)(1)(N) by striking "give" and inserting "gives"; and

(3) in subsection (d) by striking "3" and inserting "5".

(b) CARGO CARRYING UNIT LIMITATION.—Section 411(j)(5)(D) of such Act (49 U.S.C. App. 2311(j)(5)(D)) is amended by striking "prohibited under" and inserting "subject to".

SEC. 286. COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 AMENDMENTS.

(a) SECTION 12011.—Section 12011 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710) is amended—

(1) in each of subsections (a) and (b) by striking "104(b)(5), and 104(b)(6)" and inserting "104(b)(3), and 104(b)(5)"; and

(2) in subsection (c)(1)(A)(ii) by striking "104(b)(6)" and inserting "104(b)(3)".

(b) SECTION NUMBER REDESIGNATION.—Such Act is further amended by redesignating the second section 12020, relating to violation of out-of-service orders, as 12021.

SEC. 287. CLEVELAND HARBOR, OHIO.

Section 1079 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2018–2019) is amended—

(1) by striking the semicolon at the end of subsection (b) and inserting a period; and

(2) in subsection (d)—

(A) by striking "279.31 feet" and inserting "269.31 feet";

(B) by striking "127.28 feet" and inserting "137.28 feet";

(C) by striking the comma following "Grid System";

(D) by striking "33°–53'–08" east" the first place it appears and inserting "33°–53'–08" west";

(E) by striking "north-westerly" and inserting "northwesterly"; and

(F) by striking "174,764 square feet (4.012 acres)" and inserting "175,143 (4.020 acres)".

SEC. 288. OTHER INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT TECHNICAL AMENDMENTS.

(a) SOUTHERN FLORIDA COMMUTER RAIL.—Section 3014 of Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2108) is amended by striking "(49 U.S.C. 1607a)".

(b) ROAD TESTING OF LCV'S.—Section 4007(d)(1) of such Act (49 U.S.C. App. 2302 note) is amended by striking "on board" and inserting "onboard".

(c) NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION.—Section 5005 of such Act (49 U.S.C. 301 note; 105 Stat. 2160–2162) is amended—

(1) in subsection (d)(1) by striking "11 members" and inserting "15 members";

(2) in subsection (d)(1)(A) by striking "3 members" and inserting "7 members"; and

(3) in subsection (i) by striking "1993" and inserting "1994".

(d) SECTION 6017.—Section 6017 of such Act (105 Stat. 2183) is amended by striking "502(a)" and inserting "5002(a)".

The CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those amendments printed in House Report 103–528. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for a division of the question.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order at any time for the chairman of the Committee on Public Works and Transportation or a designee to offer amendments en bloc consisting of amendments printed in the report or germane modifications thereof. Amendments en bloc shall be considered as read, except that modifications shall be reported.

Amendments en bloc shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chair now recognizes the gentleman from West Virginia [Mr. RAHALL].

AMENDMENTS EN BLOC OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, pursuant to House Resolution 440, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. RAHALL:

Amendment offered by Mr. RAHALL (No. 1): Page 9, strike line 21 and all that follows through line 8 on page 10.

In item number 8, on page 28, strike "4.000" and insert "3.000".

In item number 11 on page 28, strike "2.000" and insert "7.000".

In item number 11 on page 28, strike "1.500" and insert "3.500".

In item number 19 on page 28, strike "3.000" and insert "2.000".

Page 28, strike item number 12. Do not redesignate subsequent items of the table.

In item number 36 on page 28, strike "CA71" and insert "CA57".

In item number 112 on page 30, strike "3.000" and insert "2.000".

In item number 153 on page 30, strike "14.400" and insert "13.400".

In item number 154 on page 30, strike "4.000" and insert "3.000".

In item number 156 on page 30, strike "1.000" and insert "2.000".

In item number 156 on page 30, insert "1.000" in the column designated "Authorization in millions from highway trust fund (other than mass transit account)".

In item number 201 on page 31, strike "2.000" and insert "1.000".

After item number 212 on page 31, insert the following:

212A. Ohio	Trotwood Connector in Montgomery Co., Ohio.	.750	.....

In item number 237 on page 32, strike "5.000" and insert "5.760".

In item number 237 on page 32, strike "0.760".

In item number 238 on page 32, strike "1.250" and insert ".490".

In item number 238 on page 32, strike "9.240" and insert "10.000".

In item number 242 on page 32, strike "3.000" and insert "2.000".

At the end of title I of the bill, insert the following:

SEC. 129. FUNDING.

(a) STUDY.—The Secretary shall conduct a study of how the existing Federal-aid highway and transit funding is utilized by States and metropolitan planning organizations to address transportation needs.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under this section.

SEC. 130. NONDIVISIBLE LOADS.

Not later than 30 days after the date of the enactment of this Act, the Secretary shall institute a rulemaking proceeding to define the term "vehicles and loads which cannot be easily dismantled or divided" as used in section 127 of title 23, United States Code, including consideration of a commodity-specific definition of such term. The Secretary shall complete the proceeding required by this subsection not later than 270 days after the date of the enactment of this Act. The Secretary may apply such regulations to all vehicle loads operating on the National Highway System if the Secretary determines that it is in the public interest.

Conform the table of contents of the bill accordingly.

Page 127, after line 6, insert the following:

SEC. 250. ROADSIDE BARRIER TECHNOLOGY.

Section 1058 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 2003) is amended—

(1) in subsection (a) by striking "median" and inserting "or temporary crashworthy";

(2) in subsection (a) by inserting "crashworthy" after "innovative";

(3) in the heading of subsection (c) by inserting "CRASHWORTHY" after "INNOVATIVE";

(4) in subsection (c) by inserting "crashworthy" after "innovative";

(5) in subsection (c) by striking "median";

(6) by inserting "or guiderail" after "guardrail"; and

(7) by inserting before the period at the end of subsection (c) ", and meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers".

Redesignate subsequent sections of title II of the bill accordingly. Conform the table of contents of the bill accordingly.

Page 127, line 16, strike "is amended" and all that follows through the period on line 19 and insert the following:

is amended—

(1) in item number 5, relating to Gloucester Point, Virginia, by inserting after "York River" the following: "and for repair, strengthening, and rehabilitation of the existing bridge"; and

(2) in item number 10, relating to Shakopee, Minnesota, by inserting "project, including the by-pass of" after "replacement".

In section 258 of the bill on page 134, redesignate paragraphs (1), (2), and (3), as paragraphs (2), (3), and (4), respectively.

Page 134, before line 1, insert the following:

(1) in item number 5, relating to Pennsylvania, by striking "Upgrading" and inserting "To study the need to upgrade" and by inserting "to a 4-lane limited access highway" after "Airport";

Page 146, lines 1 and 2, strike "INTERNATIONAL INSTITUTE FOR SURFACE TRANSPORTATION POLICY STUDIES" and insert "UNIVERSITY RESEARCH INSTITUTES".

Page 146, line 14, strike "and".

Page 146, after line 14, insert the following:

(5) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(6) by inserting after paragraph (5) the following:

"(6) INSTITUTE FOR TRANSPORTATION POLICY AND MANAGEMENT.—

"(A) GRANTS.—The Massachusetts State highway department shall make grants under this section jointly to the University of Massachusetts, Harvard University, and the Massachusetts Institute of Technology to establish and operate an interdisciplinary institute to carry out research and training on issues and operations in urban transportation policy and on strategies for the improvement of urban transportation management and to disseminate the findings thereof.

"(B) FUNDING.—The Massachusetts State highway department shall expend, from amounts made available to it for each of the fiscal years 1995 through 1997 under section 307(c) of title 23, United States Code, $1,000,000 per fiscal year to carry out the purposes of this paragraph."; and

Page 146, line 15, strike "(5)" and insert "(7)".

Page 146, line 15, strike "paragraph (6)" and insert "paragraph (7), as redesignated by paragraph (5) of this subsection,".

Amendment offered by Mr. RICHARDSON (No. 2): Page 108, after line 3, insert the following new subsection:

(e) INDIAN RESERVATION ROADS PLANNING.—The first sentence of section 204(j) of such title is amended to read as follows: "An Indian tribal government receiving funds under the Indian reservation roads program may use up to 10 percent of its annual allocation under such program for transportation planning activities pursuant to the provisions of the Indian Self-Determination and Education Assistance Act.".

Page 108, line 4, strike "(e)" and insert "(f)".

Page 108, after line 14, insert the following new subsections:

(g) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF INDIAN TRIBES.—Section 204 of such title is further amended by adding at the end the following:

"(l) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF INDIAN TRIBES.—

"(1) IN GENERAL.—Up to 1 percent of the funds made available for Indian reservation roads for each fiscal year shall be set aside by the Secretary of the Interior for transportation-related administrative expenses of Indian tribal governments.

"(2) DISTRIBUTION.—The Secretary of the Interior shall make available to each Indian tribal government with an approved application under paragraph (3) an equal percentage of any sum set aside pursuant to paragraph (1).

"(3) APPLICATIONS.—To receive funds under this paragraph, an Indian tribal government must submit to the Secretary of the Interior for approval an application in accordance with the requirements of the Indian Self-Determination and Education Assistance Act. The Secretary of the Interior shall approve any such application that demonstrates that the applicant has the capability to carry out transportation planning activities or is in the process of establishing such a capability.".

(h) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 204 of such title is further amended by adding at the end the following:

"(m) TRANSPORTATION ENHANCEMENT ACTIVITIES.—In making expenditures for transportation enhancement activities as required under section 133, a State shall consider any application submitted to the State by an Indian tribal government seeking assistance to conduct such activities.".

(i) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS BY THE SECRETARY.—Section 204 of such title is further amended by adding at the end the following:

"(n) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS BY THE SECRETARY.—

"(1) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall establish a pilot program (hereinafter in this subsection referred to as the 'program') for the purpose described in paragraph (2) and shall carry out such program in each of fiscal years 1995, 1996, and 1997.

"(2) PURPOSE.—The purpose of the program shall be to permit an Indian tribal government to apply directly to the Secretary for authorization to conduct projects on Indian reservation roads using amounts allocated to the Indian tribal government under the Indian reservation roads program.

"(3) TREATMENT AS STATES.—Except as otherwise provided by the Secretary, an Indian tribal government submitting an application to the Secretary under the program shall be subject to the same requirements as a State applying for approval of a Federal-aid highway project.

"(4) SELECTION OF PARTICIPANTS.—

"(A) APPLICATIONS.—An Indian tribal government seeking to participate in the program shall submit to the Secretary an application which is in such form and contains such information as the Secretary may require.

"(B) MAXIMUM NUMBER OF PARTICIPANTS.—The Secretary shall select not more than 10 Indian tribal governments to participate in the program.

"(5) TECHNICAL ASSISTANCE.—The Secretary, in cooperation with the Secretary of the Interior, shall provide technical assistance to Indian tribal governments participating in the program.

"(6) TRANSITIONAL ASSISTANCE.—Upon request of the Secretary, the Secretary of the Interior shall provide to the Secretary such assistance as may be necessary for implementation of the program.

"(7) REPORT.—Not later than September 30, 1997, the Secretary shall transmit to Congress a report on the results of the program. In developing such report, the Secretary shall solicit the comments of Indian tribal governments participating in the program.".

Page 108, line 15, strike "(f)" and insert "(j)".

Page 108, line 22, strike "(g)" and insert "(k)".

Amendment offered by Mr. BEILENSON (No. 5): Page 9, strike line 21 and all that follows through line 8 on page 10 and insert the following:

(c) GUARANTEE AND WARRANTY CLAUSES.—Section 112 of such title is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) GUARANTEE AND WARRANTY CLAUSES.—The Secretary shall, by regulation, permit a State highway department, in accordance with standards developed by the Secretary in such regulations, to include a clause in a contract for the construction of any Federal-aid highway project requiring the contractor to warrant the materials and work performed in accordance with the contractor's obligations and responsibilities under the terms of the contract. The warranty or guarantee clause shall be reasonably related to the materials and work performed and in accordance with the contractor's obligations and responsibilities under the terms of the contract, and shall not be construed to require the contractor to perform maintenance.".

(d) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding for developing standards under section 112(f) of title 23, United States Code, as added by subsection (c) of this section.

MODIFICATION TO AMENDMENTS EN BLOC OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer modifications to the amendments en bloc just offered, and ask unanimous consent for their acceptance.

The CHAIRMAN. The Clerk will report the modifications to the amendments en bloc.

The Clerk read as follows:

Amendments, en bloc, offered by Mr. Rahall consisting of amendments numbered 2, 5 and 1, printed in the Rules Committee report, with modifications to amendment number 1 as follows:

At the end, add the following:

"In item 194 on page 31, strike "10.000" and insert "6.185".

After item 194 on page 31, insert the following:

"194A. North Carolina Peace St., Crossing in Thomasville	2.415 (GF)
"194B. North Carolina Unity St., Crossing in Thomasville	1.400 (GF)"

Mr. RAHALL (during the reading). Mr. Chairman, I ask unanimous consent that the modifications to the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from West Virginia?

There was no objection.

The text of amendment No. 1 (offered by Mr. RAHALL) as contained in the amendments en bloc offered by Mr. RAHALL and as modified by the foregoing modifications is as follows:

Amendment offered by Mr. Rahall (No. 1): Page 9, strike line 21 and all that follows through line 8 on page 10.

In item number 8, on page 28, strike "4.000" and insert "3.000".

In item number 11 on page 28, strike "2.000" and insert "7.000".

In item number 11 on page 28, strike "1.500" and insert "3.500".

In item number 19 on page 28, strike "3.000" and insert "2.000".

Page 28, strike item number 12. Do not redesignate subsequent items of the table.

In item number 36 on page 28, strike "CA71" and insert "CA57".

In item number 112 on page 30, strike "3.000" and insert "2.000".

In item number 153 on page 30, strike "14.400" and insert "13.400".

In item number 154 on page 30, strike "4.000" and insert "3.000".

In item number 156 on page 30, strike "1.000" and insert "2.000".

In item number 156 on page 30, insert "1.000" in the column designated "Authorization in millions from highway trust fund (other than mass transit account)".

In item number 201 on page 31, strike "2.000" and insert "1.000".

After item number 212 on page 31, insert the following:

212A. Ohio ...	Trotwood Connector in Montgomery Co., Ohio.	.750

In item number 237 on page 32, strike "5.000" and insert "5.760".

In item number 237 on page 32, strike "0.760".

In item number 238 on page 32, strike "1.250" and insert ".490".

In item number 238 on page 32, strike "9.240" and insert "10.000".

In item number 242 on page 32, strike "3.000" and insert "2.000".

At the end of title I of the bill, insert the following:

SEC. 129. FUNDING.

(a) STUDY.—The Secretary shall conduct a study of how the existing Federal-aid highway and transit funding is utilized by States and metropolitan planning organizations to address transportation needs.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under this section.

SEC. 130. NONDIVISIBLE LOADS.

Not later than 30 days after the date of the enactment of this Act, the Secretary shall institute a rulemaking proceeding to define the term "vehicles and loads which cannot be easily dismantled or divided" as used in section 127 of title 23, United States Code, including consideration of a commodity-specific definition of such term. The Secretary shall complete the proceeding required by this subsection not later than 270 days after the date of the enactment of this Act. The Secretary may apply such regulations to all vehicle loads operating on the National Highway System if the Secretary determines that it is in the public interest.

Conform the table of contents of the bill accordingly.

Page 127, after line 6, insert the following:

SEC. 250. ROADSIDE BARRIER TECHNOLOGY.

Section 1058 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 2003) is amended—

(1) in subsection (a) by striking "median" and inserting "or temporary crashworthy";

(2) in subsection (a) by inserting "crashworthy" after "innovative";

(3) in the heading of subsection (c) by inserting "CRASHWORTHY" after "INNOVATIVE";

(4) in subsection (c) by inserting "crashworthy" after "innovative";

(5) in subsection (c) by striking "median";

(6) by inserting "or guiderail" after "guardrail"; and

(7) by inserting before the period at the end of subsection (c) ", and meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers".

Redesignate subsequent sections of title II of the bill accordingly. Conform the table of contents of the bill accordingly.

Page 127, line 16, strike "is amended" and all that follows through the period on line 19 and insert the following:

(1) in item number 5, relating to Gloucester Point, Virginia, by inserting after "York River" the following: "and for repair, strengthening, and rehabilitation of the existing bridge"; and

(2) in item number 10, relating to Shakopee, Minnesota, by inserting "project, including the by-pass of" after "replacement".

In section 258 of the bill on page 134, redesignate paragraphs (1), (2), and (3), as paragraphs (2), (3), and (4), respectively.

Page 134, before line 1, insert the following:

(1) in item number 5, relating to Pennsylvania, by striking "Upgrading" and inserting "To study the need to upgrade" and by inserting "to a 4-lane limited access highway" after "Airport";

Page 146, lines 1 and 2, strike "INTERNATIONAL INSTITUTE FOR SURFACE TRANSPORTATION POLICY STUDIES" and insert "UNIVERSITY RESEARCH INSTITUTES".

Page 146, line 14, strike "and".

Page 146, after line 14, insert the following:

(5) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(6) by inserting after paragraph (5) the following:

"(6) INSTITUTE FOR TRANSPORTATION POLICY AND MANAGEMENT.—

"(A) GRANTS.—The Massachusetts State highway department shall make grants under this section jointly to the University of Massachusetts, Harvard University, and the Massachusetts Institute of Technology to establish and operate an interdisciplinary institute to carry out research and training on issues and operations in urban transportation policy and on strategies for the improvement of urban transportation management and to disseminate the findings thereof.

"(B) FUNDING.—The Massachusetts State highway department shall expend, from amounts made available to it for each of the fiscal years 1995 through 1997 under section 307(c) of title 23, United States Code, $1,000,000 per fiscal year to carry out the purposes of this paragraph."; and

Page 146, line 15, strike "(5)" and insert "(7)".

Page 146, line 15, strike "paragraph (6)" and insert "paragraph (7), as redesignated by paragraph (5) of this subsection,".

At the end, add the following:

"In item 194 on page 31, strike "10.000" and insert "6.185".

After item 194 on page 31, insert the following:

"194A. North Carolina Peace St. Crossing in Thomasville	2.415 (GF)
194B. North Carolina Unity St. Crossing in Thomasville"	1.400 (GF)

The CHAIRMAN. Pursuant to the rule, the gentleman from West Virginia [Mr. RAHALL], will be recognized for 5 minutes, and the gentleman from West Virginia [Mr. PETRI], will be recognized for 5 minutes.

The chair recognizes the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bipartisan committee en bloc amendment addresses several matters such as providing for technical and conforming changes relating to project descriptions, requiring the Secretary to conduct a transportation study, reallocating funds for certain projects and establishing an urban transportation institute.

In addition, this amendment includes a provision sponsored by the gentleman from New Mexico, BILL RICHARDSON, and myself, relating to the Indian Reservation Roads Program.

Currently, the FHWA takes about 3 percent of the funding dedicated for this program off-the-top and sends it over to the Interior Department where the great white chiefs at the BIA take an additional 6 percent off-the-top before doling it out to the tribes.

These are sovereign nations, for which the United States has a trust relationship with. Yet, the way we deal with them in highway matters, in my view, hardly constitutes a trust relationship.

This amendment would simply establish a pilot project under which a tribe, which can meet all of the requirements we place on State highway departments, will be treated as a State in terms of conducting its own transportation projects.

Finally, the en bloc amendments include a provision dealing with the issue of motor vehicle weights that has been the subject of much discussion. I commend the gentleman from Minnesota, JIM OBERSTAR, for working with us on this matter.

I urge the adoption of these amendments.

□ 1210

Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished ranking Republican on the committee.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding time to me.

I would like to point out that this en bloc amendment also includes a limited warranty/guarantee provision for contractors on Federal aid construction contracts. It is important to note that in crafting the warranty provision, the committee took into account the role of contractors involved in Federal-aid highway construction. Contractors are not responsible for design or specifications. These are done by consulting firms or by the State Departments of Transportation. Therefore, any warranty applied to them, to the contractors, that is, should be limited to the responsibilities for which they are responsible under the contract.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment offered by the chairman of the Surface Transportation Subcommittee.

This amendment makes minor and technical revisions to H.R. 4385 and contains policy provisions which have been agreed to by the committee. These include provisions championed by Representative BEILENSON which would permit States to require a contractor to warrant the materials and work performed in accordance with the contractor's responsibilities under the contract.

Congressman BEILENSON has been involved in this issue for the last several years and has testified a number of times before our subcommittee. I know that this is a matter of great concern to him.

Also included is a provision supported by Congressman RICHARDSON and Congressman HAMBURG concerning Indian reservation roads. Last year, during ISTEA oversight hearings, we heard testimony from various Indian tribes as to the problems they had encountered in trying to plan for and meet their transportation needs.

This amendment addresses those concerns and should be of great benefit through streamlining approvals, lifting administrative burdens, providing more planning funds, and allowing greater authority for some Indian tribal governments to control Indian road projects.

Finally, one other provision included in this amendment directs the Secretary of Transportation to determine what the term "non-divisible load" actually means and to apply these requirements to vehicle loads on the National Highway System if it is in the public interest to do so.

This provision has been developed from a much broader proposal which would have imposed size and weight restrictions on all NHS roads. This would have been a major expansion of Federal regulation of trucking operations on 115,000 miles of roads which are now subject only to State regulation. I appreciate the willingness of Congressman OBERSTAR to work with interested parties in reaching the compromise which is included in this amendment.

Mr. Chairman, I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MINETA] our distinguished chairman of the full committee.

Mr. MINETA. Mr. Chairman, I rise in strong support of the amendment offered by the chairman of the Subcommittee on Surface Transportation. In addition, the committee has been able to reach agreement on several important policy issues, and I would like to thank the gentleman from California [Mr. BEILENSON] for his work on the warranty and guarantee issues.

I would like to commend the gentleman from New Mexico [Mr. RICHARDSON] and the gentleman from California [Mr. HAMBURG] for their leadership on transportation issues affecting native Americans.

Finally, I would like to thank the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from West Virginia [Mr. RAHALL] for their amendment requesting a rulemaking on the issue of divisible truck loads.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California [Mr. BEILENSON], with whom we have worked very closely on this provision.

Mr. BEILENSON. Mr. Chairman, just over 2 year ago, the vast majority of the House joined me in passing an amendment to the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] that would have permitted States to include contractor guarantees in their Federal aid highway contracts. The amendment passed by a vote of 400 to 26 but, unfortunately, was dropped from the final bill by House and Senate conferees.

The amendment I am offering today is a very similar amendment—and I hope it meets with eventual success this time.

Federal highway dollars have traditionally been reserved for construction, rather than maintenance, and the Federal Highway Administration has prohibited States from requiring any warranties from contractors when awarding federally funded contracts, because warranties might cause bidders to raise the initial price of a project.

The effect of this policy is that we often reward the use of the cheapest, lowest quality materials in highway construction, and prevent States from building quality performance standards into their construction contracts.

Transportation officials in the Bush administration supported changing this outdated policy, believing that the introduction of contractor guarantees into the bidding process might spur innovation, superior quality, and the use of the kind of advanced technology other countries are already aggressively taking advantage of.

Building better quality roads requires more than just allowing contractor warranties. We need to explore the possibility of issuing more contracts for both design and construction—and ask firms that win these contracts to guarantee their designs, materials, and workmanship. The benefits could be enourmous.

In Europe, where highway contracts are awarded on the basis of a combination of cost, quality and a contractor's 3 to 5-year full replacement guarantee, roads cost an average of 30 percent more to construct, but they last twice as long as they do here. Sounder subbases, thicker pavements, advanced polymer additives, and stronger asphalt produce highways that are smoother and quieter, and are stubbornly resistant to ruts, cracks, and potholes. European roads even handle heavier loads than are permitted on our highways.

Meanwhile, our own strict low-bid, construction-only system gives contractors no incentive at all to consider long-term performance when preparing their bids. We literally reward the use of the cheapest, lowest quality materials, and the least expensive labor; we actually penalize any effort to improve road quality or offer superior workmanship.

It is an inflexible, unwise, and shortsighted policy that costs taxpayers billions of dollars in unnecessary highway repair bills and results in intolerable and costly traffic delays.

It is no surprise that while total Government expenditures for roads have doubled over the past decade, half of all roads in America are rated in fair to poor condition. A 1991 report by the Office of Technology Assessment on the quality of our public works infrastructure found that "when construction quality is poor and repairs are needed constantly * * * the costs of providing alternative service or of traffic diversion and delay can equal the capital cost, doubling the total expense of a given project."

As we embark on a multibillion dollar investment in the restoration of the Nation's infrastructure, I believe we owe it to the taxpayers to do everything we can to adopt reforms that will save us money, help make the road construction industry more competitive, stimulate investment, and make our transportation infrasturcture more durable and efficient.

Permitting States to demand a guarantee of a minimum standard of quality in highway projects would not, by itself, cure our country's infrastructure ills. But Americans should be outraged that, in an era of huge budget deficits, we have failed to fulfill our responsibility to see that Federal highway money is well spent.

Mr. Chairman, I simply want to thank very much the chairman of the full committee, the gentleman from California [Mr. MINETA], the chairman of the Subcommittee on Surface Transportation, my classmate, the gentleman from West Virginia [Mr. RAHALL] and my two good friends across the aisle, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Wisconsin [Mr. PETRI], both for their acceptance of our amendment and more especially, more importantly, for their leadership in the effort to improve the quality of our Nation's highways.

I do happen to think that this particular amendment that I have had the privilege of proposing is important, but it is only one of several important initiatives that are being pursued by the committee in this bill to encourage the use of practices that will enhance the quality of our Nation's highways.

Along with concepts such as value engineering, performance-related specifications and life-cycle cost analysis, the use of warranties will, I believe, help the States more successfully build quality performance standards into their construction contracts.

I thank the gentlemen very much for their good work in this area of improved quality of our Nation's highways and thank them again for their help.

I strongly support not only this amendment but the entire bill.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in strong support to the Richardson/Hamburg amendment which has been offered as part of the en bloc amendments by my good friend from West Virginia [Mr. RAHALL].

As chairman of the Natural Resources Subcommittee on Native American Affairs I have advocated for the policy of authorizing Indian tribes to take over and manage government programs that affect their members and their lands. The Richardson/Hamburg amendment would permit up to 10 Indian tribes to participate in a pilot project in which they would be able to develop and administer their own transportation programs. Eligible Indian tribes will be subject to the same requirements as a State when applying for the approval of projects, and Indian tribes will deal directly with the Secretary of Transportation. This is consistent with the President's Executive order signed on April 29, 1994, outlining the policy that all Federal agencies are to work on a Government-to-Government basis with Indian tribes.

Additional components of the amendment would allow Indian tribes which are in the process of building capacity in this area the ability to receive resources to gain transportation management expertise and to conduct the tribe's long-range transportation planning needs.

I want to thank Mr. HAMBURG for his assistance in putting this amendment together. He has served the Indian tribes in his district well on this issue as well as other Indian matters which have come before us.

I also want to thank the chairman of the Subcommittee on Surface Transportation, Mr. RAHALL and the chairman of the Public Works and Transportation Committee, Mr. MINETA, for all of their help and support. Your leadership on issues affecting native Americans over the years should serve as a model for other committees.

I urge my colleagues to support the Richardson-Hamburg amendment and the Rahall en block amendments.

These amendments reflect changes to section 204 of the Federal Lands program dealing with the Indian Reservation Roads program.

The first amendment amends section 204(j) to permit Indian tribal governments to use up to 10 percent of their annual allocation for Indian reservation roads planning. This would allow tribes to conduct their own transportation planning. This planning is currently done by the Bureau of Indian Affairs. Under this amendment, Indian tribes would contract with the Bureau of Indian Affairs pursuant to the Indian Self-Determination and Education Assistance Act for transportation planning funds.

The second amendment requires the Secretary of the Interior to set aside up to 1 percent of the available Indian reservation roads authorization for transportation-related administrative expenses incurred by Indian tribal governments that have demonstrated the capability to use such funds effectively.

The third amendment requires States to consider applications from Indian tribes for funding for transportation enhancement activities out of the set-aside for such activities required by ISTEA.

The fourth amendment would permit up to 10 Indian tribes to participate in a 3-year pilot project, in which they would be able to develop and manage their own transportation programs. Eligible Indian tribes will be subject to the same requirements as are States in applying for approval of Federal-aid highway projects rather than the requirements of the Bureau of Indian Affairs. The Secretary of Transportation would be authorized to approve projects and deal directly with tribal governments. This is consistent with the President's executive order signed on April 29, 1994 outlining the policy that all Federal agencies should work on a government-to-government basis with Indian tribes.

The Secretary of Transportation will determine a tribe's eligibility by its willingness and capability to meet Federal Highway Administration's [FHWA] established approval requirements. The Secretary of Transportation with the assistance of the Secretary of the Interior, will provide technical assistance to participating tribes as may be necessary.

The Secretary shall submit a report to Congress on the results of the program no later than September 30, 1997.

Mr. PETRI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from West Virginia [Mr. RAHALL].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore (Mr. HASTINGS). It is now in order to consider amendment No. 3, printed in House Report 103-528.

AMENDMENT OFFERED BY MR. CLEMENT

Mr. CLEMENT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CLEMENT: Page 128, line 8, strike "(a) EAST-WEST TRANS-AMERICA CORRIDOR.—".

Page 128, strike line 22 and all that follows through line 2 on page 129.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. CLEMENT] will be recognized for 7½ minutes, and a Member opposed will be recognized for 7½ minutes.

Mr. RAHALL. Mr. Chairman, I am opposed to the amendment.

Mr. CHAIRMAN. The gentleman from West Virginia [Mr. RAHALL] will be recognized in opposition to the amendment.

The Chair recognizes the gentleman from Tennessee [Mr. CLEMENT].

□ 1220

Mr. CLEMENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first say that I support H.R. 4385, and I want to commend the leadership of this committee, especially the chairman—Mr. MINETA and Mr. RAHALL as well as ranking minority member Mr. SHUSTER—for all the fine work they have done in crafting this very important bill.

However, there is a provision in this bill that is very troubling to me. And it should be troubling to every Member concerned about Federal mandates and the rights of State and local officials to have a say in local transportation planning.

By way of background, in 1991 Congress enacted the Intermodal Surface Transportation Efficiency Act. In that legislation Congress recommended a mid-continent highway called Interstate 69 linking Port Huron, MI to Houston, TX. Seven States are affected including Tennessee.

Currently I-69 is complete from Port Huron to Indianapolis. The engineering design phase is in progress from Indianapolis to Evansville. The route from Evansville to Houston is yet to be determined.

To assist the States in selecting the best route from Evansville to Houston, the Federal Highway Administration approved an $800,000 grant to conduct a feasibility study. This study will determine the route from Evansville to Houston that makes the most economic sense for taxpayers. The consultants have been hired. They are doing the study right now as I speak. And the study will be completed by April 1995. So far, so good.

Unfortunately, along comes this provision in H.R. 4385—like the bully you used to know as a kid—which says:

Nuts to the feasibility study, nuts to the States, and nuts to local communities impacted by this route.

What the provision says is that no matter what the feasibility study determines, no matter what you think as a highway transportation planner, no matter what the Governor or State highway commissioner wants, no matter what anybody thinks—the Federal Government dictates that this route must go through these certain cities in Kentucky. And that is not right!

Many communities, public officials, and civic organizations in both Kentucky and Tennessee object to the language in H.R. 4385. If this language is not deleted, it would preclude the States from reviewing the results of the feasibility study and then defining the best route for I-69.

My State's transportation commissioner, Carl Johnson, wrote me a letter dated May 23, 1994 stating that they oppose this provision in H.R. 4385. I understand that the Kentucky's transportation commissioner was not even consulted when this route was designated in the legislation. My God, what are we doing here!

I have been contacted by county officials in Tennessee, city officials in Kentucky, military associations in Kentucky and Tennessee, State representatives and State senators from Kentucky, chambers of commerce from both Kentucky and Tennessee—all opposing this provision in H.R. 4385 and in support of the feasibility study. They want this provision stricken from the bill.

If you are still undecided on how you will vote on this issue, then ask yourself this:

Why are we spending $800,000 to complete a feasibility study to determine the best route and, at the same time, designating the route in this bill?

Is that not a waste of taxpayer money?

Furthermore, this provision in the bill forecloses any consideration of other route options that may be quicker or incorporate other transportation modes. In fact, without the results of the feasibility study, nobody knows for sure if the route designated by this bill is even feasible.

This issue boils down to—who decides: The feasibility study or the Federal Government.

Now you will have a chance to decide. If you are concerned as I am with Federal mandates, State decisionmaking, and wasting Federal dollars, then I urge Members to vote yes on my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kentucky [Mr. BARLOW].

Mr. BARLOW. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Tennessee [Mr. CLEMENT].

Mr. Chairman, I would like to say how much we in Kentucky appreciate the work of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA] and the gentleman from West Virginia [Mr. RAHALL], the chairmen, in bringing H.R. 4385 to the floor, a very important bill for the economic growth of the country.

Mr. Chairman, I want to say that on this Amendment No. 3, and I rise in opposition to it, as I have said, the authorization in this bill that was put through the Committee on Public Works and Transportation was put through specifically because the road I-69 as it travels from Evansville and down through western Kentucky, with routes still to be located by the Kentucky Department of Transportation, and then on down to Memphis, goes through some of the poorest regions in the United States in northwestern Tennessee, and the most economically deprived regions of the United States in western Kentucky, as was clearly, very definitely, stated and laid out by the Mississippi River Delta Commission, which this House spent Federal taxpayer dollars on, and we had Congressman Ed Jones, a former leader in the House of Representatives, chairman of that commission. We are going to bring economic development to this region to help people, help people who are still having outhouses, help people to have education which they need.

It is very necessary, Mr. Chairman, and we need the economic development in this region. We have it with this corridor as it comes through. The other corridors in Tennessee that the gentleman is referring to, in central Tennessee and central Kentucky, are well served with interstate corridors, and economic development has followed, and economic power has followed. That is the reason for the gentleman's amendment, because of economic power.

Mr. Chairman, my people do not have economic power. I am speaking for the people who do not have economic power, who need the necessities of life. That is why I oppose Amendment No. 3.

Mr. PETRI. Mr. Chairman, will the gentleman yield 30 seconds?

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Chairman, unfortunately, I must oppose the amendment offered by our colleague, the gentleman from Tennessee [Mr. CLEMENT]. This provision was included in the technical corrections bill which was passed by the House last year and generated no controversy at the time. In fact, the provision was included with the approval of all the Members involved.

Therefore, Mr. Chairman, I must oppose this amendment.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. MINETA], the chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Chairman, I regret that I must rise in strong opposition to the amendment offered by my good friend, colleague, and very important member of our Public Works and Transportation Committee, the gentleman from Tennessee [Mr. CLEMENT].

When the original provision was included in last year's technical corrections legislation, there was no controversy. No objections were expressed by States adjoining the corridor or by Members from those States. Now, at the last moment, an objection has been raised but no attempt has been made to reach a consensus on this issue. For these reasons, the leadership of the committee opposes the amendment.

The committee is willing to work with the gentleman and any other Members who may have concerns regarding the routing of the Indianapolis to Houston high priority corridor. Ongoing feasibility studies for the corridor, authorized by the Intermodal Surface Transportation Efficiency Act of 1994, will provide another opportunity to address these concerns.

The Federal Highway Administration [FHWA] is initiating a feasibility study of this corridor to be completed within 15 months. A steering committee of all the corridor States and FHWA has been established to guide the work of the contractor. The study will encompass the entire corridor from Indianapolis to Houston and analyze a wide range of alternative locations and levels of improvements.

I believe concerns can be addressed through this process and I oppose this amendment.

□ 1230

Mr. CLEMENT. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I have heard what the chairman said and I also heard what the gentleman from Kentucky [Mr. BARLOW] has said. I might say for the gentleman from Kentucky [Mr. BARLOW] he is a very effective Member. I want the gentleman to be reelected this year in his district, I support him, the gentleman is a strong voice for his congressional district, but the fact is the gentleman knows full well that I–69 is going to go through his State. As a matter of fact, it is going to go through seven States: Michigan, Indiana, Kentucky, Tennessee, Arkansas, Louisiana, and Texas. But there is only one small area in the technical corrections bill where it says it must go through these certain towns and cities in Kentucky. I say that is wrong, particularly when the Federal Highway Administration is spending $800,000 to determine what is the most cost-effective, what is the best route on behalf of the taxpayers.

Mr. Chairman, why cannot we wait until the feasibility study is in? But the feasibility study is not even going to be completed until next year.

How many different groups and organizations have spoken out? There have been a number of them that are opposing this particular provision in the bill: Gov. Ned Ray McWherter in Tennessee; the Tennessee Transportation Commissioner; Clarksville, TN Chamber of Commerce; Hopkinsville, KY Chamber of Commerce; Kentucky State Representative Ramsey Morris; Kentucky State Representative James Bruce; Kentucky State Senator Joey Pendleton; and the Tennessee-Kentucky Association of the U.S. Army.

Kentucky Transportation Commissioner Don Kelly was not even consulted when this provision was added to the bill. Mayors and county representatives in communities in both Kentucky and Tennessee are opposed to this provision.

Mr. Chairman, I think it is very clear that we do not need a small little stretch of highway to be designated in I–69 which stretches all the way from Canada to Mexico. We have got seven States and in the technical corrections bill, only a small area that is being designated that I–69 has to go through.

Let us let the feasibility study speak for itself. Let us have the best route. I do not know what the best route is, and it may be through the district of the gentleman from Kentucky [Mr. BARLOW]. If it is, let the feasibility study speak for itself.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, our good friend and valued member of the Committee on Public Works and Transportation has related to the House a number of State transportation officials that are in support of his amendment here today. I would say to the gentleman, however, that these expressions have come at the last minute. Not a one of those officials that has been quoted by the gentleman from Tennessee has come to our subcommittee and expressed such opposition prior to last-minute consideration of the bill we now bring to the floor of the House. In furtherance of what our friend and colleague, the gentleman from Kentucky [Mr. BARLOW], has said, let me rise to his defense in opposition to this amendment by stating that the gentleman from Kentucky came to the subcommittee and to our full committee in a proper manner. The gentleman presented us with a proposed routing that made a great deal of common sense, but we did not just take it at that. Instead we asked the gentleman to clear it with Members from his neighboring districts. The gentleman from Kentucky [Mr. BARLOW] came back to the committee and advised us that Members from his neighboring congressional districts in Indiana and Tennessee had no objection. This was the prior agreement that I feel we have entered into in good faith in the early development stages of this legislation. Consequently, his provision was included in the ISTEA technical corrections bill that was passed by this House last year.

Did we hear objection at that time? No, sir; not one word or objection was raised at that time. This bill passed the House of Representatives and is now pending over in the other body. Never was a word of objection heard. Suddenly as the subcommittee is preparing to come to the floor with this legislation, our colleague and friend, the gentleman from Tennessee [Mr. CLEMENT], did appear stating that his State objected to this provision.

Mr. Chairman, I would submit that his State does not necessarily believe that where the gentleman from Kentucky [Mr. BARLOW] would have the corridor leaving Kentucky and entering Tennessee is at an inappropriate place. No, they simply do not want to be told where this corridor would enter their State even though it is at a place that they would pick themselves.

Mr. Chairman, let me be clear that this corridor is one of the 21 congressional designated high-priority corridors put into ISTEA by Members of Congress, not by the State highway officials, and as such we have the right to determine the routing of these corridors.

Mr. Chairman, the gentleman from Kentucky did what was required of him, he obtained the necessary clearances. Frankly I think that is the agreement by which we should abide.

Mr. CLEMENT. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I am happy to yield to the gentleman from Tennessee.

Mr. CLEMENT. Mr. Chairman, all along for over a year, a year and a half, maybe 2 years, I have heard objections, but a lot of those objections subsided simply because we are going to have a feasibility study and the feasibility study was going to speak for itself. I thought it was well understood on behalf of the leadership and the rank-and-file members of the Committee on Transportation and Public Works that what we were going to have all along was a technical corrections bill that would not be controversial, but the fact is that it is controversial now.

The CHAIRMAN pro tempore (Mr. HASTINGS). All time has expired.

The question is on the amendment offered by the gentleman from Tennessee [Mr. CLEMENT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLEMENT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 64, noes 364, not voting 10, as follows:

[Roll No. 199]

AYES—64

Allard
Andrews (ME)
Archer
Armey
Bacchus (FL)
Bartlett
Barton
Bilirakis
Bliley
Bonilla
Brewster
Carr
Clement
Coble
Combest
Cooper
Costello
Cramer
Crane
Dooley
Duncan
Edwards (TX)
Evans
Gejdenson
Gordon
Grams
Hayes
Hefley
Herger
Inglis
Inslee
Johnson (CT)
Kanjorski
Kennedy
Kreidler
Lambert
Leach
Lipinski
Lloyd
Margolies-Mezvinsky
Murphy
Myers
Neal (MA)
Nussle
Pallone
Penny
Peterson (MN)
Porter
Quillen
Rohrabacher
Royce
Sangmeister
Slaughter
Smith (TX)
Solomon
Stearns
Stenholm
Sundquist
Tanner
Tauzin
Taylor (NC)
Thomas (WY)
Walker
Weldon

NOES—364

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Cox
Coyne
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Ehlers
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Nadler
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Blackwell
Faleomavaega (AS)
Ford (MI)
Grandy
Horn
Johnston
McMillan
Ortiz
Underwood (GU)
Washington

□ 1258

Messrs. BOEHNER, COX, HOUGHTON, KOLBE, ROWLAND, KASICH, CHAPMAN, WILSON, and HALL of Texas changed their vote from "aye" to "no."

Mrs. LLOYD changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. HASTINGS). Pursuant to the rule, it is now in order to consider amendment No. 4 printed in House Report 103-528.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

Page 78, after line 15, insert the following:

SEC. 129. COMMERCIAL MOTOR VEHICLE ACCIDENTS.

(a) STUDY.—The Secretary shall conduct a study of methods to reduce accidents on Federal-aid highways caused by drivers falling asleep while operating a commercial motor vehicle used to transport freight.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

Conform the table of contents of the bill accordingly.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 7½ minutes, and a Member opposed to the amendment will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. RAHALL], the distinguished chairman of the subcommittee.

Mr. RAHALL. Mr. Chairman, as a courtesy to Members, and with their cooperation, we will briefly discuss the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] and then move to final passage, roll call vote, so I alert Members on the floor of the situation.

Mr. Chairman, I appreciate the gentleman from Ohio [Mr. TRAFICANT] for having yielded to me for that purpose.

Mr. TRAFICANT. Mr. Chairman, for the purpose of a colloquy, I yield to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA of Michigan. Mr. Chairman, I thank the gentleman from Ohio [Mr. TRAFICANT] very much, as well as the distinguished chairman, the gentleman from West Virginia [Mr. RAHALL].

Mr. Chairman, I am working with the Michigan Department of Transportation, the Federal Highway Administration, and Secretary Peñã of the Department of Transportation to meet the procedural requirements necessary to include certain roadways in the National Highway System. At the time that the Michigan Department of Transportation submitted its National Highway System plan to the FHWA, NAFTA and two major international crossing projects with Canada had not yet been approved by the United States Government. As this approval has since been received, the national significance

of Michigan routes M–25 and M–53 has been greatly enhanced. It is my understanding that at such a time as we are able to demonstrate the value of these roadways to the FHWA, and receive approval of their status as principal arterial routes, a prerequisite to inclusion on the National Highway System, I will have the committee's assistance in including the roadways in the National Highway System map. I also want to reiterate to the chairman that this request involves no cost to the Federal Government.

□ 1300

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished chairman of the subcommittee.

Mr. RAHALL. Mr. Chairman, I would respond to the gentleman from Michigan [Mr. BARCIA] by saying that the subcommittee does have the communication from the Michigan Department of Transportation, and we will be working very closely with the gentleman as this process continues. We appreciate his leadership.

Mr. TRAFICANT. Mr. Chairman, according to the Department of Transportation, in 1992 there were approximately 34,000 accidents involving drivers, of these accidents, 600-plus were traced directly to truck drivers who had fallen asleep, resulting in 45 deaths on our highways. This is intolerable.

My amendment simply calls for a study this year, and my goal will be to incentivize the highway trust fund for 100 percent moneys to develop more rest pull-off stops for truck drivers who are a long way before an exit and who may chance reaching an exit and that chance may result in the loss of life.

With that, Mr. Chairman, I yield to the subcommittee chairman, the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend the distinguished gentleman from Ohio [Mr. TRAFICANT] for his amendment. We find it very worthy of support, and we thank him for his leadership on this most vital safety issue.

Mr. TRAFICANT. Mr. Chairman, I appreciate that.

Mr. Chairman, I yield to our distinguished colleague, the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Chairman, the minority has reviewed the amendment. We feel it is meritorious, and we urge all the Members to support the amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, we are in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio authorizing an FHWA study of methods to reduce accidents due to driver fatigue involving commercial motor vehicles transporting freight.

I commend the gentleman for his commitment to improving safety on our Nation's highways. Safety is an issue that is on every driver's mind and I am anxious to work with the gentleman on safety improvements.

Mr. TRAFICANT. Mr. Chairman, I want to thank the committee chairman for his support.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, we support the amendment, and I wish to congratulate the gentleman from Ohio [Mr. TRAFICANT] for his perspicacity.

Mr. TRAFICANT. Mr. Chairman, I appreciate the fact that I would have the support next year of my colleagues to incentivize and develop these truckstop pulloffs to help save lives.

Mr. Chairman, I urge a "yes" vote on my amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS). The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SKAGGS) having assumed the chair, Mr. HASTINGS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4385) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, pursuant to House Resolution 440, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the final passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 12, not voting 9, as follows:

[Roll No. 200]

AYES—412

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey

McCollum	Portman	Spence
McCrery	Poshard	Spratt
McCurdy	Price (NC)	Stark
McDade	Pryce (OH)	Stearns
McDermott	Quillen	Stenholm
McHale	Quinn	Stokes
McHugh	Rahall	Strickland
McInnis	Ramstad	Studds
McKeon	Rangel	Stupak
McKinney	Ravenel	Sundquist
McNulty	Reed	Swett
Meehan	Regula	Swift
Meek	Reynolds	Synar
Menendez	Richardson	Talent
Meyers	Ridge	Tanner
Mfume	Roberts	Tauzin
Mica	Roemer	Taylor (MS)
Michel	Rogers	Taylor (NC)
Miller (CA)	Rohrabacher	Tejeda
Miller (FL)	Ros-Lehtinen	Thomas (CA)
Mineta	Rose	Thomas (WY)
Minge	Rostenkowski	Thompson
Mink	Roth	Thornton
Moakley	Roukema	Thurman
Molinari	Rowland	Torkildsen
Mollohan	Roybal-Allard	Torres
Montgomery	Royce	Torricelli
Moorhead	Rush	Towns
Moran	Sabo	Traficant
Morella	Sanders	Tucker
Murphy	Sangmeister	Unsoeld
Murtha	Santorum	Upton
Myers	Sarpalius	Valentine
Nadler	Sawyer	Velazquez
Neal (MA)	Saxton	Vento
Neal (NC)	Schaefer	Visclosky
Nussle	Schenk	Volkmer
Oberstar	Schiff	Vucanovich
Obey	Schroeder	Walker
Olver	Schumer	Walsh
Orton	Scott	Waters
Owens	Serrano	Watt
Oxley	Sharp	Waxman
Packard	Shaw	Weldon
Pallone	Shays	Wheat
Parker	Shepherd	Whitten
Pastor	Shuster	Williams
Paxon	Sisisky	Wilson
Payne (NJ)	Skaggs	Wise
Payne (VA)	Skeen	Wolf
Pelosi	Skelton	Woolsey
Peterson (FL)	Slattery	Wyden
Peterson (MN)	Slaughter	Wynn
Petri	Smith (IA)	Yates
Pickett	Smith (MI)	Young (AK)
Pickle	Smith (NJ)	Young (FL)
Pombo	Smith (OR)	Zeliff
Pomeroy	Smith (TX)	Zimmer
Porter	Snowe	

NOES—12

Allard	Fawell	Penny
Armey	Hancock	Sensenbrenner
Boehner	Inglis	Solomon
Crane	Kyl	Stump

NOT VOTING—9

Andrews (ME)	Grandy	McMillan
Bachus (AL)	Hoke	Ortiz
Blackwell	Horn	Washington

□ 1325

Mr. ROYCE changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. SKAGGS). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1933. An act to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, to extend such Commission, and to support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr.

The message also announced that from the Committee on Finance for matters solely within the Finance's Committee jurisdiction, including sections 209, 210, and 408 of the Senate amendment, Mr. MOYNIHAN, Mr. BAUCUS, and Mr. PACKWOOD, be appointed conferees, on the part of the Senate, on the bill (H.R. 3474) "An Act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes."

WAIVING A CERTAIN REQUIREMENT WITH RESPECT TO CONSIDERATION OF A RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4426, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 441 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 441

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to a resolution reported on the legislative day of May 25, 1994, providing for consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for one hour.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During debate on this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 441 is a simple resolution to permit the House to consider the foreign operations appropriations bill today. The rule waives the two-thirds vote requirement against a rule on the foreign operations bill if the rule is brought up on the same day it is reported from the Rules Committee.

This is the second of 13 appropriations bills which the House is hoping to complete and send to the Senate by the end of June. It is a vitally important bill which will help us reorder our priorities in foreign aid while making significant reductions in the overall foreign aid spending level.

The bill provides additional disaster relief assistance for countries, experiencing severe emergencies, such as Yugoslavia and Somalia. It establishes important new programs of democratization and nonproliferation. And, most importantly, it increases the funding levels in all child activities, including child survival, basic education, displaced children, and UNICEF.

The Rules Committee met this morning at 9:30 to grant a rule providing for consideration of the foreign operations appropriations bill. The rule under consideration at this time simply allows us to take it up today by a majority, rather than a two-thirds vote. I urge my colleagues to support this rule and let us proceed to debate how we intend to fund our Nation's foreign assistance programs.

□ 1330

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it should come as no surprise that I rise in strong opposition to this rule, waiving a requirement for a two-thirds vote to consider a report from the Committee on Rules on the Foreign Operations Appropriations Act for fiscal year 1995 on the same day that it is reported.

Mr. Speaker, waiving the two-thirds rule should be reserved for emergencies. That is when we waive the two-thirds rules. In this case, we do not have an emergency. The schedule of the House does not warrant this kind of very extreme action. We are not approaching the sine die adjournment. We simply face the Memorial Day district work period. On top of that, despite the scheduling concerns of the Committee on Appropriations, they are far ahead of last year's appropriation pace.

Certainly there is no "foreign aid" emergency that requires immediate congressional action on this spending bill today. The House can consider foreign aid tomorrow. We could debate foreign assistance upon return from our districts in 2 weeks. Therefore, I have to wonder if the Democrat leadership would prefer that Members of Congress not go home for 2 weeks with the foreign aid bill pending—it might make votes harder to come by when they get back after listening to their constituents.

Mr. Speaker, this "martial law" rule is not about foreign aid. It is about the process of deliberative democracy, or more accurately, the lack of real democracy that exists around here. We are being asked to expedite consideration of a truly horrendous rule that cuts the heart out of the House's most sacred responsibility, thorough and open consideration of spending bills. The power of the purse of the House is now regularly stripped on foreign aid bills, and that deed is done each year through the rule on the Foreign Operations Act.

Therefore, of all rules that are least deserving of being rushed to the House floor through "emergency" authority, this Foreign Operations Act rule stands out. If we are going to deny the American people, through their elected representatives, the right to debate and vote on amendments that subject foreign aid to the democratic process, then let us at least honor the House rules and consider that closed rule under regular order.

Mr. Speaker, this House should be a living testament to the democratic principles of deliberation, accountability, and consensus. We should not scrap those to appease the schedule of the Appropriations Committee. I urge my colleagues to vote down this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Appleton, WI [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I am opposed to this rule, as my friend, the gentleman from California, is, but I am also opposed to the bill on its merits or demerits. The reason I say that is despite all of the hoopla on reforming foreign aid, this bill is just business as usual.

When we analyze it, it is $2.2 billion for international banks, it is $7.6 billion for foreign aid, and it is $3 billion for military assistance. Some token cuts have been made to put a veneer of change on this legislation, but for those of us who want to put the American taxpayer first for a change, it is easy to see through this disguise.

Mr. Speaker, the bill has $1.2 billion for the International Development Association. That is a $210 million increase over last year. The IDA is the World Bank's branch which gives loans that are never repaid. We will never see this money again.

There is $168 million for the Asian Development Bank's development fund. That is a $105 million increase. Asia is the fastest growing region of the world. Why should the American taxpayer finance loans to countries that are taking away American jobs?

The bill also has $2.8 billion in new money for AID's so-called Development Assistance Programs. That is a $109 million increase for an agency that everyone agrees is broken and needs reform.

Mr. Speaker, what does this bill do about reforms? It gives AID a $12 million increase in its operating budget. That brings it to $517 million, or over a half a billion for operating AID.

There is even an increase for the Housing Guarantee Program, which sticks the American taxpayer with cosigning loans for houses now that are not for Americans but for people in other countries, so the message to every American family struggling to save enough for their first home is that a majority in this House are putting other nations' needs ahead of our own people's. This bill symbolizes what is wrong with the majority who run the House, and have done so for 40 years.

Mr. Speaker, they ran foreign aid through the House instead of cutting the waste. Last year the majority in the House voted for President Clinton's' largest tax increase in American history, the largest tax increase of $260 billion. Today we see the fruits of some of those tax increases going overseas. No wonder the American people are angry with Washington, but they should take into account who is voting to send this money overseas.

Mr. Speaker, some of us are fighting to put the taxpayer ahead of foreign interests, and some of us are fighting to put the American people's needs ahead of the needs of foreign interests. That is what is at stake with this bill, and the American people should take note and remember.

Mr. Speaker, this rule before us requires a two-thirds vote. It is not the proper rule for this House. The rule following it I am also opposed to, but basically, the merits and demerits of this legislation is what we should be voting on.

Mr. Speaker, I ask the body to vote against this rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this obviously is not the procedure we should be using for consideration of this. Mr. Speaker, as I said in my opening remarks, this easily could be put off until tomorrow, or until we come back from our district work period. This is not an emergency item, this debate on foreign aid. It is called a martial law rule. There is no reason under these kinds of circumstances to impose martial law in this House.

Mr. Speaker, I urge a "no" on the rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TORRES). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 174, not voting 13, as follows:

[Roll No. 201]

YEAS—246

Abercrombie	Foglietta	McKinney
Ackerman	Ford (MI)	McNulty
Andrews (ME)	Ford (TN)	Meehan
Andrews (NJ)	Frank (MA)	Meek
Andrews (TX)	Frost	Menendez
Applegate	Furse	Mfume
Bacchus (FL)	Gejdenson	Miller (CA)
Baesler	Gephardt	Mineta
Barca	Geren	Minge
Barcia	Gibbons	Mink
Barlow	Glickman	Moakley
Barrett (WI)	Gonzalez	Mollohan
Becerra	Gordon	Montgomery
Beilenson	Green	Moran
Berman	Gutierrez	Murphy
Bevill	Hall (OH)	Murtha
Bilbray	Hall (TX)	Nadler
Bishop	Hamburg	Neal (MA)
Bonior	Hamilton	Neal (NC)
Borski	Harman	Oberstar
Boucher	Hastings	Obey
Brewster	Hefner	Olver
Brooks	Hilliard	Orton
Browder	Hinchey	Owens
Brown (CA)	Hoagland	Pallone
Brown (FL)	Hochbrueckner	Parker
Brown (OH)	Holden	Pastor
Bryant	Hoyer	Payne (NJ)
Byrne	Hughes	Payne (VA)
Callahan	Hutto	Pelosi
Cantwell	Inslee	Penny
Cardin	Jacobs	Peterson (FL)
Carr	Jefferson	Peterson (MN)
Clay	Johnson (GA)	Pickett
Clayton	Johnson (SD)	Pickle
Clement	Johnson, E. B.	Pomeroy
Clyburn	Johnston	Poshard
Coleman	Kanjorski	Price (NC)
Collins (IL)	Kaptur	Rahall
Collins (MI)	Kennedy	Rangel
Conyers	Kennelly	Reed
Cooper	Kildee	Reynolds
Coppersmith	Kleczka	Richardson
Costello	Klein	Roemer
Coyne	Klink	Rose
Cramer	Kopetski	Rowland
Danner	Kreidler	Roybal-Allard
Darden	LaFalce	Sabo
de la Garza	Lambert	Sanders
Deal	Lancaster	Sangmeister
DeFazio	Lantos	Sawyer
DeLauro	LaRocco	Schenk
Dellums	Laughlin	Schroeder
Derrick	Lehman	Schumer
Deutsch	Levin	Scott
Dicks	Lewis (GA)	Serrano
Dingell	Lightfoot	Sharp
Dixon	Lipinski	Shepherd
Dooley	Livingston	Sisisky
Durbin	Long	Skaggs
Edwards (CA)	Lowey	Skelton
Edwards (TX)	Maloney	Slattery
Engel	Mann	Slaughter
English	Manton	Smith (IA)
Eshoo	Margolies-Mezvinsky	Spratt
Evans	Markey	Stark
Everett	Martinez	Stenholm
Farr	Matsui	Stokes
Fazio	Mazzoli	Strickland
Fields (LA)	McCloskey	Studds
Filner	McDermott	Stupak
Fingerhut	McHale	Swett
Flake		Swift

Synar	Traficant	Wheat
Tanner	Tucker	Williams
Tauzin	Unsoeld	Wilson
Tejeda	Velazquez	Wise
Thompson	Vento	Woolsey
Thornton	Visclosky	Wyden
Thurman	Volkmer	Wynn
Torres	Waters	Yates
Torricelli	Watt	
Towns	Waxman	

NAYS—174

Allard	Gingrich	Nussle
Archer	Goodlatte	Oxley
Armey	Goodling	Packard
Bachus (AL)	Goss	Paxon
Baker (CA)	Grams	Petri
Baker (LA)	Greenwood	Pombo
Ballenger	Gunderson	Porter
Barrett (NE)	Hancock	Portman
Bartlett	Hansen	Pryce (OH)
Barton	Hastert	Quillen
Bateman	Hayes	Quinn
Bentley	Hefley	Ramstad
Bereuter	Herger	Ravenel
Bilirakis	Hobson	Regula
Bliley	Hoekstra	Ridge
Blute	Hoke	Roberts
Boehlert	Huffington	Rogers
Boehner	Hunter	Rohrabacher
Bonilla	Hutchinson	Ros-Lehtinen
Bunning	Hyde	Roth
Burton	Inglis	Roukema
Buyer	Inhofe	Royce
Calvert	Istook	Santorum
Camp	Johnson (CT)	Saxton
Canady	Johnson, Sam	Schaefer
Castle	Kasich	Schiff
Clinger	Kim	Sensenbrenner
Coble	King	Shaw
Collins (GA)	Kingston	Shays
Combest	Klug	Shuster
Condit	Knollenberg	Skeen
Cox	Kolbe	Smith (MI)
Crane	Kyl	Smith (NJ)
Crapo	Lazio	Smith (OR)
Cunningham	Leach	Smith (TX)
DeLay	Levy	Snowe
Diaz-Balart	Lewis (CA)	Solomon
Dickey	Lewis (FL)	Spence
Doolittle	Linder	Stearns
Dornan	Lloyd	Stump
Dreier	Lucas	Sundquist
Duncan	Manzullo	Talent
Dunn	McCandless	Taylor (MS)
Ehlers	McCollum	Taylor (NC)
Emerson	McCrery	Thomas (CA)
Ewing	McDade	Thomas (WY)
Fawell	McHugh	Torkildsen
Fields (TX)	McInnis	Upton
Fish	McKeon	Valentine
Fowler	McMillan	Vucanovich
Franks (CT)	Meyers	Walker
Franks (NJ)	Mica	Walsh
Gallegly	Michel	Weldon
Gallo	Miller (FL)	Wolf
Gekas	Molinari	Young (AK)
Gilchrest	Moorhead	Young (FL)
Gillmor	Morella	Zeliff
Gilman	Myers	Zimmer

NOT VOTING—13

Blackwell	Machtley	Sarpalius
Chapman	McCurdy	Washington
Grandy	Ortiz	Whitten
Horn	Rostenkowski	
Houghton	Rush	

□ 1359

Mr. GILCHREST changed his vote from "yea" to "nay."

Mr. DEAL changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4426, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 103-530) on the resolution (H. Res. 443) providing for consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, which was referred to the House Calendar and ordered to be printed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 443 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 443

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995. All points of order against the bill and against its consideration are waived. General debate shall be confined to the bill and the amendment in the nature of a substitute recommended by the Committee on Appropriations and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the pending question shall be the adoption of the amendment in the nature of a substitute recommended by the Committee on Appropriations now printed in the bill. The committee amendment in the nature of a substitute shall be designated and shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. All points of order against the committee amendment in the nature of a substitute, and against provisions in the bill if so amended, are waived. If the committee amendment in the nature of a substitute is adopted, then the bill as so amended shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. No further amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TORRES). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 443 will allow the House to consider H.R. 4426, the foreign operations appropriations bill for fiscal year 1995. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against the bill and its consideration.

The rule provides that after general debate, the pending question shall be the adoption of the amendment in the nature of a substitute recommended by the Committee on Appropriations and now printed in the bill. The committee amendment shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. All points of order against the committee amendment and against provisions in the bill, if amended, are waived. If the committee amendment is adopted, then the bill as amended shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

Under the rule, no further amendment to the bill is in order except for the amendments printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed and by the named proponent or a designee. The amendments shall be considered as read and shall be debatable for the time specified in the report

equally divided and controlled by the proponent and an opponent.

The amendments shall not be subject to amendment except as specified in the report and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order are waived against the amendments. The rule further permits the Chairman of the Committee of the Whole to postpone a recorded vote on any amendment made in order by this rule, and to reduce to 5 minutes the time for voting after the first of a series of votes.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4426, the foreign aid appropriations bill is a carefully crafted piece of legislation. The committee appropriates approximately $13.6 billion for U.S. foreign aid programs which results in a reduction in spending of about $1 billion from last year. The bill successfully balances the need to exercise fiscal constraint while still meeting our moral obligation to assist those suffering from hunger and poverty around the world.

I want to particularly commend the committee, under the leadership of Chairman DAVE OBEY, for including $275 million for child survival activities which save and sustain the lives of up to 15 million children a year. The Agency for International Development [AID] reported to Congress that its child survival, basic education, and micronutrient programs have a far-reaching impact on the lives of children and their families in more than 60 countries. In addition to the $275 million for child survival activities, the committee also included $135 million for basic education and $25 million for micronutrients.

Unfortunately, Mr. Speaker, while the committee included identical amounts for these programs under last year's bill, AID did not spend all the funds provided. I will later engage Chairman OBEY in a colloquy making it clear that the intent of this legislation is to spend the amounts provided for these very successful preventive programs.

Overall this is an excellent piece of legislation that challenges our ability to target funds in the most needed areas while operating under tight budgetary constraints. The rule is designed to facilitate House consideration of our important foreign aid related issues. I urge my colleagues to adopt it, Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule. It is unfair, undemocratic, and elitist, disenfranchising nearly every Member of Congress and the voters whom they were elected to represent. I will say up front that my visceral opposition to this rule is not based on that it brings a foreign aid bill to the floor. Instead I oppose this rule because it strikes at the very foundation that the people's House was intended to play in our great constitutional system, namely to control the power of the purse and set the spending priorities for the funds collected from hardworking taxpayers.

I oppose closed rules, Mr. Speaker. I believe they are anathema to the concept of deliberative democracy. Unfortunately, the Committee on Rules often receives requests for restrictive rules. When this happens, it is usually because legislation is highly technical or a bill could become a Christmas tree of unnecessary special-interest projects or tax breaks.

□ 1410

No such claim is made for this appropriations bill. That is why I believe that we have a solemn responsibility to the American taxpayers, and to the institution, the House of Representatives, to reject this rule. In short, the chairman of the Committee on Appropriations came before the Committee on Rules and said he opposed cutting amendments being offered against his bill because many of them would be popular. Members would vote for them. They would pass.

Mr. Speaker, in a deliberative democracy, where we have representative government, would that be so bad? Are we at the point in this House that serious and thoughtful amendments to spending bills are going to be gagged because they might earn the votes of the elected representatives? The Committee on Appropriations, at least on some spending bills, appears to believe that they know so precisely how taxpayer money should be spent that they will set all the figures, and then no other Members will have even a chance to reduce the amounts.

That is fine if a colleague is one of the privileged 59 members of that committee, but for the other 375, regardless of your view of foreign aid, this is an unfair process. We cannot condone the selective disenfranchisement of the 225 million Americans who do not have the privilege of being represented by a member of the Committee on Appropriations.

Yesterday, a Republican candidate was elected to the House of Representatives from the Second District of Kentucky for the first time in over 129 years. That is not just another watershed election for Republicans in a rising tide against big unresponsive Government in Washington. It is also worth noting that it was the election to replace the highly respected chairman of the Committee on Appropriations, Bill Natcher. Chairman Natcher regularly stated that appropriations bills should come to the floor under the regular order, permitting all cutting amendments. He believed in letting democracy work in practice. We all know he considered casting votes the highest duty of a Member of Congress.

This foreign aid appropriations bill has become a harbinger of an increasingly insulated Appropriations Committee. To provide some perspective of how things have changed, from 1979 to 1986, no appropriations bills were protected from cutting amendments. Since 1987, the foreign operations bill has been protected from these amendments six times, and in the last 2 years, the legislative branch bill has also been so shielded. The House leadership has apparently decided that democracy is no longer a suitable process for these sacrosanct bills. The trend, Mr. Speaker, is certainly in a bad direction.

As I said, amendments were gagged on this foreign aid bill because they were popular, because they would pass. Three amendments to increase funding for antinarcotics initiatives, brought by esteemed leaders on this issue such as the gentleman from New York [Mr. GILMAN], the gentleman from New York [Mr. SOLOMON], the gentleman from California [Mr. CUNNINGHAM], the gentleman from New York [Mr. RANGEL] and others were blocked from consideration. They would increase funding for that critical antidrug program being cut by the administration, cutting from less important initiatives. Therefore, Mr. Speaker, I am going to call for the defeat of the previous question to make in order the Rangel-Gilman-Oxley amendment to fully fund the antinarcotics program.

Amendments by the gentleman from New York [Mr. SOLOMON] to cut $50 million from the International Development Association, or by the gentleman from Indiana [Mr. BURTON] to cut $5 million from the Agency for International Development, or by the gentleman from Wisconsin [Mr. KLUG] to cut $9.6 million from the International Fund for Ireland, amendments, which each should be in order under the regular appropriations process, were denied. Those programs should face the scrutiny of debate and the test of democracy, which is a vote. The amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] to cut funds for foreign aid to countries that fail to vote with the United States even 25 percent of the time in the United Nations is blocked by this rule precisely because it would probably pass this House. Finally, the proposal offered by the gentleman from Florida [Mr. MICA] to reduce development aid and shift the resources to export promotion programs is gagged to protect the committee's bill from scrutiny.

Mr. Speaker, I ask unanimous consent to put in the RECORD at this point the rollcall votes held in the Committee on Rules on amendments blocked

by the rule, including the ones I have mentioned. I would also like to include a chart on the increasing number of restrictive rules reported by the Committee on Rules, including their instances on appropriations bills.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from California?

There was no objection.

The information referred to is as follows:

ROLLCALL VOTES IN THE RULES COMMITTEE ON MOTIONS TO PROPOSED RULE FOR FOREIGN OPERATIONS APPROPRIATIONS ACT FOR FISCAL 1995 (H.R. 4426)—WEDNESDAY, MAY 25, 1994

1. Open Rule.—Provides for two hours of general debate; makes in order the Appropriations Committee amendment in the nature of a substitute as original text for amendment purposes; provides for an open amendment process under the five-minute rule; waives clauses 2 and 6 of rule 21 against provisions of the bill. Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Beilenson, Frost, Hall, Slaughter. NOT VOTING: Derrick, Bonior, Wheat, Gordon.

2. Strike 3-Day Layover Waivers.—Strike the provisions from the rule that waive clause 2(l)(6) of rule 11, the three-day layover requirement for committee reports, and clause 7 of rule 21, the 3-day layover requirement for appropriations reports and published hearings. Rejected: 4–4. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Beilenson, Frost, Slaughter. NOT VOTING: Derrick, Bonior, Hall, Wheat, Gordon.

3. Permit Motions to Strike.—In addition to the amendments made in order by the rule, insert the following language at the appropriate place: "Notwithstanding the forgoing provisions of this resolution, it shall be in order to consider amendments under the five-minute rule to strike any paragraph, section, item or proviso from the Committee amendment in the nature of a substitute." Rejected: 4–4. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Beilenson, Frost, Slaughter. NOT VOTING: Derrick, Bonior, Hall, Wheat, Gordon.

4. Gekas Amendment No. 5.—Amends the provision withholding 25% of the funds for Greece pending a report by the Secretary of State to the Appropriations Committees on alleged Greek violations of the U.N. sanctions against Serbia by striking the requirement that the funds not be obligated until at least 15 days after a separate notification has been submitted. Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

5. Cunningham Amendment No. 6.—Reduces funds for the Development Assistance Fund and increases funds for "International Narcotics Control" by $55 million. Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

6. Burton Amendment No. 9.—Reduces operating expenses for the Agency for International Development from $517.5 million to $512.325 million. Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

7. Burton Amendment No. 10.—Includes India under those Nations for which international military education and training assistance shall be prohibited (the bill now bars such assistance only to Indonesia and Zaire). Rejected: 3–5. AYES: Solomon, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon, Quillen.

8. Burton Amendment No. 11.—Strikes the provision withholding 25% of the Foreign Military Financing funds to Turkey subject to certain conditions. Rejected: 3–5. AYES: Solomon, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon, Quillen.

9. Solomon Amendment No. 17.—Reduces amount for Economic Support Fund and increases amount for International Narcotics Control by $52.4 million. [En bloc] Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

10. Solomon Amendment No. 21.—Reduce amount for U.S. contribution for the International Development Association by $50 million. Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

11. Goodling Amendment No. 22.—Reduce funds for Economic Support Fund by $27.75 million; for International Military Education and Training by $6.5 million; and for Foreign Military Financing Program by $7.3 million. Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

12. Klug Amendment No. 23.—Reduce funds for International Fund for Ireland by $9.6 million. Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

13. Mica Amendment No. 24.—Reduce funds for Agency for International Development by $51 million; and Mica Amendment No. 25.—Increase funds for Export-Import Bank by $51 million. [En bloc] Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

14. Gilman Amendment No. 26.—Reduce funds for independent States of former Soviet Union by $85.3 million and increase funds for International Narcotics Control by $52.4 million. [En bloc] Rejected: 3–5. AYES: Solomon, Quillen, Dreier. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon, Goss.

15. Crane Amendment No. 29.—Limits the percentage of U.S. voluntary contributions to the U.N. after calendar year 1995 to no more than the ratio of U.S. population to total population of U.N. member states. Rejected: 3–4. AYES: Solomon, Quillen, Dreier. NAYS: Moakley, Beilenson, Frost, Slaughter. NOT VOTING: Derrick, Bonior, Hall, Wheat, Gordon, Goss.

16. Gilman Amendment No. 30.—Authorizes President to establish a program to facilitate transition to full NATO membership of Poland, Hungary, the Czech Republic and Slovakia, provide assistance under various security assistance programs funded by bill, and permitting the President to expand transition assistance to other emerging Eastern European democracies. Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

18. Burton Amendment No. 31.—Prohibits assistance to South Africa if the government is suppressing opposition parties, is not respecting human rights and due process of law, or is not following free market economic policies; and Burton Amendment No. 33.—Prohibits assistance to South Africa is communists are serving in the cabinet. Rejected: 4–5. AYES: Solomon, Quillen, Dreier, Goss. NAYS: Moakley, Derrick, Beilenson, Frost, Slaughter. NOT VOTING: Bonior, Hall, Wheat, Gordon.

19. Motion to Report Rule.—Modified closed rule, waiving all points of order. Adopted: 5–4. AYES: Moakley, Derrick, Beilenson, Frost, Slaughter. NAYS: Solomon, Quillen, Dreier, Goss. NOT VOTING: Bonior, Hall, Wheat, Gordon.

Amendments in motions 4–18 above shall not be subject to amendment but shall be debatable for not to exceed 20-minutes equally divided between the proponent or a designee and an opponent; en bloc amendments are to be allowed where indicated and not subject to a division of the question in the House or Committee of the Whole; and appropriate points of order are waived against those amendments which require waivers.

H.R. 4426—PROVIDING AN OPEN RULE FOR THE FOREIGN OPERATIONS APPROPRIATIONS ACT

Strike all after the resolving clause and insert in lieu thereof the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill, and which shall not exceed two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Appropriations now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said amendment shall be considered as read. All points of order against provisions in the bill or the amendment in the nature of a substitute for failure to comply with the provisions of clauses 2 or 6 or rule XXI are waived. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.".

Explanation: This amendment to the proposed rule provides for a 2-hour, open rule for the consideration of H.R. 4426, the "Foreign Operations Appropriations Act for Fiscal Year 1995," and makes the Appropriations Committee's amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the five-minute rule. Clauses 2 and 6 of rule 21 are waived against provisions of the bill and substitute. Finally, the rule provides for one motion to recommit, with or without instructions.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.—Continued

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
103d (1993–94)	68	14	21	54	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 25, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. ———, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. DREIER. Mr. Speaker, this rule is not about foreign aid. It is about democracy here in Congress. If our country's foreign aid programs are designed to promote democracy and freedom abroad, it is a pitiful shame that the legislation funding those programs is now regularly considered under the most antidemocratic unfair procedure we have. The American people want a Congress that is involved in spending decisions, and is accountable for their decisions. This rule goes against those desires.

Mr. Speaker, I urge my colleagues to vote against the previous question, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] very much for yielding this time to me.

Mr. Speaker, I rise in support of the rule on the foreign operations appropriations for fiscal year 1995.

Mr. Speaker, one of the amendments made in order by this rule is an amendment I shall be offering to increase funding for voluntary family planning assistance by $100 million. This increase would be paid for by cutting programs in the bill, across the board, by three-quarters of 1 percent.

Increasing population assistance by $100 million will bring total funding for population assistance to $669 million. That amount is significantly closer to the amount the United States would need to spend next year to fulfill our commitment to the 1989 Amsterdam Declaration, the multinational plan for making voluntary family planning assistance available universally by the year 2000. (Meeting our commitment fully would require that we spend $800 million next year.)

I want to note that this amendment provides a smaller increase in the population account than I thought I would be proposing when I sent a letter to my colleagues on this matter last night. and I want to draw to my colleagues' attention also that the amendment does not cut exclusively from the World Bank and other financial institutions, as that letter stated but, rather, from all accounts in the bill. The proposed amendment was changed after discussion of the amendment with the chairman of the subcommittee, the gentleman from Wisconsin [Mr. OBEY] when the Committee on Rules was considering amendments to H.R. 4426.

This amendment will enable us to devote more of our limited foreign aid dollars to a purpose that will help a greater number of people in the developing world than anything else we can do—and, in fact, is essential for the wellbeing of every person on Earth, now and in the future.

There is nothing more important we can do to improve the lives of people in developing nations than to ensure that they have the means to choose the number and spacing of their children.

And there is nothing more urgent that we must do to keep the Earth habitable, than to slow the rapid growth of the human population.

The world's population now exceeds 5.6 billion, and is growing by almost 100 million people every year—260,000 everyday—with nearly 95 percent of the increase occurring in developing nations. If effective action is not taken in the five remaining years of this decade, as today's 3 billion children in the developing world reach their childbearing years, the Earth's population could quadruple to over 19 billion by the end of the next century.

The rapid growth of the human population underlies virtually every environmental, development, and national security problem facing the world today. In much of the developing world, high birth rates are outstripping the capacity of nations to make even modest gains in economic development, leaving growing numbers of their people living in a state of intractable poverty.

This year, it is particularly important that we show our strong commitment to providing our fair share of the cost of making family planning services available worldwide. Leaders from over 190 nations will be convening at the International Conference on Population and Development in Cairo in September, and the U.S. will be in a stronger position to exercise leadership on the issue if we are providing an amount that is closer to the full amount needed to do our share to achieve universal access to family planning.

□ 1420

All the other types of foreign aid we can possibly make available will be of little benefit to nations which continue to be overwhelmed by their rapidly growing populations. Our limited foreign assistance dollars will be a far greater help to greater numbers of people if we spend more of them on family planning assistance.

Mr. Speaker, I thank my friend for yielding 4 minutes to me, and again I want to express my support for the rule. I look forward to the consideration of the amendment later in the day and the opportunity to discuss the need for it.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the ranking member of the subcommittee on the Committee on Appropriations, the gentleman from Metarie, LA [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank my friend, the gentleman from California, for yielding time.

Mr. Speaker, I will comment on the substance of this bill later on, but I rise now in opposition to the rule.

I support the bill. It is a fundamentally sound bill, maintaining the trend of ever-lower yearly foreign aid appropriations.

The chairman of the full Committee on Appropriations, and the chairman of the Subcommittee on Foreign Operations, the gentleman from Wisconsin [Mr. OBEY] has dealt fairly with me throughout the process, and I appreciate his cooperation.

But many of the remaining Members of the House are not getting adequately heard on this bill. Their amendments proposed to the Committee on Rules have not been permitted under this rule, and accordingly I must oppose it.

The gentleman from New York [Mr. GILMAN], the gentleman from New York [Mr. RANGEL], the gentleman from Ohio [Mr. OXLEY], and the gentleman from California [Mr. CUNNINGHAM], had amendments to restore cuts in the international narcotics program, none of which were allowed but which could be addressed if we defeat the previous questions.

The gentleman from Ohio [Mr. TRAFICANT] had an amendment to provide an across-the-board cut. The gentleman from Pennsylvania [Mr. GOODLING] had a very thoughtful amendment to strike funding to countries that vote overwhelmingly against us in the United Nations. The gentleman from Florida [Mr. MICA] had an amendment to cut AID operating expenses, and the gentleman from Indiana [Mr. BURTON] had several amendments on South Africa. There were various other germane amendments that could have been made in order.

The House leadership has put the House under the gun, and if we do not complete debate on this bill today, we may not for several weeks. But that is little excuse for pushing the bill through without adequate consideration of legitimate, constructive amendments. Therefore, I must oppose this rule and urge defeat of the previous question.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from California, and I rise to join my good friend from California in opposing this rule and denouncing everything it represents.

Mr. Speaker, this is yet another gag rule—a rule that takes from every Member of this House, the right to offer amendments to cut or strike spending on foreign aid.

Mr. Speaker, the growing reliance by the Democrat leadership on restrictive rules for appropriation bills is further evidence that this institution—as it is presently being run—cannot conduct its legislative activities in a responsible manner that is either explainable to the members, or accountable to the public.

Mr. Speaker, in the 97th, 98th, and 99th Congresses, from 1981 through 1986, only one general appropriations bill was subject to a restrictive rule, and that restriction applied only to one narrow section of the bill—and even it did not deny Members the right to offer germane amendments.

It was during the 100th Congress that the Democrat leadership began to restrict the standard amendment process itself.

In the 100th, 101st, and 102d Congresses, from 1987 through 1992, five such restrictive rules were imposed.

Today, we are confronted with the fourth such restrictive rule in this 103d Congress alone. And No. 5 is just around the corner: On the legislative branch appropriations bill.

Mr. Speaker, if all this were not disgusting enough, we have to add to it the doubletalk that comes daily from the Democrat leadership.

On the one hand, the Democrat leadership will say that A to Z spending-cut debate is unnecessary.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I will yield in just 1 minute.

They say it is unnecessary because Members already have the right to offer cutting and striking amendments on appropriation bills.

And then, on the other hand, that same leadership will turn around and deny Members their right to offer those amendments.

Mr. Speaker, which is it?

I hope every Republican, and all Democrats who care about due process, will vote to defeat this previous question; that will allow at least one major amendment cutting ill-conceived Russian aid by $52 million and using those funds to stop illegal drugs coming into this country.

Vote no on the previous question.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Certainly, I will yield to the gentleman from Wisconsin, one of the most respected Members of this House.

Mr. OBEY. Mr. Speaker, I would just like to ask the gentleman this question: Would the gentleman tell me at whose request I first made the request to provide for a structured rule on the foreign aid bill?

Does the gentleman remember at whose request that was done?

It was done at the request of the Reagan administration. Mr. Reagan was President. He understood that this bill was occasionally demagogued and he asked for assistance by providing for a rule that would enable him to get his foreign aid bill through, and we cooperated.

Mr. SOLOMON. Mr. Speaker, let me respond to the gentleman——

The SPEAKER pro tempore (Mr. TORRES). The time of the gentleman from New York [Mr. SOLOMON] has expired.

Mr. DREIER. Mr. Speaker, I am very happy to yield 5 minutes to the ranking Republican on the Committee on Foreign Affairs, the gentleman from Middleton, NY [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong opposition to the rule, which regrettably precludes Republicans from having any real say with regard to the foreign assistance policies contained in this appropriations bill. More specifically, it denies many of us the opportunity to offer any of the three amendments—proposed by Republicans and Democrats alike—to restore the more than 35 percent cut from the President's international narcotics control budget for the State Department for fiscal year 1995.

The last foreign assistance authorization bill was enacted in 1985. Republicans have been promised for more than a year that we would have an opportunity to join in a bipartisan reform of the foreign assistance program. Regrettably, this bill will likely be the only foreign assistance bill this Congress will enact.

As a result of the proposed cuts in the international narcotics funds in this bill, domestic consequences will be severe, allowing more and cheaper drugs on our streets, and in our schools. Inevitably, there will be increased crime, health care costs and a significant loss of worker productivity. Our costly efforts for community policing provided for in the crime bill, will be adversely affected as well.

These new local community police efforts will be swamped by the increased drugs from abroad that surely will follow the second year of severe cuts in this vital front line program against cocaine and heroin headed for our shores. Witness the recent 44 percent increase in heroin hospital admissions here in our Nation.

If the Colombian Cali drug cartel was listed on the stock exchange today the phones on Wall Street would be ringing off the hook with buy orders.

More importantly what we really have before us is an abdication by the President of any leadership in the battle against drugs, having made no substantial effort to restore his full budget request.

Nor, did we learn of any real personal, critically necessary efforts by the White House to restore these cuts.

In November 1993, the White House announced with great fanfare the President's new international narcotics control strategy stating:

> The President stressed the need for American leadership in the fight against international drug trafficking. He pledged to work with the Congress to ensure adequate funding for international counterdrug programs.

Regrettably, these were hollow words. There is really no beef to this administration's so called drug strategy. This is not the time to throw in the towel on our international anti-drug efforts.

These are foreign policy concerns that have domestic consequences. We are hopeful, that this trend does not continue, but we are skeptical based on this latest performance.

Mr. Speaker, it is our intention to oppose the rule to defeat the previous question, and to report back this rule with the Gilman-Rangel-Oxley amendment that would do what the President wanted us to do.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from New York.

□ 1430

Mr. RANGEL. Mr. Speaker, am I correct in understanding that the motion to defeat the previous question is only for the purpose of allowing one amendment to the rule?

Mr. GILMAN. Reclaiming my time, that is my understanding. I would like to yield to the ranking minority member, the gentleman from California [Mr. DREIER] with regard to that.

Mr. DREIER. The gentleman from New York is absolutely correct. I said in my opening statement that what I plan to do is if we defeat the previous question, having control of the opposition, I have one amendment, which at this moment is sitting at the desk, which I plan to offer. That happens to be the Rangel-Gilman-Oxley-Solomon-et al. amendment to do what we think is absolutely necessary here.

That is my intent. That is what I said in my statement, and I plan to stand by that. That is why I am going to urge defeat of the previous question, so we can make the gentleman's amendment in order.

Mr. Speaker, I yield 6 minutes to my friend, the gentleman from New York City [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, my friends and colleagues, it is more difficult to get more partisan than I am as a Democrat. But there comes a time when our Nation is facing a serious problem that it just shatters the walls of party labels.

I do not know when it happened or where I was when it happened, but somehow the crisis as it relates to drug addiction and the problems that occur when we ignore it, it seems as though somewhere the war has been won or it has gone away, or that certainly no part of the Congress is prepared to deal with it.

Oh, we talk about violence, we talk about crime, we talk about our health bill. But if you talk about all of those things, why do you not stop and think why are we having so much crime?

Seventy percent of the people in those jails are there because of drug addiction. Why are we having so much hemorrhage in our health bills? Because most of the people that are in these hospitals are in there with gunshot wounds, addiction, children being born addicted to drugs, paying $5,000 to $7,000 a day for each and every one of these cases.

Yet when someone comes and says can we help do something about it, and they come to the Congress, you see what we have done. Some of us, Republicans and Democrats, have worked around the clock, working with this administration. And not just this one, whether it was Nixon or whether it was Carter or whether it was Ford or whether it was Reagan, we tried to work together, not as Democrats and not as Republicans.

But if we are having a war against crime, why are we cutting back on the FBI and the Drug Enforcement Administration? Why is it every time we turn

around to fight the war, we cannot get the bullets and the ammunition?

Now, all of a sudden we are asking for $152 million. We are asking for it because if there is anyone that has been involved in the war against drugs, it has been our friends in Colombia. The days are over now when they used to point their fingers at us and say the reason why the cocaine is thriving, the reason why the opium crops are thriving, the reason why marijuana is thriving, is because of American demand.

No, it is more serious than that now. As an effort of the partnerships that the United States has made with the Organization of American States, they have seen that drug addiction and drug trafficking have threatened the fragile democracies that we have in this hemisphere, and at a time when things are beginning to work, at a time when they are asking us to continue to assist them so that we cannot just depend on the elimination of the crops. That will never, never happen unless we reduce consumption, but we have to fight it in education, and you cannot name one program that is designed in education to prevent our kids from going on drugs.

We have to do something about rehabilitation, and not one of you know of a Federal program that supports it that can effectively say they rehabilitate our kids.

We have to do something about crime, and what do we do? Three strikes and you are out. Mandatory sentences. Executions. Is that stopping crime? Is that stopping drug addiction? There is no border between Burma and Thailand as we see the heroin pouring into these United States, and what are they doing in districts throughout this country? They are giving away the heroin on the street so our children will become addicted to it.

And what are they asking for? $152 million. What do we lose every year as a result of doing nothing with drugs? $500 billion, when you take into consideration how many people we lock up, how many people we keep in the hospitals, how much we lose in productivity.

I am not saying that we can win this war. But if you ask for $152 million for the International Narcotic Force in the State Department? It was not Republicans who asked for it, it was not Democrats who asked for it, it was the President of these United States asking that our credibility abroad be kept intact. And where do we ask to take it away from? We ask to take it away from the Soviet Union.

Now, I do not know how any of you feel about Communists, and maybe you forget quickly, but I fought against the Communists. And I have to say if they can redeem themselves for $52 million, why not give the $52 million to the communities that never were Communist in the first place? They are asking for the same hopes, the same aspirations as the former Soviet Union. They are out of work. They are out of hope. They are relying on drugs. Why can we not say America first? It is a simple thing to me.

Now, I know that as a Democrat I am going against the rules. We are not supposed to ever defeat the previous question. But then I have to decide, what is more important, the previous question, the Democratic tradition, or the millions of kids that can honestly say that this country and this Congress has not done a darn thing to allow them to believe that we ever can do it right?

I ask my Democratic friends to look at this. When the previous question is defeated, we are not turning the bill over to the Republicans. We are just asking for one amendment. This is not breaking any budget.

If some of your constituents are supporting the Soviet Union and it is going to defeat you at the polls, then believe me, you are excused. But if, on the other hand, you believe that the money is better spent keeping these drugs out of your districts, I ask you to defeat the previous question, let the rule come back with this one sole amendment, and let us get on with the people's business.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the chairman of the Committee on Appropriations and the chairman of the Subcommittee on Foreign Appropriations as well.

Mr. OBEY. Mr. Speaker, the gentleman who just spoke gave a fine speech. The problem is it does not have anything to do with this bill. If you look in this bill to find the cut in narcotics that the gentleman is talking about, there is not any. We did not cut the drug interdiction program. We should have, because it does not work.

Do you know what percentage of the drugs that come into this country are interdicted at the border? Less than 5 percent. Do you know what the former deputy administrator of this program told me when he came and talked to me privately? He said the program does not work, and that you should not spend a dime on it. Despite that fact, we fully funded last year's level in the bill.

Now, we did not increase the program as the administration asked us to because we did not have the money. We had to cut $9 billion to make the Clinton budget conform with the ceilings under the Budget Act. So we had to cut $400 million out of the foreign aid program, and we did.

But we did not cut one dime in narcotics. What we refused to do is to fund an increase that we did not have the dollars to provide.

□ 1440

I would also point out that we have been attacked because we have supposedly engaged in a partisan act by structuring the rule on this bill. I want to give my colleagues the facts.

Seven amendments are being allowed by this rule. Five of the seven amendments that are being allowed are Republican amendments. Only two are Democratic amendments. I happen to oppose those amendments.

There were 38 amendments offered in the Committee on Rules; 16 of the 38 amendments were amendments that would not even have been in order if we had had the totally open rule that the gentleman from California is suggesting that we should have. Six other amendments were withdrawn by their Republican sponsors.

There were nine across-the-board amendments. Some of them duplicative, calling for the same percentage cuts, and the one that was agreed to was the one of the gentleman from California [Mr. BEILENSON], in an effort to try to fund a higher number for population programs, an amendment which I also oppose.

I also want to trace for Members the history of this subcommittee in terms of structuring the rule on this bill. This bill has been brought to the floor under a structured rule for the past 9 years, because we were originally asked to do so by Undersecretary of State Bill Schneider, serving in the Reagan administration, and by then-Secretary of the Treasury Jim Baker. They asked us to help them pass the Reagan foreign aid program, and they knew that because there was such controversy at that time that a lot of the issues in this bill were going to be demagoged. So they asked us to help structure the rule so that we would have a fair and balanced discussion on the bill. And that is what we did.

I make absolutely no apology for it. It was an effort on the part of a Democratic chair to support a reasonable request on the part of the Republican administration, and we pursued that same policy under the Bush administration. We are pursuing it now under the Clinton administration. We are doing precisely the same thing that we have done for 9 years.

I would suggest that rather than get exercised about a nonexistent power play, I would simply suggest that what we are doing is allowing Members to debate the major budgetary issues on

this bill. And we are doing so by denying, in the main, consideration of amendments that would not be allowed under an open rule.

I want to make one other comment with respect to narcotics. I understand the gentleman from New York and his concern about this society and this Congress' willingness to pour billions of dollars into new prisons, to put a great amount of political effort into three strikes and you are out, without doing anything real to deal with the problems of the victims of crime or to deal with the problems of drugs. I share that concern. But this bill does not have anything to do with that, and this bill does not do that.

I repeat, this bill did not add money to the narcotics program, because we did not have the money to do it. Neither did we cut the program from last year's level. I repeat, we did not cut the narcotics program. In the context of a bill which is reduced overall by $400 million from the President's request, we level-funded this appropriation. It is getting the same number of dollars it got last year. A number of programs are getting considerably less; some are getting zero.

We zeroed out the administration's $100 million request for ESAF. In my view, if we are going to fight drugs, we need to fight it here at home through education, and through law enforcement. If we had the money available, I would strongly suggest that we not put it into this program, because any program that only stops about 4 percent of the drugs coming into this country is, in my view, by definition a failure.

But the fact is, we did not cut the program. We level-funded it, in spite of the misgivings of the chairman and in spite of the misgivings of the committee.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I thank the gentleman for yielding to me. No one in the House has more respect for him.

He consistently characterized my statement as having nothing to do with this bill. Now, I know that he knows a lot about a lot of subjects, but when the President of the United States, the Secretary of State, the drug czar, Mr. Brown, and all of the people that have developed over the years some expertise in fighting this problem, and they ask for $152.4 million, and the gentleman, with all of his expertise, gives them $100 million, under what type of logic is he saying that he did not cut the President's request.

Mr. OBEY. Mr. Speaker, I did not say we did not cut the President's request. I said we did not cut last year's budget.

Mr. RANGEL. Mr. Speaker, if the gentleman will continue to yield, I may have misspoke, but all I am saying is, I do not think my country and this administration is doing all that it can. It makes a feeble effort to ask for $152.4 million and the gentleman, in his judgment, says, "I do not like the program so I will give them $100 million, because they got it last year."

I do not think the gentleman ought to characterize what I said as being out of line with the legislation.

Mr. OBEY. Mr. Speaker, the gentleman is misstating my position. I said that in spite of my misgivings about the program, I decided not to cut the program. I did not operate on the basis of the President's budget. We operated on the basis of last year's budget, because we did not have the money to go around providing large increases.

Does the gentleman think it was a mistake that we provided an increase for IDA, 50 percent of that money goes into Africa?

We decided that that had a greater effect than some of the other requests that the President made.

Mr. RANGEL. Mr. Speaker, if the gentleman's thinking is that putting the money in Africa has a greater effect than what is happening in our districts, then once again, I differ with his thinking.

Mr. OBEY. Mr. Speaker, I would suggest if we are going to deal with drugs, we need to put them in the drug programs that work. We funded last year's level fully, but we did not have the money for an increase.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Findlay, OH [Mr. OXLEY], a coauthor of this very important amendment.

Mr. OXLEY. Mr. Speaker, let me first pay tribute to our leader in the narcotics area, the gentleman from New York [Mr. RANGEL]. I think the House made a huge mistake when it eliminated the Select Narcotics Committee because it did not encourage those Members who have been fighting the drug fight for all these many years. And the gentleman from New York [Mr. RANGEL] represents the best of our efforts.

Mr. Speaker, I really think the question for the House to decide is whether our amendment is going to be made in order. That question is, do Members want this money going to the former Soviet Union, or do they want it to be used to fight the narcotics trafficking going on in this world and that is penetrating this country. That is really the question.

It seems to me that the House, not the Committee on Rules, not the Committee of the Whole, but in fact the House ought to determine exactly where that money ought to go. That really is what we are asking, that we defeat the previous question and allow this one amendment to be offered.

I do not think it is too much to ask that the House be given an opportunity to work its will. We have seen huge cuts in the drug czar's office, in the DEA, in the FBI and in the Coast Guard, in Customs, who are set up to fight this drug war.

We are going to send a terrible message to the American people that we no longer think drugs are a major concern in this country.

I ask the House to consider, to vote against the previous question, give us an opportunity to make our case on the floor of the House. Give us an opportunity to make the case that drugs are a major component of the crime problem in this country, and the best way we can deal with it is to use that money to help countries who are cooperating with us in this drug war, whether they are producing countries or whether they are transit countries. That really is the question before the House.

I think that amendment will pass overwhelmingly. I think the Committee on Rules and the leadership understood that intuitively, and that is why they would not allow the amendment.

I thank the gentleman from New York [Mr. RANGEL] for the help he has given us. Please defeat the previous question.

□ 1450

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Winter Park, FL [Mr. MICA], a hard-working freshman Member who had an amendment denied by the Committee on Rules.

Mr. MICA. Mr. Speaker, I had two amendments that I considered most reasonable. One was to cut 10 percent of the half a billion dollars used to administer AID. That is 10 percent of half a billion dollars, a half a billion dollars more than any nation on the face of the earth spends for administration of a giveaway program.

The second part of my amendment is to say, "We could cut that, but we could put it into supporting U.S. exports," which I think is a valuable area. I was not even talking about reducing the amount of money in the bill.

Last night, Mr. Speaker, on TV millions of Americans and I had a chance to see the history of waste and fraud and abuse of foreign aid in Zaire. That is history. In 2 minutes I cannot tell the Members the trail of waste, fraud, and abuse in this bill. Members will hear some of it. Many of the amendments that were denied being heard, Mr. Speaker, take that kind of waste, fraud, and abuse out of this bill.

Mr. Speaker, today the House, unfortunately, has not gotten the message. Maybe they did not get it in Oklahoma, Kentucky, or wherever, but they did not get the message that the American people want this to stop.

The Committee on Rules killed an amendment that cut $50 million and would have transferred it from a giveaway program to a good program. The

United States gets beat by Japan, by France and Germany. We spend the lowest amount of money in export underwriting and assistance of any civilized nation, according to this report, which is carefully detailed and just released by the Small Business Exporters Association.

This committee and the bill is committed to giveaways and to studies, while other countries are conducting trade and business. I believe in trade, not aid. The world has changed, but we are still living in another era, in a giveaway era in this House of Representatives.

I urge Members to kill this rule and send the Committee on Rules a message, and the American people will respect them for it.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Madison, WI [Mr. KLUG], the author of a very important amendment dealing with Ireland, which tragically was denied by the Committee on Rules.

Mr. KLUG. Mr. Speaker, this House is supposed to debate issues, and that is what the fight on this rule is all about, the sense that many of us would like to debate foreign policy issues and the way that U.S. Government money gets spent on foreign policy issues, but we are never allowed to do it.

Yesterday I offered an amendment to trim back funding for the International Fund for Ireland in fiscal year 1995 from $19.6 million to $10 million. A number of my colleagues think this is a terrific idea. It was originally set up in 1986 as part of a joint agreement with the European Community, New Zealand, Canada, and the United States, to help fund economic development projects on the Irish Republic-Northern Ireland border.

Speaker FOLEY, for example, has said, "In my judgment, this contribution represents some of the best value for U.S. dollars spent abroad under the U.S. Foreign Assistance Act." However, the former chairman of it, Sir Charles Brett, said that this has grown out of a "muddled but benevolent desire to believe that money could buy peace," and that he did not think of the purpose or potentialities of the fund had at all been clearly worked out before it came into existence.

Last year, of the $20 million that we sent to the International Fund for Ireland, $8.6 million went to encourage tourism to Ireland, including production of a golf video, construction of a theater, and pony trekking centers across the country of Ireland.

$285,000 of that money went to enhance Northern Ireland's reputation for quality, and $127,000 went to assist stores in Boston to sell Irish products.

Mr. Speaker, we all know the legend of the leprechaun, where somebody gets in trouble for stealing his pot of gold. In this case, I think the roles are reversed, and it is the leprechaun who has been stealing money from us.

Mr. Speaker, I make the point that what we need to do is to debate the continued United States involvement in the International Fund for Ireland, and it is my sense that given a $200 billion U.S. deficit, it is awfully difficult to explain $10 million to the American public spent on Irish tourism development, spent on swimming pools and Jacuzzis in Irish hotels, spent in golf course videos, and spent in pony trekking centers. It is not an appropriate use of money.

Mr. Speaker, that is one of the reasons this rule should be voted down so we can debate the issue.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Middletown, NY [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to take a few moments to clarify the record. In fiscal year 1994 the President requested $147 million for the INM fund, and only $100 million was enacted. In fiscal year 1995 the administration's request was for $152.4 million, more than last year's request, and again only $100 million was recommended. Fiscal years 1994 and 1995 are cuts any way we slice it.

Permit me to recite some of the noteworthy results from the Republican antinarcotics strategy in the 1980's: There was a drop in cocaine use from $5.5 million in 1985 to $1.3 million in 1992, marijuana use was down from 20 million users in 1990 to 9 million in 1992. Roughly half of all the estimated cocaine production was seized by our own agents in foreign interdiction operations, indicating that our international narcotics efforts have been substantial and have been worthwhile. Let us continue that effort by supporting this amendment.

Mr. DREIER. Mr. Speaker, may I inquire of the gentleman from Ohio [Mr. HALL] on the Committee on Rules how many speakers there are remaining?

Mr. HALL of Ohio. Mr. Speaker, I have no further speakers. I am prepared to move the previous question on the resolution.

Mr. DREIER. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. TORRES). The gentleman from California [Mr. DREIER] has 1 minute remaining, and the gentleman from Ohio [Mr. HALL] has 14 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am prepared to defeat the previous question. I hope very much that we can make this Rangel amendment in order.

In order to close debate, Mr. Speaker, I yield to my good friend, the gentleman from Fort Lauderdale, FL [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would very quickly like to make the observation that the previous question that we are trying to defeat, the amendment that the gentlemen from New York, Mr. RANGEL and Mr. GILMAN, and the gentleman from Ohio [Mr. OXLEY] spoke to, is not money for interdiction, it is money for foreign operations. It is tremendously important to our effort.

I would also like to correct a statement made by the distinguished chairman of the Committee on Appropriations, that interdiction is not working. For every dollar that we spend on the interdiction effort, we are taking $20 of street value out of the system. I do not know of anywhere in the Federal budget we are getting more bang for the buck. I do not know anywhere we have to do more than in eradication in the source countries.

Let us wake up. We have to attack this drug war on every front. Education is important. I agree on that. Treatment is important. I agree on that. Also, our foreign efforts are tremendously important.

As the gentleman from New York [Mr. RANGEL] said, and I think quite courageously, and I would say this to our Democrat friends, never in this Congress has fighting a drug war been a partisan issue. We have worked together, we have worked shoulder to shoulder in this Congress, in trying to do a better job on all fronts. Let us not make this a partisan issue. To defeat the previous question is not a partisan issue. Let us vote to defeat the previous question.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I strongly support the Appropriations Committee's thoughtful recommendation not to appropriate funds this year to the ESAF, a facility within the International Monetary Fund. I want to thank the committee for listening to and addressing my serious concerns about the policies of the ESAF and the IMF in general. ESAF lends money to countries at concessional rates on the condition that borrowers adopt harsh economic structural adjustment programs based on supply-side trickle-down economics which has been proven unsuccessful in our country and abroad. The goal of the IMF is to promote stable economies in the Third World which, in turn, would increase the standard of living of the citizenry. The general consensus of both progressives and conservatives is that, in practice, the policies of the IMF actually exacerbate the plight of the poor, are fundamentally undemocratic, and are unnessarily unaccountable.

The burden of IMF structural adjustment programs falls inequitably on the poor. In the short run, they cut govern-

ment programs that provide the bare necessities to the poor. In the long run, the countries' productive capacity is destroyed. Not surprisingly, the standard of living of the poor within the borrowing countries, in both rural and urban areas, sharply declined during the period IMF structural adjustment programs have been implemented. The percentage of rural populations living below the poverty line and unemployment rates increased significantly in many borrowing countries including Bolivia, Zambia, Sri Lanka, and the Philippines. These declines coincided with IMF loans and significant cuts in Government social programs on education, health, and housing. Numerous riots broke out in response to the deplorable living conditions.

The harsh and ineffective IMF structural adjustment programs are also imposed in a manner antithetical to democracy. Desperately poor countries, who often need to borrow in order to pay interest payments on earlier IMF loans, have no choice but to accept the IMF's conditional loans. Thus, the few individuals in positions of power in the IMF are determining the borrowing countries' economic policies while the national governments—which ostensibly have the authority to make those decisions and are sometimes elected democratically—are held hostage to the IMF's whim.

Unfortunately, the full extent of the IMF's influence cannot be determined because the loan negotiations and resulting structural adjustment policies are confidential—even after the policies are put in place. We should not be pouring the American taxpayers' hard earned money into a fund that keeps us in the dark, and thereby, takes no responsibility for its actions. Many supporters of the IMF, like Professor Jeffrey Sachs who has been intimately involved in numerous loan negotiations, believe disclosure is practical and would promote sound economic policies because it would allow scrutiny by economists and citizens.

Congress has made numerous attempts to fix the abuses I have described by directing U.S. representatives to apply their influence and votes accordingly. Although the IMF has verbally agreed to make some changes, in practice, our demands have been ignored. The IMF needs to know that we mean business by not appropriating funds until after these serious problems have been addressed.

□ 1500

Mr. DREIER. Mr. Speaker, before yielding back the balance of my time, I would like to urge a no vote on the previous question so that the amendment of the gentleman from New York [Mr. RANGEL], and the amendment of the gentleman from New York [Mr. GILMAN] may be made in order. I will be offering one amendment when we defeat the previous question and that is the amendment that has been discussed here by my colleagues. I urge a no vote on the previous question.

Mr. CRANE. Mr. Speaker, I oppose the rule on the Foreign Operation Appropriation for fiscal year 1995 because I believe it unfairly restricts the rights of Members, both Democrat and Republican, to fully debate, consider, and amend this Foreign Operations Appropriation. Despite the fact that the right to amend is perhaps most important on Appropriation bills, the Rules Committee has used its powers to squelch debate in this House. Like many others, I wished to offer an amendment to this bill, and I testified before the committee to ask that my amendment be made in order. I had hoped to give the American people and their Representatives a chance to examine and debate the level of our contributions to the United Nations.

But this restrictive rule prevents me from putting this amendment to a vote. The heavy-handed domination of the majority prevented a discussion of this important issue.

In 1993, the United States paid one-quarter of the operating expenses of the United Nations. The next closest contributor, Japan, paid only 12.45 percent, or less than one-half of our expenditure. After Japan, the next highest contributor is Germany, which expends slightly less than 9 percent, or roughly one-third of what American taxpayers contribute.

In exchange for these costs, the United States is allowed to host the United Nations in New York, and supply the vast majority of the forces in many U.N. peacekeeping operations. I believe these expenditures are too high, and it seems clear to me that we must, especially in light of our own budget deficit, control those costs.

I believe we should limit our contributions to the United Nations and its affiliated agencies to an amount commensurate to our population. In other words, the ratio of U.S. contribution to U.N. budget should be equal to the ratio between U.S. population and population represented by the United Nations. Not only will this help us reduce our overall expenditures, but will also remove the premium we pay for the protection of the United Nations and will bring costs into line.

The House of Representatives ought to have the opportunity to debate this issue. Unfortunately, the recent trend toward more restrictive rules has manifested itself once again, effectively gagging Members of Congress and in turn gagging the American people. In the future, I would hope that the Rules Committee will reverse this trend. It should allow more amendments and consequently more debate on the important issues before the American people.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. TORRES). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 233, nays 191, not voting 9, as follows:

[Roll No. 202]

YEAS—233

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Holden
Hoyer
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten

Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NAYS—191

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Conyers
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hochbrueckner
Hoekstra
Hoke
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pickle
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Rangel
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Andrews (TX)
Blackwell
de la Garza
Grandy
Horn
Ortiz
Tucker
Washington
Wise

□ 1521

Messrs. FORD of Tennessee, TAUZIN, and SLATTERY changed their vote from "yea" to "nay."

Messrs. LIPINSKI, TRAFICANT, JEFFERSON, FLAKE, MFUME and TOWNS changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TORRES). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 181, not voting, 8, as follows:

[Roll No. 203]

YEAS—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—181

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Machtley
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Barcia
Blackwell
Grandy
Horn
Oxley
Rowland
Washington
Williams

□ 1539

Mr. SWETT changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1540

The SPEAKER pro tempore (Mr. TORRES). Pursuant to House Resolution 443 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4426).

□ 1541

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, with Mr. RICHARDSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes.

The Chair recognizes the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, this week we have begun consideration of the 13 appropriation bills for 1995. I think it is important to place in context the conditions under which we are dealing with this bill.

Discretionary appropriations now account for only about one-third of all Federal spending. Funding for all of the programs that are funded by the Committee on Appropriations will shrink relative to the size of the overall economy, relative to the rest of the budget, and relative to the inflation-adjusted cost of continuing these programs through the next fiscal year.

In fiscal year 1995, we will have about $9 billion, or about 2 percent less, than the amount needed to operate discretionary programs at the previous year's level. That means that for the first time in nearly three decades, outlays from discretionary programs will actually decline below previous years' levels.

That is why we have had some of the arguments we have had here this afternoon. I have said many times, and I will say again, this is going to be the first year in the service of virtually everyone in this House when the primary criticism which is leveled at this committee and this House on appropriation bills will be because of money that we do not provide, rather than because of money that we do provide.

We are operating under a situation in which spending for both defense and nondefense programs will decline over the next 5 years in real dollar terms. Outlays for defense will be somewhat above the level of a hard freeze, which would mean no adjustment for inflation, while outlays for nondefense programs will fall significantly below that level.

What that means in plain language is this: In appropriated items, we are being asked to live with a 5-year nominal dollar freeze. That means that the purchasing power of every dollar that we appropriate over a 5-year period will drop by 20 percent. There will be a real squeeze, and that squeeze is reflected in this bill.

The bill which the committee is presenting today provides a total appropriation of $13.6 billion compared to the President's request for $14 billion. It is $389 million below the request. It is $205 million below the 602(b) allocation which we are allowed under the Budget Act, and it is $707 million below the total amount that Members voted for in last year's foreign aid bill.

This bill continues the trend in the reduction of foreign aid which we have seen since 1985. This bill is 24 percent lower than it was in 1985. I would wager there is not 1 percent of Americans who know that, but I repeat that: This bill is 24 percent lower than the foreign aid bill was in 1985. There is no appropriation bill that we will deal with in this year that comes anywhere near close to making that statement.

I would also point out that in addition to the funding reductions in the bill, we have absolutely no, I repeat, no earmarks, and we have deleted more than a dozen legislative provisions.

The administration has made clear that under the funding for this bill, Israel, Egypt, West Bank, and Gaza, will be funded at the administration-requested levels. We will be funding $900 million for the former Soviet Union, down from $2.5 billion provided last year, but at the administration's request for this year, and we will be providing $360 million for Eastern Europe.

For export assistance, and this is one of the very few programs for which I can make this statement, for export assistance, which means in plain language, that the Government is assisting American companies to export American products, export assistance in this bill totals $884 million, which is $3.3 million above the President's request.

We are also providing for $19 billion in export-import loan guarantees. We are providing for a reduction of about $200 million for international financial institutions, but we still are providing sufficient funding to prevent further increases in arrearages which now are greatly in excess of three-quarters of a billion dollars. We are providing $790 million for the African Development Assistance Fund, combined with other developmental assistance that will provide an approximate $2 billion in deliverable assistance to Africa. We are providing more than $500 million for child survival, UNICEF and other programs, aimed at helping children, $565 million in family planning funds, up $59 million from last year, and I believe this bill is fiscally responsible and warrants the support of Members on both sides of the aisle.

Mr. Chairman, I would also make quite clear that I do not believe there has been a single partisan consideration in this bill. The committee has operated in a completely bipartisan manner. There was not a partisan amendment offered, and I do not think you will hear any partisan discussion this afternoon, at least not from members of the committee.

I would also say that I think Members have a right to feel good about what they have accomplished in this area.

□ 1550

For example, through this bill, for a number of years, Congress has taken the lead in supporting American assistance for child survival programs, including immunization against childhood diseases which kill millions of kids a year. Congress can legitimately take credit for the fact that literally millions of children are alive today who would not be alive without this bill.

I would also point out that we have pulled people's chains from time to time, when we felt it necessary in order to enforce the view that taxpayers' money ought to be spent with great care.

Members will recall, for instance, that the East European Development Bank became somewhat of an international scandal, because we had a runaway director who was turning that lending institution into a marble palace, ripping out marble that was not good enough for them, installing marble that was the duplicate of marble in Buckingham Palace, and frequently leasing their own aircraft operation.

What our committee did, when they would not listen to reason, we simply eliminated all funds for that institution. That brought about a rather drastic change. Among other things, it brought about the replacement of the director of the institution. That institution is now under new management. It is under new policies. It is under new restrictions. And, I think, we can safely say that they are on the road to behaving in an extremely responsible manner, which is a far cry from the regime that used to run that institution.

I think we can also take credit or take pride, I should say, in the fact that we did the same thing with the World Bank. Last year, we were unhappy because the World Bank had, in my view, a runaway construction project. So we reacted accordingly. We pulled their chain. We cut a good amount from their appropriation in the rescission. That reduced their lending authority by over $1 billion. That drove the message home. They have now produced a rather forthcoming report on the entire episode, and that project is under new management.

I think that record demonstrates that the committee has exercised its stewardship responsibilities with great care and great determination of both sides of the aisle. I think that care justifies the kind of support that the bill got last year from Members on both sides of the aisle.

This bill continues in that tradition. I ask Members' support for it.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the legislation. I would like to thank the chairman of the full committee and subcommittee for working with me and the other Members in a very fair and collegial process. It has been a pleasure to work with him, and I agree with him. This has been a nonpartisan effort.

This bill has never been popular, certainly not as long as I have been in the Congress. But this is a responsible bill, especially given the tight budgetary conditions of the current environment.

Last year we provided $12.9 billion in the outright bill, but we also added $1.6 billion in the Russian supplemental so we spent $14.5 billion overall.

This year we are spending $13.6 billion, so that represents a reduction, a continuation of the downward trend of foreign aid. It is less than the 1994 budget authority inclusive of the Russian supplemental. It is less than the President's request. It is less than the 602(b) allocation.

It is 24 percent, as the chairman pointed out, lower than the 1985 peak of $19 billion. And that amounts to $25.8 billion, when adjusted for inflation. And yet we only have $13.5 billion in this bill.

It provides sufficient funding levels to honor our Camp David commitment of Egypt and Israel and provides crucial support for the ongoing Middle East peace process. It provides $900 million for the New Independent States of the former Soviet Union. I supported that program in the last bill, and I support it today.

We are expanding our exchange programs, bringing more students and entrepreneurs to America in exchange for Americans over there. We are providing technical assistance to Russia and the Independent States.

We are providing expansion of the Peace Corps activities, law enforcement training to combat the growing crime problem, and we avoid aid given directly to the government of those countries and focus, rather, on assistance for the private sector development.

I think we are moving in the right direction. In fact, the statistics in Russia bear me out. Nearly 70 percent of Russian small businesses and 40 percent of industry are now in private hands. There are 150 million privatization vouchers which have been issued in the country, and progress continues despite the fact that it may often appear uneven.

In other parts of the world, the bill provides $1.9 billion for multilateral development banks, cutting $190 million from the President's request. This bill fulfills our negotiated obligations and makes a small down payment on the arrearages. It provides full funding for bilateral assistance, including development assistance, sub-Saharan Africa, international refugees and disaster assistance. Unfortunately, in my view, it also cuts $75 million in economic support funds. And when we take that account and set it aside for Egypt and Israel, it allows only $324 million for the rest of the world. When we compare that to 1985, when the United States provided $811 million, that is a substantial reduction and not altogether wise.

Also, if we take out Egypt and Israel, we will find that we only provide $27 million in foreign military financing grants and only $48 million in subsidies to provide roughly $620 million in foreign military financing loans. Only 5 years ago we provided $1.6 billion in FMF grants to our other allies beside Egypt and Israel.

By the way, I might also add, if the Beilenson amendment were to pass today, we would have zero military financing grants or loans, because all of the money would be diverted to that amendment.

Personlly, I would like to see more funding for our strategic allies through ESF and FMF programs, but these are tight times.

The bill provides $883 million in export subsidies through Export-Import Bank, Overseas Private Investment Corporation and the Trade Development Administration, slightly above the President's request. And it maintains the Kemp-Kasten language which prevents funding for abortions or funding for organizations which practice coerced abortions.

Finally, we adopted an amendment in our committee to expand the military to draw down weapons for Bosnia in the event that the United States unilaterally lifts the arms embargo as was advocated by the other body.

The bill, in summary, continues our support for Israel and Egypt during the crucial time of the peace process. It continues our privatization and democratic efforts in the former Soviet Union. It provides humanitarian and refugee assistance to a turmoil-wracked world, and it continues the recent trend for reduced levels of foreign aid.

Therefore, I can in good conscience urge my colleagues to support the committee work. I will, however, support some amendments, one of which is to reduce the global environment facility, which will come up under an amendment of the gentleman from Texas [Mr. DELAY].

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentleman for yielding time to me.

I just want to follow up very briefly on the statement that I made when I carried the rule just a few minutes ago.

Child survival activities, basic education, vitamin A, micronutrients programs, they work. And they save millions of lives. And they do it very inexpensively.

Mr. Chairman, last year the gentleman and I worked very hard to achieve the same numbers for child survival, basic education and micronutrients. One was 275. Basic education was 135, and vitamin A, basic nutrients, was 25 million.

What is more, U.S. AID practically bragged in their report language, in their recent report to Congress, that there programs were worth their weight in gold.

They surprisingly, AID, decided to hold back child survival funds in fiscal year 1994. They ignored the gentleman's strong support language. They put resources into programs that I believe stray from what real foreign aid should be all about.

□ 1600

Mr. Chairman, what I would most like to accomplish in our discussion here today is a commitment, a partnership to jointly monitor AID in the coming year to make sure that they spend the dollars the gentleman has provided for these extremely worthwhile programs. I want my resolve to be interpreted as a warning that we will not tolerate AID ignoring the committee's strong language that tells the agency to spend these hard-won resources as we think they should.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I would simply say, Mr. Chairman, I agree with the gentleman. As he knows, we inserted language in our report this year that states that the committee is not at all pleased with the level that AID provided last year. The committee expects AID to be much more responsive to the recommendations concerning child survival this year, because we think the resource situation is somewhat improved.

Mr. HALL of Ohio. Mr. Chairman, I thank the gentleman for his compliment, and certainly for his support.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I rise in support of the bill, and in particular, the child survival activities as outlined by the gentleman from Ohio [Mr. HALL] and the gentleman from Wisconsin [Mr. OBEY].

CHILD SURVIVAL MICRONUTRITION, AND BASIC EDUCATION SPEAKING POINTS

Each and every day, 35,000 children die around the world from largely preventable—and I must underscore preventable—malnutrition and disease. Yet UNICEF's "State of the World's 1993" report states: "In the decade ahead, a clear opportunity exists to make the breakthrough against what might be called the last great obscenity—the needless malnutrition, disease, and illiteracy that still cast a

shadow over the lives, and the futures, of the poorest quarter of the world's children."

Representative DAVID OBEY, his subcommittee, and congressional leaders in the fight to end hunger and poverty such as Representative TONY HALL can be proud of the progress that has been made over the decade because of their action.

Funding for programs such as child survival has increased from $0 in fiscal year 1984 to $275 million in fiscal year 1993 and child deaths rates have plummeted.

In 1980, five million children died each year from six vaccine-preventable diseases—measles, tetanus, whooping cough and three others—coupled with malnutrition. Now, because of the global campaign to immunize 80 percent of the world's children by the end of 1990, UNICEF—the UN Children's Fund—estimates that three million more children are living each year because they got their shots.

In 1980, 4 million children were dying each year from dehydration brought on by diarrhea when a simple Gatorade-like solution could stop the dying. Now, UNICEF estimates that 1 million children are living each year because their parents learned to prepare this simple solution.

In an effort to mobilize broad global leadership behind such lifesaving, affordable strategies, six heads of state called for a World Summit for Children. The September 1990 Summit at the United Nations brought together 71 heads of state and government, the largest gathering in history up to that time. These leaders, and ministerial delegations from 88 other nations, agreed to a set of year-2000 goals which provide a global blueprint for eliminating the worst aspects of poverty. They include:

Reducing child and infant deaths by a least one third.

Reducing maternal deaths and child malnutrition by half.

Universal access to basic education, with at least 80 percent of children completing primary school.

Universal access to safe drinking water and safe sanitation.

Family planning education and services available to all couples.

UNICEF estimates that two thirds of the resources to meet the World Summit for Children goals would come from developing nations themselves, with the other one third provided from the industrialized nations. UNICEF estimates that the industrialized nations, including the U.S. currently spend less than 10 percent of their bilateral development aid on meeting basic human needs. If that percentage were doubled to 20 percent, it would free up enough money to provide the industrialized nations' share of meeting the Summit goals.

This year, for the first time in a decade, USAID cut funding to child survival programs. This cut of $40 million was below what Mr. OBEY's subcommittee recommended and below the FY 93 levels—basic education was similarly cut by $30 million by USAID in 1994—in the foreign aid appropriations bill passed last October, Congress urged USAID to maintain funding levels for child survival, basic education and vitamin A programs. But, for the first time in many years, Congress did away with most earmarks, or binding funding levels for specific development programs, and did not require USAID to comply.

The foreign aid appropriations bill for FY 95 once again does not contain earmarks. The House report for the bill states: "The Committee is not pleased that AID did not meet the recommended targets in fiscal year 1994. The Committee has fully funded development assistance this year and expects AID to be responsive to the recommendations concerning child survival contained in this report."

It is clearly up to Congress to assert the priority of child survival, vitamin A and basic education programs, and to be vigilant in insuring that USAID funds these programs up to at least the level Mr. OBEY's subcommittee recommended. And it will be up to Congress to increase the priority and the funding of these programs so that the goals of the World Summit for Children can be met and the lives of millions of children and women can be saved.

As UNICEF's "State of the World's Children 1993" report stated, "If today's obvious and affordable steps are not taken to protect the lives and the health and the normal growth of many millions of young children, then this will have less to do with the lack of economic capacity than with the fact that the children concerned are almost exclusively the sons and daughters of the poor—of those who lack not only purchasing power, but also political influence and media attention. And if the resources are not to be made available, if the overcoming of the worst aspects of poverty, malnutrition, illiteracy and disease is not to be achieved in the years ahead, then let it now be clear that this is not because it is not a possibility, but because it is not a priority."

Mr. LIVINGSTON. Mr. Chairman, I am happy to yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman from Louisiana for yielding me the time and for his excellent leadership in bringing this bill to the floor. Mr. LIVINGSTON has been instrumental in ensuring that this bill is well balanced and the concerns of the minority have been addressed.

I would also like to thank the gentleman from Wisconsin [Mr. OBEY] for his tremendous efforts to craft a bill that, despite budgetary pressures, reflects our country's interests and priorities in foreign assistance.

This bill is heavy on funding for items that help the poorest of the poor and encourage sustainable development and it is moving swiftly away from high levels of funding for accounts whose justifications have been eclipsed by the rapid changes we are seeing globally. I would like to highlight some elements of this change in priorities.

One important provision in this bill that addresses post-cold-war realities, conditions 25 percent of Turkey's military assistance on the Departments of State and Defense reporting on Turkey's treatment of its Kurdish citizens, which account for 20 percent of its population. Turkey has repressed the Kurds for decades, but in the last 18 months the government instigated violence has reached unprecedented levels. Mr. Chairman, my wife, Kathryn, visited Turkey about 3 weeks ago in conjunction with the Congressional Human Rights Caucus and the Danielle Mitterand Foundation to attempt to meet with six Kurdish parliamentarians who were arrested and their lawyers, who were also arrested.

Not only was she denied access to the parliamentarians, she was followed everywhere she went. While she was there, the Supergovernor of the 10 provinces in the southeast called her and demanded to meet with her on short notice. She postponed a meeting with a group of human rights activists to attend the meeting with the governor, who kept her for 3 hours. When she left the meeting she was told that one of the activists she was to meet with had been shot in the back of the head and killed in the busiest part of the central market in Diyarbarkir. In addition, another woman Kathryn was to have met with disappeared and the 18-year-old son of another activist was shot in his father's butcher shop.

These incidents only bring into focus the larger picture of the atrocities that are being perpetrated against the Kurds in Turkey. Since 1984, 11,000 people have been killed in the southeast of Turkey—the Kurdish area—but one third of them, nearly 4,000 have been killed in the last year, 900 Kurdish villages have been razed by the Turkish Army. Some were evacuated first. There are allegations that people were rounded up and killed in others. Nine of the Turkish Human Rights Association's workers have been killed in the last year and 27 of its 57 offices have been closed. In 1992, 17 journalists and 14 distributors of pro-Kurdish publications have been assassinated, many shot in the back of the head. And 40 people have died in house raids by the police.

I think it is a travesty that we are providing any funds to the Turkish Government while it is doing such things. They clearly do not share our values, and they are going in the wrong direction on human rights. The provision in this bill conditioning part of their military aid sends a message, but I strongly believe we need to do more and stop our complicity in this situation.

The Turks, of course, in the face of any criticism, say it is anti-Turkish. It is not anti-Turkish. Our nations should be close friends and allies, but, Mr. Chairman, by their complete insensitivity to international norms of human rights, they make it virtually impossible, in the face of this ongoing, outrageous oppression.

I will continue to encourage the subcommittee to make clear to Turkey that in a time of very tight budgets we simply do not have money to give to violators of human rights.

I am also especially pleased with the subcommittee's emphasis on the Cy-

prus problem in this bill. This July will mark the 20th anniversary of the Turkish invasion of Cyprus. For the last 20 years, the island has been separated. The separation has been enforced by 35,000 Turkish troops stationed in the northern third of the island. It appears that the last round of U.N. talks have broken down after Turkish-Cypriot leader Rauf Denktash refused to agree to a set of confidence-building measures prepared by the U.N. Language in the report accompanying this bill expresses the committee's exasperation with Mr. Denktash's continued stonewalling on finding a solution.

I believe Turkey, the nation that divided Cyprus, is responsible for working actively to find a solution. To date it has done nothing to help resolve the situation. I am pleased that this bill conditions 25 percent of United States military assistance to Turkey on the State Department and the Department of Defense reporting on Turkey's willingness to play a constructive role in finding a solution.

This bill also contains a healthy increase in funds for international family planning. Sustainable development and the preservation of the environment are nearly impossible in undeveloped nations when their population is skyrocketing. A number of nations have annual population growth rates of 4 percent. In order to simply stay even economically, these nations have to have enormous growth rates of at least 4 percent. Starting from this hole, it is virtually impossible to get ahead. Even if these countries could achieve economic growth greater than their population growth, at such a high population growth rate it would almost certainly come at a very high environmental cost, as natural resources are harvested, agriculture leads to soil and water degradation, and factories pollute the air and water.

This bill addresses this pressing concern and provides a nearly 15-percent increase in population funding in the Development Assistance account. These funds will provide voluntary family planning services and education to tens of millions of couples around the globe. The bill also provides funds through the U.N. Fund for population activities, which will help the United States take a strong leadership role at the International Conference on Population and Development in Cairo in September, which I and a number of other Members plan to attend.

I am also particularly pleased that the committee funded the Global Environment Facility [GEF] at very close to the President's request of $100 million. I know that we will have an opportunity to discuss GEF at a later time in this debate, so I will not go on at great length now except to say that the GEF is essential to promoting a coordinated global response to threats to the environment. The GEF is the followup to the Earth Summit that was held in Rio in June 1992. At the Earth Summit and soon thereafter, many nations, including the United States, signed the Framework Convention on Climate Change and the Convention on Biodiversity. These treaties outline what each nation must do to promote biodiversity and arrest climate change. GEF is a means by which developing nations will finance the commitments they made at Rio.

Also, while this bill does not earmark any funds, it does provide ample funding in the FMF and ESF accounts to fully meet our Nation's Camp David commitments and the President has indicated that these commitments will be met. The Middle East remains a very volatile area, but tremendous progress is being made toward peace. Continued strong support from the United States and our allies is key to achieving a lasting solution, and I commend the chairman for ensuring that these fund will be made available.

I would also like to thank the staff for their excellent work that makes this bill possible. This year, subcommittee markup was pushed forward by a week on short notice and the staff worked exceptionally long hours to get this bill ready. Thank you to the subcommittee staff Terry Peel, Bill Schuerch, Mark Murray, Lori Maes, and Pat Summers, a detailee from AID, and Mike Marek. Thank you also to Tripp Funderburk, who did an excellent job in his first year staffing this bill for the ranking member, Jim Kulikowski, Bill Deere, Nancy Tippins, David Orlin, Carolyn Bartholomew, Nancy Alcalde, M.J. Rosenberg, and Virginia Johnson.

Mr. Chairman, I encourage Members to vote for this bill. As I see it, the United States has an historic opportunity with the end of the cold war to project our values of human rights, democracy, the rule of law, concern for the environment, and free markets to the far corners of the globe. This bill, which represents less than 1 percent of Federal spending, promotes our Nation's interests in many important areas.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Mr. Chairman, I rise on behalf of myself and the gentlemen from California, Mr. BERMAN and Mr. TORRES, to engage in a colloquy with the distinguished chairman.

Mr. Chairman, I would ask the gentleman, language in the bill requires the Secretary to submit a report to the committee addressing the allegations of abuses of by the Turkish Armed Forces and the situation in Cyprus. It is my understanding that 25 percent of the principal amount of direct funds to Turkey will be withheld until the Secretary has submitted this report.

I would ask the gentleman, Is this correct?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, that is correct.

Mr. LEHMAN. Mr. Chairman, I had considered offering an amendment which would have withheld aid to Turkey for its refusal to allow humanitarian relief to reach Armenia. I will not offer this amendment today with the assurances from the gentleman that every effort will be made during the conference to address my concerns. Those who receive our assistance must share our commitment to humanitarian relief work.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, I share the gentleman's concern. I want to assure the gentleman that we will do everything we can to review the situation in conference. It is a very serious situation, and I think Turkey ought to be aware of it.

Mr. TORRES. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from California.

Mr. TORRES. Mr. Chairman, I thank the gentleman for yielding to me.

Like the gentleman from California, I am committed to ensuring that countries that receive U.S. assistance do not deny humanitarian aid and assistance to people in need. Therefore, I will join my distinguished colleague, the chairman, in addressing this issue during the conference.

Mr. LIVINGSTON. Mr. Chairman, I yield one minute to the gentleman from Alabama [Mr. CALLAHAN], a distinguished member of the subcommittee.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I will only take a few minutes to tell the gentleman that he and the chairman of our committee have worked diligently to bring this bill to the floor. I said last year on the floor of this House that handling the foreign operations appropriations bill is akin to changing a dirty diaper. It's not a pleasant job but, it's necessary that someone do it. Let me tell the Members, this is not a pleasant task, but our chairman and our ranking committee member have certainly done outstanding work in this regard.

However, Mr. Chairman, the bill still does have one very serious flaw, in my opinion, and that serious flaw is in the aid to Russia, but the chairman has been very generous to me, supportive to me, in seeing that the House has the opportunity to debate this issue. I will be offering in just a few minutes an amendment to drastically reduce the aid to Russia, but once again, I thank the chairman for the courtesies he has extended to me, and the ranking Republican member, for the patience he has given to me.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, while this Member supports the Appropriations Committee's decision to increase the Trade and Development Agency's budget to a paltry $45 million, I believe that a larger increase in funding would be warranted for this agency which has achieved remarkable success in increasing U.S. exports through targeted export promotion. Secretary of State Christopher recommended funding TDA at $60 million for FY95 and, upon questioning, the agency's head indicates that TDA could productively utilize $120 million.

One of TDA's activities is to provide grants for U.S. consultants on feasibility and design teams for multilateral development bank (MDB) projects. By promoting the use of U.S. consultants, engineers, architects, and other design and planning personnel, at the earliest stage for these projects, U.S. goods and services are more likely to receive the detailed design, construction, equipment, and maintenance and resupply business for such MDB financed development projects over the long term. Currently, our European competitors and Japan greatly outspend the United States in this "trust fund" game to the detriment of our United States exporters. Today's long-awaited General Accounting Office report on "tied aid" practices of United States competitors indicates that the Japanese outspend the United States by approximately $5 for every $1 we devote to this important purpose. Moreover, the GAO report dramatically reveals that our toughest competitors devote a much greater portion of their "tied aid" to lucrative capital projects in developing countries.

Mr. Chairman, developing countries are expected to account for 95 percent of the world's anticipated population increase in the next 30 years. The TDA greatly assists U.S. exporters in competing for the vast and lucrative capital projects in the world's developing countries. Therefore, this Member believes it could best use more funding for this highly beneficial and important purpose. The results in U.S. business activities would be impressive.

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Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY] a member of the subcommittee.

Mrs. LOWEY. Mr. Chairman, I want to commend my chairman, the gentleman from Wisconsin [Mr. DAVID OBEY], for the fine work he did in moving this bill to the floor. The gentleman and his staff do an incredible job and it is a pleasure and an education to work with the gentleman.

Mr. Chairman, I rise in strong support of H.R. 4426, the Foreign Operations, Export Financing, and Related Programs Appropriation Bill for 1995.

This is an important bill. It is not easy crafting a Foreign Operations bill in the 1990's. Foreign aid is never popular. And these are difficult economic times here in the United States. Many Americans feel, and feel quite legitimately, that our domestic needs must come first.

And, of course, they will. That is why the amount appropriated in this bill is such a small percentage of Federal spending—less than 1 percent of the budget. That means we are spending 99 percent of our budget for domestic needs—as we should—and just 1 percent for aid. This 1 percent compares to the 10 percent of the budget that was spent on foreign aid back in the 1950's. So the trend for foreign aid is down, way down. This trend is manifested in this bill, which is $389 million below the President's request and $707 million less than the amount appropriated last year.

Mr. Chairman, there are two priorities that make up the bulk of this bill. The first is aid to Israel and Egypt. The second is aid to the states of the Former Soviet Union.

Both these priorities represent foreign policy triumphs. The Israel-Egypt aid package is a product of the Camp David peace treaty, a landmark treaty brokered by President Jimmy Carter. That treaty ended 30 years of war between Israel and Egypt. It has saved countless lives since 1979: Israeli lives, Arab lives, and—quite possibly—American lives. Viewed in the context, $5 billion dollars for Israel and Egypt, two-tenths of 1 percent of Federal spending, is a very good deal for America and the world.

I believe that the constancy of U.S. support for Israel and Egypt, in successive foreign aid bills, helped make possible the Palestinian-Israeli breakthrough that we saw on the White House lawn last September. The government of Israel took bold steps for peace when it agreed to negotiate with the PLO and agreed on a timetable toward an overall settlement. Israeli forces have already withdrawn from Gaza and Jericho as Palestinians exercise self-rule, for the first time in history, in those areas.

In withdrawing from those areas, and in looking toward the establishment of autonomy throughout the West Bank, Israel is taking unprecedented risk for peace. It is only its confidence in its alliance with the United States that enables Israel to make these sacrifices for peace. That is why it is so essential that we pass this bill intact with the President's requested Israel-Egypt aid package. To do anything else would undermine Israel's confidence and would be not just a blow toward Israel's security but would constitute a serious assault on the peace process itself.

There is another U.S. foreign policy triumph represented in our aid for Israel. This bill provides $80 million for the resettlement of Soviet and Ethiopian Jews in Israel. This country was instrumental in getting these people out of the Soviet Union, out of Ethiopia. So it is appropriate that we are helping to resettle them, particularly as antisemitism in Russia—encouraged by Vladimir Zhirinovsky and others of his ilk—is making it ever more clear that the future for Jews of the former Soviet Union is in Israel.

The Russian aid component of this bill also represents a foreign policy triumph: Our victory over the Soviet Union. During the past 40 years we spent $4 trillion to arm ourselves against the Soviet Union. That $4 trillion equals $80,000 from every American family.

The $900 million in this bill for the republics of the former Soviet Union is one way to ensure that the next generation of Americans is not taxed $80,000 per family to subsidize a new arms race. These funds, which to the maximum extent possible, go to the private sector and not to the central government will help build democracy and free enterprise throughout an area that lived under the scourge of communism for 70 years.

Frankly, there is no alternative to providing this aid. In theory, at least, we can look away and pretend that Russian's problems have nothing to do with us. But, in fact, we all know that no nation is an island anymore. Our two oceans did not defend us against the horror of Nazism when Hitler and his cohorts stalked the planet. They did not insulate us from the threat of Stalinism as it threatened all free people everywhere. We cannot separate ourselves from the problems of the former Soviet Union either. Our choice is either to help now or pay the consequences later. I would rather pay $900 million now than trillions later. And that is the choice.

There are other provisions in this bill that are of particular interest to me. I am especially proud of a provision which makes aid to the Palestinians contingent on the adherence of the PLO to commitments it made at the time of the September 13, PLO-Israel agreement on the White House lawn.

This PLO compliance provision states that before aid is released the President must report that the PLO continues to adhere to its commitment to live in peace with Israel and reject terrorism. It must condemn specific terrorist attacks against Israelis and it must use its influence to end the Arab boycott of Israel and of firms doing business with Israel.

This limitation on aid is necessary because of the continued acts of terrorism against Israelis since the September agreement and the ambivalent response to these acts by the PLO leadership. It is also necessary as we learn about PLO chief Arafat's most recent

call, in Johannesburg earlier this month, for a jihad to "liberate" Jerusalem and his suggestion that, when the time is right, he will renege on his commitment to peaceful coexistence with Israel. This provision lets him know that his new relationship with the United States is contingent on his living up to his commitment to peace with Israel. Let there be no mistake. If the PLO retreats from peace, the U.S. Congress will reinstate all the previous prohibitions on any U.S. dealings with the PLO. We are watching carefully. The requirements in this bill are a demonstration of that.

There is one provision in this bill that I am not happy with. Under the bill, 25 percent of direct loans to Turkey and Greece would be withheld until the State Department has submitted to Congress reports addressing human rights violations by the Turkish military, and Greek violations of the United Nations sanctions against Serbia.

I am, frankly, disturbed by the false equality implied by this formulation. According to many independent sources, including United States Ambassador to the United Nations, Madeleine Albright, Greece is in compliance with the embargo. Other independent sources report the same.

On the other hand, there is no debate about Turkey's human rights record. One would have to look long and hard to find any independent human rights report that did not cite Turkey as one of the world's flagrant human rights abusers. One quote from the Human Rights Watch Report of 1994 sums it up. "Human rights abuses in Turkey continued at an appalling rate in 1993. Security forces continued to shoot and kill civilians in house raids, and during peaceful demonstrations; brutal torture continued to be a routine and systematic interrogation technique * * * and members of the Kurdish minority in southeast Turkey were killed, tortured, detained and forced to abandon their villages." In short, Turkey has more than earned a cut in its United States aid. The linkage to United States aid to Greece is a false analogy and it is one that I, personally, reject.

I am pleased that the committee report has strong language on the human rights violations that continue to occur in East Timor. The committee report makes clear that it is the intention of Congress that the Government of Indonesia not be permitted to purchase IMET training for its officers. Moreover, the report states that prior to approving any arms sales to Indonesia, the administration should determine whether the Indonesian government is in compliance with United Nations Security Council resolutions calling for an immediate Indonesian withdrawal from East Timor and self-determination for East Timor. This demonstrates that Congress has not forgotten East Timor. The occupation must end. The people of East Timor must, and will, determine their own fate.

This legislation is particularly sensitive to the needs of women throughout the world. The following provisions demonstrate that this is a landmark bill in terms of encouraging the Agency for International Development and the State Department to give major consideration to women in its efforts throughout the world.

$58 million increase in population assistance;

First ever "soft earmark" of up to $20 million in aid to the Newly Independent States (NIS) for urgently-needed family planning assistance there. As you may know, there is an appalling lack of contraception in the NIS, which has led to reliance on abortions, which are often performed in unsafe conditions, as a method of family planning, and is responsible for almost one-third of maternal morbidity there.

First ever report language identifying female genital mutilation as a significant health and human rights problem and directing AID attention to its serious consequences.

First ever language acknowledging women's broader reproductive health needs, including the rapidly rising AIDS rate among women, and maternal and child health.

Language clarifying that AID funds can be used to treat women suffering from septic abortions. Unfortunately, AID, which is prevented from funding abortions by the Helms amendment, has been reluctant to use its funds even to provide treatment to women who are suffering from medical complications as a result of incomplete or septic abortions. Unsafe abortion is one of the leading causes of maternal mortality, and this clarification may help prevent some tragic deaths or crippling health problems.

Strong language urging that all development initiatives take into account the needs of women, and that women be involved at all levels of planning and implementation of population programs.

Recommendation that the State Department appoint a senior advisor on women's human rights.

In short, this is an historic bill which merits strong report. I urge its passage.

Mr. LIVINGSTON. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 14½ minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 16½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of H.R. 4426, the Foreign Operations Appropriations bill. As a Member of the Foreign Operations Subcommittee, I commend Chairman OBEY for his outstanding leadership in crafting the package before us today. I also thank him for his commitment to shifting the focus of our foreign aid toward promoting sustainable development and development assistance for those who truly need our help. In addition, thank you, Mr. Chairman, for holding the human rights and international AIDS hearings. I appreciate your commitment to raising the visibility of these important issues and to implementing effective programs to address them. Finally, I would like to express my appreciation to the able and committed subcommittee staff, Terry Peel, Mark Murray, Bill Schuerch and Lori Maes. Their hard work makes this bill possible.

I understand that for many of my colleagues, voting for foreign aid is not popular. But, it is important. Our foreign aid addresses many strategic, economic and humanitarian interests. Serious efforts are now underway to reform foreign aid programs to ensure that they are cost-effective and more efficient. I have faith that Agency for International Development [AID] Director Atwood will succeed in the difficult chores ahead of him as he streamlines U.S. development programs and adapts them to today's changing world.

The realities of the budget deficit were uppermost in our minds throughout each step in the process of developing this bill. The bill before us is $389 million below the administration's fiscal year 1995 request, and $205 million below our subcommittee's 602(b) allocation. There are still many important programs which I wish we could have funded at higher levels, including programs to improve the global environment, to provide basic health and education for more people in the developing world, programs to increase child survival rates and programs for international family planning. The unfortunate reality is, however, there is not enough money to meet all of the needs. I believe this bill overall is a balanced and reasonable one which will provide returns to the United States in many ways. Much of our foreign aid is spent here at home, generating jobs.

This year the subcommittee held a hearing on the extent and the impact of the international AIDS crisis. This was the first official Congressional hearing on international AIDS. It is clear that if we do not adequately fund international AIDS prevention efforts, much of our development assistance will be wasted.

By the turn of the century more than 40 million men, women and children are projected by the World Health Organization to be infected by the HIV virus. Ninety percent of these infec-

tions are projected to be in developing countries.

In Asia, Africa and Latin America, AIDS affects particularly men and women between the ages of 15 and 45. These people are the most productive members of any society. If we are serious about promoting economic growth and development around the world, we must stop AIDS now. As my colleagues know, this bill contains no earmarks. I am pleased that the report notes the committee's support that fiscal year 1995 funding for international AIDS programs should be, at minimum, restored to fiscal year 1993 levels.

I am also pleased that the Committee placed a high priority on environmental programs in this bill, supporting an increase in global expenditures from all AID funding sources for environment and energy activities above fiscal year 1994 levels, as well as funding for a number of specific environmental programs including the United Nations Environment Program, the Montreal Protocol Facilitation Fund, and the Global Warming Initiative.

Efforts to protect and improve the global environment will not be successful if the global population continues to grow at its current rates. Access to family planning is a critical part of sustainable development. I am pleased that the Committee was able to recommend the full amount of the administration's request for Population, Development Assistance, which is $58 million higher than the fiscal year 1994 level.

The Committee took to heart the concerns of a number of the environmental and humanitarian groups and did not recommend the requested $100 million for the International Monetary Fund's Enhanced Structural Adjustment Facility [ESAF].

We have recommended substantial funding for human resource development programs including $100 million for UNICEF, $275 million for child survival and $135 million for basic education. And in order to address one of the major global crises of our time, the Committee recommends $720.7 million for refugee programs including $12 million for refugee resettlement here in the United States.

I am pleased that the Committee continued its emphasis on programs relating to Women in Development [WID], noting the substantial and important contributions of women to economies in the developing world and urging that attention be paid to the particular needs of women in development.

The committee recommended an increase of $7.3 million over the administration's request for the Development Fund for Africa [DFA]. This increase is important, both to meet the growing development needs in sub-Saharan Africa and to contribute to the new South Africa initiative. Now that South Africa has acted to throw off the yoke of apartheid, we must help to promote peaceful change and growth.

This bill contains the administration's request for aid for Israel and Egypt, which I support and includes a recommendation for $80 million for the Refugee Assistance Program, which facilitates the resettlement of refugees in Israel.

I am pleased that the committee has continued its tradition of supporting the 10 to 7 ratio of military aid to Turkey and Greece. The committee is requiring that the State Department report to Congress on serious allegations of a pattern of terrible human rights abuses in Turkey. We also continue to support the traditional funding level of $15 million in economic assistance for Cyprus.

Mr. Chairman, I could go on and on about the important programs which will be funded through the fiscal year 1995 Foreign Operations bill. For the sake of time, for example, I will only touch on the critical nature of continuing to provide assistance to the newly independent states [NIS] of the former Soviet Union—funding which is in our national interest. I also want to mention the multilateral development banks, our export promotion programs like the Overseas Private Investment Corporation [OPIC], the Export-Import Bank [EXIM bank] and the Trade and Development Agency [TDA]. All of these programs contribute to our foreign policy agenda, but I will allow others to elaborate on them.

In closing, Mr. Chairman, I urge my colleagues to support the fiscal year 1995 Foreign Operations bill. It is a balanced and reasonable bill designed to address real foreign policy goals and real foreign policy needs.

Mr. LIVINGSTON. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding me the time.

Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Louisiana [Mr. LIVINGSTON], have made a number of difficult decisions in allocating scarce funds for America's foreign assistance program. They and the subcommittee have tried to responsibly divvy up a relatively small pie of available resources and make a number of policy determinations. I am sure it was not easy or painless.

I for one would have been much happier if there were some changes. I would have liked to have seen more child survival fund dollars. The Child Survival Fund saves lives by funding immunizations and oral rehydration therapy. But I can appreciate the fact that more money for the Fund just could not be found.

Mr. Chairman, I would just note parenthetically that I first offered as a member of the authorizing committee a $275 million earmark for the Child Survival Fund that was passed by the authorizing committee to the foreign aid bill and have for years worked to try to boost the money available for these low-cost health interventions which literally have saved millions of lives.

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In the mid eighties I traveled to El Salvador on two separate occasions to participate in their countrywide vaccination days and know firsthand that for literally pennies per child, we can save, boost, and enhance the life of a child. It's truly remarkable.

I would note at this point in the debate that later on when the amendment offered by the gentleman from California [Mr. BEILENSON] comes up, money from the child survival fund and a host of other important programs will be lessened, will be cut, in order to provide more money for population control, which is already getting a $59 million increase in this bill. Money for Israel, funds for Egypt, and money right across the board will be cut in order to accommodate that, and we are already providing in this bill $569 million.

Mr. Chairman, let me also note that on an issue of human rights that is very, very important to me and to many other Members, let me point out to this committee that each year population control fanatics in China forcibly abort about 10 million children out of approximately 13 million annual Chinese abortions. That is as many children as make up the entirety of the populations of both Nicaragua and El Salvador combined.

Forced abortion was properly construed to be a crime against humanity at the Nuremberg war trials. Today it is employed unfortunately with chilling effectiveness and unbearable pain upon women in the People's Republic of China. Women in China are required to obtain a birth coupon before conceiving a child. Chinese women are hounded by the population control police, and even their menstrual cycles are publicly monitored as one means of insuring compliance.

The New York Times has pointed out, in one of their exposes, that the authorities, when they discover an unauthorized pregnancy, an illegal child, that is, normally apply a daily dose of threats and browbeating. They wear the women down and eventually, if the woman does not succumb to the abortion, she is forcibly aborted by the state.

Let me also point out that in December of 1993 the Chinese Government issued a draft law on eugenics which would nationalize discrimination against the handicapped, much of which is already in effect at the provincial level in China.

In a move that is eerily reminiscent of Nazi Germany, the Chinese Government is implementing forced abortions against handicapped children and forced sterilization against parents who simply do not measure up in the eyes of the state. Despite all of this, Mr. Chairman, the United Nations Population Fund continues to provide funds, materiel, people on the ground and, what no money could buy, the kind of coverup, if you will, the kind of shield the PRC fanatics desperately want.

The head of the UNFPA has said, "China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy." Dr. Sadik has said that the implementation of that policy and acceptance of that policy is "purely voluntary." That is an unmitigated lie, Mr. Chairman.

Just let me finally say that I believe it is important that the bill before us today maintain the Kemp-Kasten anticoercion language. This language, I think, will help to ensure that we do not provide financial assistance to any organization which supports a population control program that in any way promotes or fosters these kinds of crimes and atrocities against women.

Mr. Chairman, this is an important bill. It has the Kemp-Kasten language in it. We will have to, during the course of the consideration on the amendments, consider the amendment offered by the gentleman from California [Mr. BEILENSON], and I do hope that it will be turned down. The kind of shameful coverup on the part of the UNFPA that I noted earlier is inexplicable for an international organization that is supposedly committed to the defense of human rights. Likewise, the Clinton administration's determination to embrace the UNFPA despite their terrible track record on China is cause for serious concern. This action by the administration, coupled with their absolutely indefensible policy regarding asylum for the victims of forced abortion and involuntary sterilization, raises the very real question of whether they are willing to countenance coercion if it serves the cause of population control.

Despite the administration's strained efforts to evade the Kemp-Kasten law's well established legal requirements, the need and the rationale for the law is quite clear. Likewise, the necessity for the administration to enforce it properly is very clear. Consider the following: The need for Kemp-Kasten.

The executive branch—much more so than Congress—possesses the diplomatic tools to make the international factfinding, necessary under Kemp-Kasten, in an efficient and expeditious manner.

Kemp-Kasten creates a precondition to dollar one going to UNFPA, rather than a general duty of investigation after disbursement of the money. Such agencies as the General Accounting Office (GAO) are inadequate to investigate expenditures that impact activities within a foreign nation.

Because of the difficulty in Congress verifying the internal record keeping, accounting, and actual activities of the UNFPA, the burden of policing UNFPA policies is placed squarely on the executive branch. If the executive branch announces its intention to disburse money under the act to UNFPA, then it accepts the responsibility under Kemp-Kasten to, in good faith, interpret and enforce Kemp-Kasten. It must ensure that an organization does not support, or participate to any extent, in a program of coercive abortion or involuntary sterilization.

Mr. Chairman, Kemp-Kasten is the most practical solution Congress as a whole has been able to come up with to ensure that no American dollars go to any organization which furthers or assists a coercive program, such as the one in China. Kemp-Kasten, has in effect, become a permanent feature of foreign appropriations dealing with population planning, based on the collective wisdom of Congress over the last decade.

There is strong evidence that the Clinton administration has not faithfully interpreted or applied Kemp-Kasten in the past. In fact, the Agency for International Development [AID] and Administrator Atwood invented a legal distortion of the Kemp-Kasten language that rendered it meaningless; that is, the requirement that Kemp-Kasten only applies where there is "clear evidence * * * that UNFPA knowingly and intentionally provides direct funding" for coercive abortion/involuntary sterilization. This language does not appear in Kemp-Kasten, and in fact, distorts its intent.

Mr. Chairman, this Foreign Appropriations Act, particularly regarding population planning limitations, requires the proper coordination of two branches of Government: Congress has set the legal guidelines and restrictions for population funding overseas and has delegated the authority to make the necessary factfinding to the executive branch. The Clinton administration must, in good faith, execute the clear language of Kemp-Kasten. A vote for H.R. 4426, with the inclusion of the Kemp-Kasten language, sends a clear message to President Clinton that congressional concern over coercive abortion and involuntary sterilization in such countries as China must be taken seriously, and must be executed faithfully.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise in support of, H.R. 4426, the Foreign Operations Appropriations for Fiscal Year 1995. Mr. Speaker for almost 50 years the world has witnessed the unfortunate destruction of life and land in the Middle East. This conflict often centered around differences between the Palestinians and Israel.

Reminiscing of the landmark Camp David Accord between Israel and Egypt, I would like to first congratulate the Palestinian leaders and the Government of Israel for participation in their dramatic peace agreement which no doubt is of historic proportions. This agreement for the first time recognizes the value of self-rule for Palestinians while at the same time guaranteeing security for Israel. For almost a generation, U.S. policy has had virtually no impact on this troubled region. Undoubtedly, this landmark peace accord ends decades of violence and occupation but more importantly, it provides an opportunity for these countries' future to be better than their past.

As with the new peace in the Middle East, the fall of the Soviet Union less than 2 years ago, and the historic recent all race elections in South Africa, we must take every opportunity to facilitate and support peace around the globe. Because of these new found efforts toward peace, I believe that the security assistance for Israel in FY 1995 is well placed, along with the assistance for the former Soviet Republics. Equally as important, I am pleased to see an almost 8-percent increase in overall assistance for Africa. Particularly, I am enthused regarding the decision to fully fund the development fund for Africa in FY 1995. Also, I support the Agency for International Development's initiative to provide $528 million between FY 1994 and FY 1996 to promote African-American private sector development for housing and education in South Africa.

I believe that we as Members of Congress would be remissed in not fully supporting this visionary measure which supports democracy around the world.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to point out that the minority wrote some views in the committee report encouraging AID to develop an index of economic freedom, a quantitative scoring and ranking system for countries receiving development aid based upon their commitment to promoting private-sector economic growth.

It is our thought that if we are going to continue the foreign aid program, the recipient countries should be attempting to help themselves and our aid program should encourage them to change their economic system so that their people can own private property and produce wealth and eventually wean themselves from foreign aid when they no longer need it.

I encourage all of the Members to take a look at our minority views in

the report and perhaps, in the coming months or years, we will expand on that index and ultimately adopt it in our foreign aid program.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER], a member of the subcommittee.

Mr. OLVER. Mr. Chairman, I thank the chairman of the subcommittee for yielding me this time.

In very tight times, this budget is as good as it can be under the budgetary constraints that are involved, and I think the chairman, the gentleman from Wisconsin [Mr. OBEY], and the members of the subcommittee really should be very proud of the bill that has been put out and of the close working relationship under which the bill was created.

This legislation represents less than 1 percent of the whole budget, and there are many areas in which I would be quite happy to support additional funds, but we just do not have additional funds available at this time.

The bill is $400 million below the President's request. It is $700 million below last year's bill, which is 5 percent below last year's bill. The bill, at the same time, manages to provide critical support for assistance in a number of places around this globe where very dramatic changes have occurred, Israel and the Palestinians and the effort going on there, South Africa, Central America, the former Soviet Union, and Eastern Europe. It also manages to provide basic humanitarian assistance and promote sustainable development which will help us to reduce conflict and increase markets for U.S. products.

The bill provides the full request for Israel, for the Israel-Egypt peace program, for Central and Eastern Europe, the full request of the President for those areas, and for the aid to the newly independent states of the former Soviet Union.

In fact, the bill provides, just as one example, in some critical areas where additional money is provided, as one example, $720 million for refugee assistance, which is almost $40 million above the request by the President even in this very tight budget, and in an area where we all know the needs that have shown up in Somalia and Rwanda and Bosnia.

I urge my colleagues to support this legislation and to oppose further major cuts in the legislation.

Mr. FRANKS of Connecticut. Mr. Chairman, the foreign operations bill I am voting for tonight represents our Nation's awareness that we are not alone in this world. We have learned well the lesson from our isolationism in the 1930s. Besides providing humanitarian aid to countries that are threatened with drought or civil unrest, this bill provides economic aid to maintain stability in areas of potential unrest. Spending in this bill is over $700 million less than last year, reflecting the need for budget cuts, but this bill still keeps the U.S. as a leader in the world.

I want to especially recognize the African nations that are making the difficult transition to democratic governments with market economies. For decades the Soviet Union tried to promote communism as the panacea to poverty in Africa. Now, with the Soviet influence gone, these countries have a chance to attain genuine freedom. This bill provides over $2 billion to help with this transition.

I am disappointed to see an amendment offered to reduce financial assistance to South Africa. Five years ago South Africa was trapped in the unjust doctrine of apartheid. This year South Africa held its first election in which blacks were able to vote. This is a remarkable step forward. I feel it is imperative that the United States not abandon South Africa after it has achieved such a remarkable goal. The years ahead are not going to be easy for the new South African government. Our financial aid to South Africa will continue the process of democracy. I will vote against this amendment.

This bill also provides $3 billion in security assistance to Israel. This past year has shown great progress in bringing peace to the Middle East. Our aid to Israel has allowed it to take the risks that come with peace agreements. We should encourage more negotiations and continue our important financial support.

I also feel that the world bank's global environmental facility, while in need of operational reform, is available to play an important role in making sure that development projects in poor countries are environmentally sound. An additional $100 million in this bill is set aside for other environmental programs. We have seen the environmental destruction that occurred in Eastern Europe while it was under the influence of the Soviet Union, and we do not want to duplicate these mistakes elsewhere in the world. Poor countries are short on money and are certainly tempted to disregard the environment when building these projects. American assistance has the potential to make these countries environmentally responsible and prevent serious environmental problems later.

Mr. Chairman, I am proud to see that America has continued to remain involved in the world even after the cold war. This bill allows us to keep our role as a leader in the world. I will vote in favor of it.

Mr. BORSKI. Mr. Chairman, I rise today in support of H.R. 4426, the Foreign Operations Appropriations Act for fiscal year 1995. I would also like to express my appreciation for the hard work of Representative DAVID OBEY, Chairman of the Foreign Operations Appropriations Subcommittee, who has brought before us a well-crafted bill that will help us achieve our foreign policy goals with reasonable levels of assistance.

H.R. 4426 provides $13.6 billion for our foreign assistance programs, a modest level of aid to meet the many challenges of the post-Cold War world. This amount is $707 million less than the fiscal year 1994 appropriation and $389 million less than the administration's fiscal year 1995 request.

Despite these reductions, H.R. 4426 maintains the levels of the assistance needed to move the peace process forward in the Mideast. The committee report strongly recommends $3 billion in aid to Israel and $2.1 billion in aid to Egypt. It also supports the administration's request of $78 million for the West Bank and Gaza.

We have seen significant progress in the Mideast since we last debated a Foreign Operations bill. A year ago today, few of us in the House would have thought that within a year's time Israeli Prime Minister Yitzhak Rabin and PLO leader Yassir Arafat would shake hands on the White House lawn. Few of us would have thought that Israel would withdraw from the Gaza Strip and Jericho to allow for Palestinian self-rule of those areas. This tremendous progress is in great part attributable to our constant, unwavering support for Israel.

Despite the success of the peace process, there are still those in the Mideast who seek to derail the peace process. Tragic acts to terror continue against Israelis and Palestinians. Iran and other terror states remain vehemently opposed to Israel's existence. And while Syria is currently engaged in discussions with Israel, it technically remains in a state or war with Israel.

For this reason, it would be a serious mistake to cut foreign assistance to Israel at this critical juncture in the Mideast peace process. Cutting aid now would send the wrong signal to those who have taken the risk for peace, while bolstering the destructive aims of those who seek to undermine the peace process.

Mr. Chairman, foreign aid is always a difficult vote. But we need to keep in mind that foreign aid is only 0.9 percent of the overall U.S. budget. It is a cost-effective way to strengthen our allies and secure our strategic national interests, without having to commit troops to volatile regions of the world. It also promotes democracy and open foreign markets to U.S. exports.

Furthermore, 73 percent of all foreign aid dollars are spent in the United States—creating jobs, supporting U.S. businesses, and boosting the U.S. economy. In fact, over $347 million in foreign aid is spent every year in my home State of Pennsylvania.

Mr. Chairman, H.R. 4426 will help to ensure that the U.S. meets the new challenges that it will encounter in the post-Cold War era. I urge my colleagues to support the final passage of this legislation, and to vote against amendments that would cut our vital foreign assistance to the Mideast.

Ms. FURSE. Mr. Chairman, I want to express my support for the funding levels in Chairman OBEY's report language for child survival programs, basic education and Vitamin A.

UNICEF's "State of the World's Children 1993" report says some very important things about where our priorities should lie. I want to share one of its major statements:

> In the decade ahead, a clear opportunity exists to make the breakthrough against what might be called the last great obscenity—the needless malnutrition, disease, and illiteracy that still casts a shadow over the lives, and the futures, of the poorest quarter of the world's children.

Mr. Chairman, our most important priority is our children. Right now, we are in the midst of voting on the fiscal year 1995 defense author-

ization. It contains funding for every exotic weapon system you could possibly think of and the most ironic thing about it will be the fact that we really have no enemy that those weapons are designed to kill. I do not mean that the United States has no enemies but they are not the ones that the defense budget will protect us against.

The world's children, both here in the United States and abroad, need some of the resources that are being spent on weapon systems—to improve schools, decrease violence, create jobs, and housing. I look forward to the day that our national defense budget will address those real enemies. Let's do what we can through our foreign operations appropriation now to give every opportunity to those who deserve a better future.

Ms. SHEPHERD. Mr. Chairman, I rise today in support of H.R. 4426, the 1995 Foreign Operations Appropriations Bill. I commend the chairman for his tireless efforts to do more with less. In particular, I applaud the committee's commitment to Israel and to the peace process. U.S. support for those nations in the Middle East who have dared to break the deadly cycle of war and bloodshed has been essential for the spread of peace in the region. Israel has only been able to take the very real risks which have been necessary to move the peace process along because it knows it can count on United States support.

When I witnessed Yitzhak Rabin and Yassir Arafat shake hands at the White House, I knew we had moved irrevocably into a new era. This bill recognizes that change with $78 million for economic development in the West Bank and Gaza. While the United States has funded development projects in the West Bank and Gaza before, this will be the first time that funds have gone to an independent Palestinian entity. I hope that this new organization will use these funds wisely for the benefit of the Palestinian people.

This year, in Bosnia and Rwanda, we have seen the tragic consequences of ancient hatreds left to fester. However, in the transition to democracy in South Africa, we have also seen that those hatreds can be overcome. In the real world, there are no happily ever afters, no storybook endings. We must always fight intolerance and fanaticism. I am confident, however, that the Arab-Israeli conflict will become one of those successes when differences are buried so that peace can reign. Passing this bill will help make the dream of peace a reality. I urge your support for H.R. 4426.

Mrs. SCHROEDER. Mr. Chairman, my inclination is to back foreign aid, but this year I cannot because over half of it goes to programs about which I have great concern. First, over a quarter of the total amount is going to military assistance. Why? In this post-cold-war world, I think we need to reform that program. Over a seventh of the total amount goes to Egypt and Egypt is a country where female genital mutilation is very widespread. I'd like to see much more progress toward eradication before we send such sums to Egypt. The multilateral institutions which get so much money in this bill need a lot more reform and attitude adjustment before I'm willing to give them such sums. Without the changes, the money will not be well spent.

We are having such trouble keeping our commitments at home. Most countries are judged by how they live up to their own promises first and when it comes to America's children, her future, we get failing grades. We should fund those priorities first.

Mr. GEPHARDT. Mr. Chairman, I rise today in strong support of this Foreign Operations Appropriations bill.

I believe that Chairman OBEY and his colleagues on the committee have crafted a good bill—a bill that advances the cause of freedom and democracy, and recognizes that in today's global economy, some of our most important foreign policies must be economic and trade policies.

This bill is especially important because it dedicates our resources and our resolve to two of the most important emerging democracies on the face of this earth, Russia and South Africa.

Both nations are working desperately to promote political and economic reform. They need our help. And with this bill, we can make sure they get it.

That's why I'm surprised that the Callahan and Burton amendments would dramatically slash our assistance to both nations. To do so would be a dangerous mistake.

Consider Russia. Some of you may remember, at the height of the Cold War, our debates over single weapons systems that cost more than the entire aid package we are offering today.

Well, the Cold War is over. And now that Russia is inching toward the kind of security and stability that we paid trillions to achieve in decades past, how can we turn our backs in this hour of need?

How can we ignore the risk that extremism and deprivation will turn back the hands of time, and bury the progress that cost us countless dollars and lives?

Last month, I travelled to Russia with Members of this House, from both sides of the aisle—including the Minority Leader and the Minority Whip.

We saw with our own eyes the progress that has been made, thanks to American assistance programs.

We saw the enormous opportunities for American business, now that Russia has opened the floodgates of foreign investment.

But we also saw the dangers of a country that is trembling under the weight of growing unemployment, exploding taxes, and eroding security and benefits—the consequences of a transition to capitalism that hit Russia like a hurricane.

This is a crucial time for Russia, and for all the Newly Independent States. They need our help and support. We've got to be there for the long haul.

And the price of failure would be severe, and vastly more expensive—for Russia, for America, and for the whole family of nations.

We must also use this bill to advance the cause of South Africa, the youngest of the world's democracies.

While we all share in the job of Nelson Mandela's victory, we need this legislation to cement the promise of South Africa's democracy.

The economic and humanitarian assistance in this bill—and the loan guarantees and assistance to American businesses, which I fought to expand—will help South Africa to grow and to thrive.

It will help South Africa expand trade across its borders, and encourage the full participation of the people in its economic life.

So let's stand by this appropriations bill. Let's stand by the cause of freedom and democracy. And let's not shrink from our commitment to helping the newly-freed nations of the world, and building peace and prosperity all around the world.

Mr. ANDREWS of Maine. Mr. Chairman, many Americans wonder why the United States should be investing tax dollars overseas when there are so many urgent needs in our own country. This is a legitimate question that deserves a serious response. Clearly, the U.S. cannot be all things to all people. Nor should we. There are limits to the assistance we can and should provide. That is why, for example, I am a strong advocate of measures which would require our wealthy allies to pay their fair share for their own defense. It is also why I support the spending reductions in this foreign aid bill.

Prudent foreign aid investments in targeted areas of the world, however, not only can contribute to peace and security while promoting the ideals and values that we as Americans cherish, they can also bring direct return to the United States. Prudent foreign aid can create economic opportunity, but it can also prevent the need to put our young people in harms way when international trouble spots erupt in conflicts that threaten our interests. An ounce of prevention, in the form of carefully considered and targeted foreign aid, can truly be worth more than a pound of cure. It can promote democracy and human rights, create economic opportunity for Americans and save lives.

While there has been great cause for concern recently in many trouble spots of the world, recent dramatic developments toward peace in the Middle East signify an exciting step forward—a step made possible by U.S. support and involvement. Who could have dreamed that we would all witness the historic handshake between an Israeli Prime Minister and PLO Chairman on the lawn of the White House? The hope and promise of that historic moment is one of the dividends of American investment and involvement in key areas of the world.

The importance of progress toward peace that has been achieved in the Middle East is even more poignant to me after visiting Israel and the West Bank last year. Looking into the eyes of Israeli soldiers in the West Bank and feeling the tension of those struggling in this troubled region of the world, it was clear to me that the status quo was anything but secure. I had the opportunity and privilege during my trip to meet with Foreign Minister Shimon Peres. I explained in our meeting that, as someone deeply committed to the security of Israel and to peace in the Middle East, I was struck by the volatility, instability and insecurity of the region. The Foreign Minister spoke of his deep commitment to peace and the need to take risks for peace. And he affirmed Israel's determination to move the peace process forward. He and his nation have made good on that promise.

Now it is important that the U.S. move forward to help the people of Israel and the Palestinians achieve a lasting peace, built on trust, economic opportunity, and prosperity. Indeed, at this critical juncture in the peace process, there has never been a more important time to stand by our long-time ally, Israel.

This bill represents a reduction in our foreign aid commitment. It reflects the need to tighten our belts as we seek to bring our Federal deficit under control. But it also reflects our historic commitment to the State of Israel and to the process of peace in the Middle East. And it recognizes the direct return that it provides to the people of the United States through economic opportunity and a more secure future.

I urge support for this important bill.

Mr. McDADE. Mr. Chairman, I rise in support of H.R. 4426, the fiscal year 1995 foreign operations appropriations bill and especially to commend Chairman DAVID OBEY and our ranking Republican member BOB LIVINGSTON for the expeditious and bipartisan way in which this bill has been crafted and has been brought to us.

Mr. Chairman, the bill itself is below our 602 b allocation. It is below our budget resolution. It is under the President's budget and it is below to the amounts provided last year. It is, as one might suspect, the product of many compromises. As a result it has things we like and some things we may not like. But our committee is charged with the responsibility of funding these activities and I believe the Members have done an excellent job.

Our commitment to the Middle East Peace Process is fully funded here, as is the commitment we make promoting the gradual transition to democracy and free markets in the Soviet Union. In many respects managing the peace is more difficult than managing a cold war budget. Yet our Nation is making the transition to do just that. But the Members of this body should realize that in addition to advancing the cause of peace and freedom in the world, we are funding activities that promote stability, encourage democratic institutions and trade with our trading partners. Many of the investments we make here are returned to us in real dollars and real jobs here at home.

Undoubtedly this will undergo changes as it wends its way through the process. But on the whole it is a fair bill and I would encourage the Members of this House to give it their support.

Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of H.R. 4426. This legislation, and the moneys it authorizes, can only help the United States continue to project a presence anywhere, anytime and anyhow.

The isolationist critics of this position are shortsighted and lack any historical basis for their political posturing.

All I need to do in support of this is cite some mind-numbing numbers: 116,000, 407,000 and 58,000. Each of these numbers represent a lost son or daughter due to American politicians seeking to have America withdraw from the international scene, shirking our responsibilities.

In World War I, we lost 116,000. In World War II, we lost 407,000, and in Vietnam, more than 58,000.

Mr. Chairman, how many more young lives does it take before my colleagues understand the consequences of their actions here today?

Foreign aid represents less than 1 percent of the entire U.S. budget, and the GAO estimates that more than 72 percent of those funds are returned to the United States in the form of increased trade and cooperative programs.

So even from a fiscal conservative perspective this is money well spent, and I would argue that this is really an investment, preserving our future and our children's futures.

It is my sincerest hope that our grandchildren will not have to bear witness to another generational blood bath such as that brought on by World Wars I and II, and Vietnam. Our failure to support a continued American presence abroad is this important.

So, I ask my colleagues to join me in supporting this legislation and help keep American leadership unquestioned and unparalleled.

Mr. OBEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I have no further requests for time on this section, and I yield back the balance of my time.

□ 1630

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the pending question is the adoption of the amendment in the nature of a substitute printed in the reported bill.

The Clerk will designate the committee amendment in the nature of a substitute.

(For the text of the committee amendment in the nature of a substitute, see ensuing pages of this RECORD, following the 10 minutes of debate and the rollcall vote on this amendment.)

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 5 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume. I will not take the 5 minutes.

Mr. Chairman, the committee substitute simply reduces the President's request by $389 billion in the manner described by the gentleman from Louisiana and myself. I think it is fiscally responsible to make this reduction.

Mr. Chairman, I urge that we move to a vote as soon as possible.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume. The amendment is a good one, and I support it.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The question was taken, and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 426, noes 1, not voting 11, as follows:

[Roll No. 204]

AYES—426

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez

Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Traficant

NOT VOTING—11

Abercrombie
Blackwell
Faleomavaega (AS)
Grandy
Horn
Inslee
Johnson, Sam
Slaughter
Underwood (GU)
Washington
Waxman

□ 1653

So the committee amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute is considered as an original bill for the purpose of further amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $23,009,101, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $743,923,914.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $98,800,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,235,000,000, for the United States contribution to the replenishment, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $68,743,028, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: Provided, That of the amount appropriated under this heading not more than $5,364,000 may be expended for the purchase of such stock in fiscal year 1995.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $28,111,959, and for the United States share of the increases in the resources of the Fund for Special Operations, $21,338,000, and for the United States share of the capital stock of the Inter-American Investment Corporation, $190,000, to remain available until expended: Provided, That $25,269,224 of the amount made available for the paid-in share portion of the increase in capital stock, and $20,317,000 of the resources of the Fund for Special Operations shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,594,568,180.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $75,000,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $167,960,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $124,229,309, for the United States contribution to the African Development Fund, to remain available until expended: Provided, That of the funds appropriated under this heading, $20,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $133,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,002,540.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $69,180,353, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended: Provided, That during fiscal year 1995 the number of shares of stock purchased shall be not more than 600.

LIMITATION OF CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $161,420,824.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $366,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading that are made available for the United Nations Children's Fund (UNICEF), 75 per centum shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum shall be expended within thirty days from the start of UNICEF's fourth quarter of operations for 1995: Provided further, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: Provided further, That not more than $40,000,000 of the funds appropriated under this heading may be made available to the UNFPA: Provided further, That not more than one-half of this amount may be provided to UNFPA before March 1, 1995, and that no later than February 15, 1995, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1995: Provided further, That any amount

UNFPA plans to spend in the People's Republic of China in 1995 above $7,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1995 pursuant to the previous provisos: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That notwithstanding the fifth proviso of this heading, if UNFPA decides not to initiate a new program in China after its current program ends in 1995, up to an additional $20,000,000 of funds appropriated under this heading may be made available to UNFPA.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1995, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, $811,000,000, to remain available until September 30, 1996.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), $450,000,000, to remain available until September 30, 1996: Provided, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $790,000,000, to remain available until September 30, 1996: Provided, That none of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: Provided further, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Community shall be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: Provided, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $169,998,000 to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, $7,000,000, to remain available until expended: Provided, That it is the sense of the Congress that a program should be developed to undertake direct buy backs of bilateral debt from eligible poor and lower-middle income countries with local currency offsets to fund development and environmental activities, provided that such a program would have no budgetary impact. The Administration should consider how creative use of the sale of impaired Third World debts might be used to lower debt overhangs and generate local currencies for development and environmental activities.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the subsidy cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for operating expenses of the Agency for International Development.

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $19,300,000: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: Provided further, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, $8,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961: Provided further, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $45,118,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $517,500,000: Provided, That of this amount not more than $900,000 may be made available to pay for printing costs.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $39,118,000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,339,000,000, to remain available until September 30, 1996: Provided, That any funds appropriated under this heading that are made available for Israel shall be made available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later: Provided further, That any funds appropriated under this heading that are made available for Egypt shall be provided on a grant basis, of which sum cash transfer assistance may be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: Provided further, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: Provided further, That none of the funds appropriated under this heading shall be made available for Zaire.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, up to $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until expended.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $360,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United

States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $900,000,000, to remain available until expended: Provided, That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(c) Funds may be furnished without regard to subsection (b) if the President determines that to do so is in the national interest.

(d) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in Principle Six of the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: Provided further, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief: Provided further, That thirty days after the date of enactment of this Act, and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the new independent states concerning violations referred to in this subsection: Provided further, That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe.

(e) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, defense conversion or non-proliferation programs, or programs to support troop withdrawal including through the support of an officer resettlement program, and technical assistance for the housing sector.

(f) Funds appropriated under this heading shall be subject to the regular reprogramming procedures of the Committees on Appropriations.

(g) Funds appropriated under this heading may be made available for assistance for Mongolia.

(h) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including private voluntary organizations and nongovernmental organizations functioning in the New Independent States.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,905,000: Provided, That, when, with the permission of the President of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: Provided further, That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the dollar limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $30,960,000.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $219,745,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1996.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $100,000,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $670,688,000: Provided, That not more than $11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $12,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $15,244,000.

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a "Nonproliferation and Disarmament Fund", $10,000,000, to remain available until expended, to promote bilateral and multilateral activities: Provided, That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: Provided further, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $25,500,000: Provided, That up to $300,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: Provided further, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military: Provided further, That none of the funds appropriated under this heading shall be available for Indonesia and Zaire: Provided further, That none of the funds appropriated by this Act shall be used to facilitate the provision of IMET to Indonesia: Provided further, That a report is to be submitted to the Committees on Appropriations addressing how the proposed School of the Americas IMET program will contribute to the promotion of human rights, respect for civilian authority and the rule of law, the establishment of legitimate judicial mechanisms for the military, and achieving the goal of right sizing military forces.

For necessary expenses, for the military-to-military contact program of the Department of Defense, $12,000,000, to be made available only for activities for East European countries and the Baltic States.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,149,279,000: Provided, That funds appro-

priated by this paragraph that are made available for Israel and Egypt shall be available only as grants: Provided further, That the funds appropriated by this paragraph that are made available for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $47,917,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $619,650,000: Provided further, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: Provided further, That the principal amount of direct loans for Greece and Turkey shall be made available according to a 7 to 10 ratio: Provided further, That 25 percent of the principal amount of direct loans for Turkey shall be withheld until the Secretary of State, in consultation with the Secretary of Defense, has submitted to the Committees on Appropriations a report addressing, among other things, the allegations of abuses against civilians by the Turkish armed forces and the situation in Cyprus, and a separate notification has been submitted at least 15 days prior to the obligation of such funds: Provided further, That 25 percent of the principal amount of direct loans for Greece shall be withheld until the Secretary of State has submitted to the Committees on Appropriations a report on the allegations of Greek violations of the United Nations sanctions against Serbia and of the United Nations Charter, and a separate notification has been submitted at least 15 days prior to the obligation of such funds.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, Guatemala, Peru, and Malawi: Provided further, That none of the funds appropriated under this heading may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will not be used by such country for purposes other than counter-narcotics activities: Provided further, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for necessary expenses for grants if countries specified under this heading as eligible for such direct loans decline to utilize such loans: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: Provided further, That not more than $22,150,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $335,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during the fiscal year 1994 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading, and no employee of the Defense Security Assistance Agency, may be used to facilitate the transport of aircraft to commercial arms sales shows.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $75,000,000.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $792,653,000 to remain available until September 30, 1996: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans, and tied-aid grants, and total loan principal, any part of which is to be guaranteed, including insurance, of not to exceed $19,000,000,000: Provided further, That such sums shall remain available until 2010 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1995 and 1996: Provided further, That up to $100,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $44,550,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, $23,296,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $7,933,000: Provided, That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1994 through September 30, 1996: Provided further, That such sums are to remain available through fiscal year 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995, and through 2004 for the disbursement of direct and guaranteed loans obligated in fiscal year 1996.

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such noncredit expenditures and commitments within the limits of funds available to it and in accordance with law (including an amount for official reception and representation expenses which shall not exceed $35,000) as may be necessary.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,986,000.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Serbia, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1995, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 1995.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance Fund", "Population, Development Assistance", "Development Fund for Africa", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training" (including the military-to-military contact program), "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: Provided, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1996.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, El Salvador, Guatemala, Haiti, Indonesia, Liberia, Nicaragua, Pakistan, Peru, Rwanda, Sudan, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations: Provided, That this section shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for El Salvador and Nicaragua.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: Provided, That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: Provided further, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign coun-

tries: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Syria, North Korea, People's Republic of China, or Laos unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1994" and inserting in lieu thereof "1995".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended subject to section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

DEPLETED URANIUM

SEC. 527. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Taiwan: Provided, That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 528. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution designated in subsection (b), and the Administrator of the Agency for International Development shall instruct the United States Executive Director of the International Fund for Agriculture Development, to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 529. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 530. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 531. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 532. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 533. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

DEBT-FOR-DEVELOPMENT

SEC. 534. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be for the purpose for which the assistance was provided to that organization.

LOCATION OF STOCKPILES

SEC. 535. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$200,000,000 for stockpiles in Israel for fiscal year 1994" and inserting in lieu thereof "a total of $200,000,000 for stockpiles in Israel for fiscal years 1994 and 1995, up to $40,000,000 may be made available for stockpiles in the Republic of Korea, and up to $10,000,000 may be made available for stockpiles in Thailand for fiscal year 1995".

SEPARATE ACCOUNTS

SEC. 536. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the

equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 537. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 538. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

POW/MIA MILITARY DRAWDOWN

SEC. 539. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1995, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 540. During fiscal year 1995, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 541. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

SEC. 542. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (as amended by Public Law 102–145, as amended, and Public Law 102–391), is further amended—

(a) by striking out "fiscal year 1994" and inserting in lieu thereof "fiscal year 1995";

(b) by striking out "Appropriations Act, 1994" and inserting in lieu thereof "Appropriations Act, 1995"; and

(c) by striking out "$700,000,000" and inserting in lieu thereof "$775,000,000".

CASH FLOW FINANCING

SEC. 543. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99–83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 544. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 545. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in

such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 546. (a) Congress finds as follows:

(1) The United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia.

(2) The federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces.

(3) Because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo, or to a unilateral lifting of the arms embargo by the President of the United States, against Bosnia-Hercegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1995: Provided, That the President certifies in a timely fashion to the Congress that—

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) United States allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

(e) If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international law in the former Yugoslavia, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this subsection shall be in lieu of any determinations otherwise required under section 552(c).

SPECIAL AUTHORITIES

SEC. 547. (a) Funds appropriated in title II of this Act that are made available for Haiti, Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: Provided further, That the President shall terminate assistance to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1995, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 548. (a) FINDINGS.—The Congress finds that—

(1) since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

(2) since the early 1950s the Arab League has maintained a secondary and tertiary boycott against American and other companies that have commercial ties with Israel;

(3) the boycott seeks to coerce American firms by blacklisting those that do business with Israel and harm America's competitiveness;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) with real progress being made in the Middle East peace process and the serious confidence-building measures taken by the State of Israel an end to the Arab boycott of Israel and of American companies that have commercial ties with Israel is long overdue and would represent a significant confidence-building measure; and

(6) in the interest of Middle East peace and free commerce, the President must take more concrete steps to press the Arab states to end their practice of blacklisting and boycotting American companies that have trade ties with Israel.

(b) POLICY.—It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 549. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a)(1) for Bolivia, Colombia and Peru and subsection (a)(2) may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 550. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1995, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under titles I and II of the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 529 of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 551. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of

this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 552. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

EXCESS DEFENSE ARTICLES

SEC. 553. The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1994 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 554. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

DISADVANTAGED ENTERPRISES

SEC. 555. (a) Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate amount made available for the current fiscal year for the "Development Assistance Fund", "Population, Development Assistance", and the "Development Fund for Africa" shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 per centum of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for sub-Saharan Africa for the current fiscal year.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, and organizations contained in paragraphs (2) through (4) of subsection (a)—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 per centum of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the Agency's headquarters in Washington, as well as all Agency missions and regional offices, shall notify the Agency's Office of Small and Disadvantaged Business Utilization at least seven business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 8(d) of the Small Business Act, except that the term includes women.

USE OF AMERICAN RESOURCES

SEC. 556. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

LIMITATIONS ON ASSISTANCE FOR NICARAGUA

Sec. 557. (a) Funds appropriated by this Act under the heading "Economic Support Fund" may only be made available to the Government of Nicaragua upon the notification, in writing, by the Secretary of State to the appropriate committees that he has determined that significant and tangible progress is being made by the Government of Nicaragua toward—

(1) the prosecution of any individual identified as part of a terrorist/kidnapping ring by the investigation of issues raised by the discovery, after the May 23 explosion in Managua, of weapons caches, false passports, identity papers and other documents, suggesting the existence of such a ring, including all government officials (including any members of the armed forces or security forces);

(2) the resolution of expropriation claims and the effective compensation of legitimate claims;

(3) the timely implementation of recommendations made by the Tripartite Commission as it undertakes to review and identify those responsible for gross human rights violations, including the expeditious prosecution of individuals identified by the commission in connection with such violations;

(4) the enactment into law of legislation to reform the Nicaraguan military and security forces in order to guarantee civilian control over the armed forces;

(5) the establishment of civilian control over the police, and the independence of the police from the military; and

(6) the effective reform of the Nicaraguan judicial system.

(b) The notification pursuant to subsection (a) above shall include a detailed listing of the tangible evidence that forms the basis for such determination.

(c) For purposes of this section, the term "appropriate committees" means the Committees on Foreign Relations and Appropriations of the Senate and Committees on Foreign Affairs and Appropriations of the House of Representatives.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 558. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 559. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 560. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 561. (a)(1) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(A) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(B) credits extended or guarantees issued under the Arms Export Control Act.

(2) LIMITATIONS.—

(A) The authority provided by paragraph (1) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(B) The authority provided by paragraph (1) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(C) The authority provided by paragraph (1) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(3) CONDITIONS.—The authority provided by paragraph (1) may be exercised only with respect to a country whose government—

(A) does not have an excessive level of military expenditures;

(B) has not repeatedly provided support for acts of international terrorism;

(C) is not failing to cooperate on international narcotics control matters; and

(D) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(4) AVAILABILITY OF FUNDS.—The authority provided by paragraph (1) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(5) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to paragraph (1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

GUARANTEES

SEC. 562. Section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "1994" and inserting in lieu thereof "1994 and 1995" in both places that this appears.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 563. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 564. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 565. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 583(a) of the Middle East Peace Facilitation Act of 1994 (part E of title V of Public Law 103-236) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 583(b)(2) of the Middle East Peace Facilitation Act or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President determines that it is in the national interest to do so and so reports to the Congress.

PROCUREMENT REDUCTION

SEC. 566. (a) Of the budgetary resources available to the Agency for International Development during fiscal year 1995, $1,598,000 are permanently canceled.

(b) The Administrator of the Agency for International Development shall allocate the amount of budgetary resources canceled among the Agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in section 403(a)(2) of title 41, United States Code.

IMPLEMENTATION OF WAPENHANS REPORT RECOMMENDATIONS

SEC. 567. Funds appropriated by title I of this Act under the headings "Contribution to the International Bank for Reconstruction and Development", "Contribution to the International Development Association", and "Contribution to the International Finance Corporation" shall not be available for payment to any such institution unless the Secretary of the Treasury (1) determines that the recommendations contained in the report entitled Report of the Portfolio Management Task Force (commonly referred to as the "Wapenhans Report") continue to be implemented, and (2) reports that determination to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

RESTRICTIONS ON ASSISTANCE TO RUSSIA

SEC. 568. (a) RESTRICTION.—None of the funds appropriated or otherwise made available by this Act may be obligated for assistance for the Government of Russia after December 31, 1994, unless it has been made known to the President that all armed forces of Russia and the Commonwealth of Independent States have been removed from all Baltic countries or that the status of those armed forces have been otherwise resolved by mutual agreement of the parties.

(b) EXEMPTION.—Subsection (a) does not apply to assistance that involves the provision of student exchange programs, food, clothing, medicine, or other humanitarian assistance or to housing assistance for officers of the armed forces of Russia or the Commonwealth of Independent States who are removed from the territory of Estonia, Latvia, and Lithuania.

(c) WAIVER.—Subsection (a) does not apply if after December 31, 1994, the President determines that the provision of funds to the Government of Russia is in the national interest.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995".

The CHAIRMAN. Pursuant to the rule, no further amendment shall be in order except those amendments printed in House Report 103-530. The amendments may be considered in the order printed, may be offered only by the Member designated in the report, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for a division of the question.

Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It is now in order to consider Amendment No. 1 printed in House Report 103-530, the amendment to be offered by the gentleman from Alabama [Mr. CALLAHAN] or the gentleman from New York [Mr. SOLOMON] or their designee, debatable for not to exceed 30 minutes.

AMENDMENT OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CALLAHAN: Page 32, line 1, strike "$900,000,000" and insert "$552,000,000"; line 4, before the period insert ": *Provided further*, That none of the funds appropriated by this paragraph may be made available for programs in Russia, other than humanitarian assistance programs"; strike lines 5 through 19; line 20, strike "(d)" and insert "(b)"; page 33, line 16, strike "(e)" and insert "(c)"; page 34, line 1, strike "(f)" and insert "(d)"; line 4, strike "(g)" and insert "(e)"; and line 6, strike "(h)" and insert "(f)".

The CHAIRMAN. The gentleman from Alabama [Mr. CALLAHAN] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment will reduce United States assistance to Russia. The bill includes $900 million for Russia and the other new independent states of the former Soviet Union. My amendment cuts $348 million in aid to Russia from the bill. It does not reduce funding for the other 11 new independent states, and it leaves intact $42 million in humanitarian aid to Russia.

I appreciate the fine work of the chairman of the committee in putting this bill together, and I thank him for the courtesies he has extended to me

during this process. While we do not agree on the subject of aid to Russia, the chairman has been exceptionally cooperative and fair, and I have the deepest respect for him. I would also commend the fine work of the capable ranking minority member, the gentleman from Louisiana.

A year ago when this bill was debated, I offered an amendment to cut aid to Russia. Having failed, I hoped to find that after a year Americans' tax dollars were having a meaningful impact on the development of democracy there. Unfortunately, little, if any, progress has been made.

This time last year, economic reformists were prominent in the Moscow Government. Today they are gone. Boris Yeltsin's position seems tenuous and Vladimir Zhirinovsky's popularity is reason for serious concern.

□ 1700

I am also troubled by Russia's failure to fully comply with provisions of the Freedom Support Act and last year's Foreign Operations Appropriations Act. The most troublesome areas are continued arms sales to Iran, missile sales to India, and failure to commit to withdraw troops from Estonia. I am pleased that the chairman addressed this last issue in the committee report, and I appreciate the continued condition on aid in the bill. At the very least, we must maintain restrictions on American generosity, but we must also insist that the administration not dismiss violations of these conditions which we imposed.

We must also question the progress of economic reforms in Russia. Impressive statistics are cited regarding the privatization of industries in Russia, but many charge that these industries in truth remain a part of the country's ingrained bureaucratic structure. There is considerable evidence that organized crime has infiltrated into many privatized industries and that it is practicing extortion against virtually every business in Russia. It is difficult to see where the average citizen here in the United States has benefited by trying to help to promote democracy and private enterprise. A new large U.S. companies have done well through contracts under the NIS program. Regrettably, many more have been squeezed out either by our own red tape or by prohibitive taxes or other Russian bureaucratic impediments.

Mr. Chairman, it is in our best interest to promote democracy in Russia. We desire that this former adversary become our ally. However, we can not fail to strongly insist that Russia adhere to principles that the American people demand. We can not overlook even minor indiscretions. Withholding further non-humanitarian aid until Russia is unambiguously in compliance with United States law is an effective way to make this impression. I urge my colleagues to support this amendment, and I urge my colleagues to listen very closely to this debate.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise in profound disagreement with the Callahan amendment. Let me first of all explain what it does. Out of the $900 million the administration requested for the former Soviet Union this year, and keep in mind, $2.5 billion was provided last year so this is already a major reduction, but out of the $900 million the administration has requested, 390 million is planned for Russia. The gentleman from Alabama [Mr. CALLAHAN] proposes to eliminate all of the aid to Russia except the humanitarian assistance. That is an 89-percent reduction of the funds planned for Russia.

It would eliminate every dollar of the money which is meant to help democratize the political system in Russia, and it would eliminate every dollar which is aimed to help Russians privatize their economy.

I think that amendment is profoundly not in the national interest of the United States. I respect the motivation of the gentleman from Alabama [Mr. CALLAHAN]. He has been consistent in his desire to cut aid to Russia. Last year, he offered his amendment to cut in committee and on the floor. It failed by a vote of 140 to 289 on the floor. It was a bipartisan rejection, because there are good bipartisan reasons to continue this assistance.

The gentleman says that we have seen little progress in the Soviet Union in the past year. I would simply suggest that after 70 years of Marxist rule, it is progress when we see mere survival for the reformers. What do we expect? How rapidly do we expect a country which has never known democracy to suddenly achieve it? We have to be realists in this world. To try to focus our attention on reality, let me give my colleagues some numbers.

Just a few short years ago, we were facing 4,258,000 Soviet military personnel. Today, there are 2,400,000 Russians in uniform. In 1989, there were 160,000 troops in the Baltics. Now, there are 10,000. There were 35,000 troops in Lithuania. Today there are none stationed there.

In Poland, there were 40,000 troops; in Hungary, 65,000 troops; in Czechoslovakia, 75,000 Russian troops. Today there are none.

I asked the Library of Congress a while back to tell me what it cost American society in terms of all the dollars we had appropriated since the beginning of the cold war in order for America to finally win that cold war. When they gave me the numbers, I was shocked. I took those numbers and I divided them by the total number of American taxpaying families to come up with the total cost per family to win the cold war. Do you know what it was? $80,000 per taxpaying family. That is what it cost us to win the cold war.

We are now being told that we should not provide this minimal assistance to the Soviet Union. I would point out that the assistance that we are providing is less than the cost of one aircraft carrier. I would also point out that we have saved $234 billion in defense expenditures that Ronald Reagan was planning to ask us to spend from fiscal years 1990 to 1995. We did not have to spend those funds because of the collapse of the Soviet Union. We have saved $234 billion.

Members are complaining about how tight the budget is this year. How tight do they think it would be if we were spending at the level we were spending before the Soviet Union collapsed? I would suggest quite a bit tighter than it is today. It seems to me that we have had every taxpaying family invest a tremendous amount of their income in order to win the cold war. Now, what we are simply trying to do is to secure that victory by assisting the reform elements in Russia and in other former republics of the Soviet Union to move along bit by bit, inch by inch, in dragging their societies out of the Marxist era into an era which, at least, in some ways resembles an open, democratic system with a private market economic system.

I think we know what the arguments are, and I do not think we need to belabor them. But, I simply want to leave my colleagues with the statement of Richard Nixon, whose funeral the Nation experienced just 2 weeks ago. This is what the former President said:

> Russia will inevitably be strong again. The only question is whether a strong Russia will be a friend or an adversary of the West. We must do everything in our power to ensure the former rather than the latter. The most dangerous mistake we could make would be to ignore our differences or attempt to drown them in champagne and vodka toasts at feel-good summits. The second most dangerous mistake would be to neglect our responsibility for assisting Russia in its transition to freedom or arrogantly to scold or punish it for every foreign or domestic policy transgression as though it were an international problem child.

Then President Nixon went on to say this:

> No other single factor will have a greater political impact on the world in this century than whether political and economic freedom take root and thrive in Russia and the other former Communist nations. Today's generation of American leaders will be judged primarily by whether they did everything possible to bring about this outcome. If they fail, the cost to their successors will be unimaginably high.

□ 1710

Nixon then went on to say:

> This is the time for the West to become a more active participant in Russia's success, not a passive observer of its failure.

Mr. Chairman, we need to do more than provide lectures to the Soviet Union. We need to provide genuine help. This is a minimal level of assistance to the reform efforts in the Soviet Union. It is, without question, in the interest of every American family who wants to avoid war.

Mr. Chairman, I urge Members to reject the Callahan amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, it is nice to hear the other side finally heaping praise on Ronald Reagan for bringing down the Iron Curtain, for putting an end to communism in Central and Eastern Europe.

Mr. Chairman, I rise in opposition to this new entitlement program, because that is exactly what it is turning out to be. Mr. Chairman, it is high time that we rethink this so-called strategic partnership with Russia, and cutting this wasteful aid program is the place to start.

Let me outline four general reasons why I think the gentleman from Alabama is correct in offering this amendment.

First, foreign aid is simply not the answer to the complex problems of Russia today.

Anybody who has ever been to Moscow knows that.

Mr. Chairman, if and when Russia solves its problems, it will be the accomplishment of the Russian people, not the United States taxpayer bailing them out.

Mr. Chairman, nowhere in this bill does it say where our tax dollars for the former Soviet Union are going. Are the Members not concerned about that?

So we can only assume it will be the same black hole as last year, into programs like loans for state-owned industries run by the Government, those former Communists still running those state-owned Government agencies that are totally divorced from Russia's real problems.

Second, Mr. Chairman, there is no economic reform in Russia to support. The reformers have lost.

Nobody is more disappointed about that than I am, but it is a fact.

Russia is now run by those who have been aptly described as "red economic managers." In other words, the same old former Communists.

So let's stop pretending that there is still a comprehensive reform effort in Russia. There is not.

Instead we need to heed the lessons of Poland in the 1970's, when the West dumped billions of dollars in that unreformed socialist economy, all to no avail, and it failed miserably.

Third, in the past year, Russian foreign policy has become increasingly aggressive.

Russia halted troop pullouts from the Baltics in November and injected new conditions into the negotiating process, totally reneging on their word and the condition for the loan that we gave them last year.

Then there is the forgotten country called Moldova, where Russia maintains 7,000 heavily armed troops. They were supposed to be out of there a year ago? Why are they not out?

Russia has ensnared Georgia, economically reabsorbed Belarus, and employed economic warfare against Ukraine and Kazakhstan.

Mr. Chairman, the idea of subsidizing Russia as she reasserts her imperial weight should be repugnant to this body.

Which brings me to my fourth reason, Mr. Chairman.

And that is the desperate need for this Congress to induce a reorientation of our current policy in Eurasia.

The administration's policy in that part of the world is dangerously overdependent on this so-called partnership with Russia.

And it is a failed policy, wasting hundreds of millions of American taxpayer dollars.

Meanwhile, we have left Russia's neighbors dangerously exposed.

Mr. Chairman, certain things that ought to be done, like expanding NATO to the former Warsaw Pact countries cannot be done by this Congress. That has to be done by an act of the President.

But what Congress can do is turn off the aid spigot to send the message to Moscow that we don't approve of this return to communism and a roguish expansionist attitude.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the ranking Republican on the subcommittee.

Mr. LIVINGSTON. Mr. Chairman, I am as much a cold warrior of the old days as the gentleman that just spoke, but I rise in opposition to this amendment.

Mr. Chairman, my friend, the gentleman from Alabama [Mr. CALLAHAN] means well, but when he says there is no progress in Russia, my goodness. Just in the last eight months they have adopted a new constitution, they have had parliamentary elections, they have a brand new legislative body which is operating fairly rapidly, perhaps at least as rapidly as this body.

They have over half the work force in private hands. Inflation is staying down. Ten percent a month is a lot, but good grief, compared to other nations around the world they are looking good. They have established stock markets, and their people are actively trading these stock holdings.

This amendment would cut precisely the kind of aid that is necessary to help the Russians privatize their economy and democratize their government, and get them in a peaceful mode so they can dismantle their missiles, and not destroy the whole world with nuclear holocaust.

To say we do not want to spend $900 million to do this is foolish. Last year it was $2.5 billion, so the amount is going down; Mr. Chairman, and it is not an entitlement program. The money is seed for a burned-out forest in Russia where there is nothing but ashes after 70 years of ruin and mayhem, yet all of a sudden we see entrepreneurs cropping up. Their little sprouts go up through the ash in Russia, where entrepreneurial spirit and private enterprise, never existed before. We have it there now.

If we turn our backs on the improvements that have been made in that country in the last 3 years, we will be making a drastic mistake. Our aid is not going to prop up the government in Russia, it is going to help Russia develop free markets. We provide technical assistance to the privatization program. It is driving the force for economic reform in Russia.

Nearly 70 percent of Russian small businesses and 40 percent of Russian industry is in private hands. Continuing assistance in privatization is the core of AID's program in Russia.

In the Committee on Rules, the gentleman from New York [Mr. SOLOMON] made the point that our aid will not do anything because Russia does not have a commercial law system or judicial system to protect United States businesses or Russian businesses. He is right, but that is why United States aid is working for legal reform in commercial law and for changes in the Russian tax structure.

Of the $900 million in this total bill, $575 million is going to market economy activities, primarily privatization activities.

Mr. Chairman, I might add that this amendment stops us in our tracks. The cold war ended 3 years ago. We cannot expect miracles since then. I tell the Members, if this amendment passes, we will not get one. What we will be doing is rolling the dice, and they can come up snake eyes, in which case we will be risking cataclysm. The cold war could start all over, and the Iron Curtain, the risk of a very hot war, and everything that the gentleman that just spoke has railed against for the last 30 years could be upon us with far worse implications.

This is a bad amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise today in support of the Callahan amendment. I wish it were as simple as the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] said. The fact is, American dollars will not a democracy make, as much as we would wish it so.

In fact, if it were so, I would happily support it.

Sending more aid to Russia is not only a waste of American taxpayer dollars, but actually undermines in part the democratic reform process that we all share as a strategic goal.

First on the issue of waste, it is not just my conclusion Mr. Chairman, that United States taxpayer dollars are being wasted in Russia. This is also the conclusion of the Senate Foreign Relations Committee.

According to a congressional report issued by the Senate Foreign Relations Committee Chairman CLAIBORNE PELL 2 months ago, "There are major problems in the management of the Russian assistance program," exactly what we are talking about right now.

The report, for example, concludes, and again I am quoting, that:

> It does not appear that the average citizen, let alone the vast majority of citizens who live thousands of miles away from these urban areas, is even aware of or affected by international assistance or the reform that it is supposed to foster.

What is even more disturbing, however, is that the report concludes that "because the American foreign aid program in Russia is so large, there is a substantial problem of corruption, favoritism, and abuse," so there are some very serious problems with the existing foreign aid program we have already set up.

Second, Members need to be aware that the Russian Government is actually taxing a substantial portion of the aid which we have earmarked for Russia. According to a May 1994, New York Times article, the Russian Government has discovered a way to convert Eximbank loans into direct grants for their own government bureaucracy. All Eximbank loans for the United States Government slated for the Russian energy sector are being taxed by Russia's central government at a rate of 20 percent off the top.

□ 1720

Mr. Chairman, while you and I may think we voted for a lending program to support United States exports, the Russians are using these loans to fill their own coffers for purposes completely unrelated to the loans. In addition to the 20 percent off the top, there is an additional 3 percent tax assessed on the value of U.S. equipment being supplied. Needless to say, U.S. Eximbank officials are quite upset with this development because it would potentially undermine their entire lending program.

I think, Mr. Chairman, that we need to send Russia a very clear and unequivocal message here today. Let us place a hold on further United States aid to Russia till this skimming scheme has been stopped in its tracks.

Finally, we cannot continue to appropriate hundreds of millions or more dollars in all good conscience in a pipeline that is already overloaded. Since 1991, the United States has pledged $17.3 billion in grants and credit guarantees to Russia. We have no good numbers on exactly how much of that total has actually gone to Russia. However, according to congressional research, of the $2.2 billion appropriated in the 1993 supplemental, only $200 million has been obligated.

Mr. Chairman, finally since last year, we have unfortunately seen a fundamental shift in the direction of reform. Almost all of the reform-minded officials have left President Yeltsin's cabinet. On April 8 this year, Yeltin's chief spokesman told reporters that Russia's romantic embrace with the West is over. Instead, and I am quoting, he said:

> Russia increasingly sees itself as a great power which has its own strategic military and political interests different from those of the United States and Europe. It has started saying this loudly.

Russia's Deputy Foreign Minister Aleksander Pano warned on March 29 that Russia would assist North Korea in the event of "unprovoked aggression."

On April 5, President Boris Yeltsin issued a directive endorsing a Defense Ministry proposal to allow Moscow to establish military bases "on the territory of CIS and Latvia to ensure the security of the Russian Federation and the above named nations, as well as to test new weapons and military machinery."

Russia is blatantly violating several solemn international treaty obligations. According to NATO and U.S. officials, for example, Moscow has redeployed its troops withdrawn from Central Europe to the St. Petersburg and Caucasus regions exceeding the 1995 troop levels set by the CFE Treaty.

And, according the Washington Post and London Times, United States and British officials have also concluded that "there is still an offensive biological weapons program underway" in Russia in violation of the 1972 Biological Weapons Convention.

That things are not going in the right direction for Russia is not just the opinion of this Member of Congress. In the current issue of Foreign Affairs, Dr. Zbigniew Brzezinski writes: "Regrettably, the imperialist impulse [in Russia] remains strong and even appear to be strengthening."

My friend from Louisiana points to the strides in privatization that have occurred as evidence that reform is on track. Ten percent—but a start. Fine, but did U.S. aid have anything to do with that? And, second, we are getting more and more reports that even here, the privatization process has been corrupted by Russian organized crime. Last month on April 20, CIA Director Jim Woolsey had this to say to the Senate Foreign Relations Committee:

> According to the Russian Ministry of Internal Affairs, there are roughly 5,700 organized crime groups in Russia, with an additional 1,000 in the former Soviet republics.
>
> "A recent report prepared by President Yeltsin's staff concluded that 70 to 80 percent of privatized enterprises and commercial banks have been victims of extortion [by organized crime]."
>
> "Criminal groups are also targeting the financial sector where economic reforms have led to explosions in the number of banks, in the complexity of their transactions, and in the geographic scope of their activities . . . [T]hese banks have become a particular target for money-laundering schemes. Indeed, links have been forged between Russian and Italian organized crime groups to move money through the Russian banking system. In addition to taking advantage of these banks, organized crime groups have set up front companies throughout eastern Europe and Russia."
>
> The power of Russian organized crime is largely due to their ties to corrupt government officials. Criminal groups may be spending as much as 30 to 50 percent of their profits trying to buy off well-connected government officials including Customs, militia, and police officials.

SUMMARY

In sum, this is not the time to be sending more foreign aid to Russia. We have already appropriated more than the system can bear and the results have been disappointing. I am not convinced that one more dollar, much less hundreds of millions, will be well-spent in our campaign to reform the former Soviet Union. I recommend supporting the Callahan amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON] the distinguished chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong opposition to the Callahan/Solomon amendment to cut U.S. assistance to the New Independent States of the Former Soviet Union by nearly 50 percent and to prohibit U.S. aid to Russia for anything but humanitarian purposes.

This is a dangerous and ill-advised initiative.

Let me address three issues.

I. U.S. INTERESTS IN RUSSIA

First, U.S. assistance to Russia continues to be in the U.S. national interest.

Russia is in the process of a massive political and economic transformation. The outcome of this process will have a direct impact on the security of the United States.

The success of reform in Russia would mean: a reduced nuclear threat; reduced U.S. defense spending; a more stable Europe and peaceful world; and, lucrative access to Russia's vast natural resources and huge market.

U.S. support for this reform process is making an important contribution. Pulling out now would aid those such as Zhirinovsky and other extremists

who want to see Russia return to the old system and the old way of doing business. This would be a disaster not only for Russia and its neighbors, but for U.S. and Western interests.

President Yeltsin and Prime Minister Chernomyrdin have stayed the course of reform in Russia. To cut off aid at this time would send precisely the wrong signal to all parties: it would undermine President Yeltsin, Prime Minister Chernomyrdin and the reformers who support them; it would embolden nationalists and extremists in Russia who argue that Russia cannot maintain constructive relations with the United States; and, it would harm United States-Russian relations.

II. THE PROGRESS OF THE REFORM PROCESS

Second, while there is much still to be done, Russia has made important and, in some areas, impressive progress. Gains are being made in nearly every area, and U.S. support is helping to make a difference.

In the area of economic reform: The central elements of Soviet socialism—central planning and central distribution of industrial material—has ended; ninety percent of all prices have been freed from government control; over 70,000 small businesses have been privatized, together with 10,000 medium and large enterprises; more than 50 percent of the GNP of Russia is now derived from private, not government, sources; with our help, the Russian banking system is being transformed to operate in, and support, a market economy.

In the area of political reform: The Russian people have been to the polls no less than three times since April 1991. Russia now has a freely elected Constitution, Parliament and President.

The long term process of building national political parties is underway.

In stark contrast to the dark days of the past, the Russian people now enjoy a relatively free media.

U.S. assistance is critical in changing Russian laws, regulations and policies and building the institutions necessary for a democratic and market society.

We can have no illusions. This will be the long and difficult transformation. There will be fits and starts in the reform process. The important thing is that Russia continues to move in the right direction—the direction of true political and economic reform. The U.S. should continue to provide assistance to Russia so long as these reforms continue.

III. IMPLICATIONS FOR U.S.-RUSSIA RELATIONS

Third, termination of all but humanitarian aid to Russia will undermine U.S.-Russian relations at a time when this relationship has been evolving in a positive direction: Russian troops will be out of Germany, Latvia and Estonia by August 31st; in Bosnia, Nagorno-Karabakh and elsewhere, we are trying to work together to find solutions to difficult regional conflicts; Russia has just indicated its willingness to join the Partnership for Peace. This is a significant step toward closer cooperation between NATO and Russia on European security issues; there has been important bilateral progress with Russia on de-nuclearization, notably the January Tri-Partite Agreement between Russia, Ukraine and the U.S.; Russian cooperation will be critical in support of U.S. non-proliferation objectives in Asia and the Middle East in particular; finally, continued Russian cooperation with U.S. efforts to promote a comprehensive peace in the Middle East is crucial to further progress in this important area.

IV. CONCLUSION

I appreciate that there may come a time when assistance to Russia no longer serves U.S. interests—if reform goes backward, and if Russia pursues Soviet-style foreign, domestic and economic policies. But we are not at that point.

There is no sound reason to take the drastic step recommended in this amendment at this time. I continue to believe that the risk of assistance to Russia is still a risk worth taking.

Mr. CALLAHAN. Mr. Chairman, may I inquire how much time we have remaining?

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) has 5½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 2 minutes remaining.

Mr. CALLAHAN. Mr. President, I yield 2 minutes to the distinguished gentleman from Indiana, Mr. BURTON, who is incidentally a member of the Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me the time.

Get this: $16.3 billion has been authorized and appropriated for the former Soviet Union. That is $16,300,000,000 since 1992 and 1993; $2.3 billion last year. $900 million this year.

The gentleman from Wisconsin said, "Well, it was $2.5 billion last year, we're going in the right direction, we reduced it to $900 million, and this is absolutely essential if we're going to have democracy and free enterprise in Russia."

Mr. Chairman, we do not create free enterprise by giving people money. We create free enterprise by encouraging business and industry to go over there and teach them how free enterprise works, to create jobs through industrial growth.

Mr. Chairman, we had an opportunity to do that last year. One of the most mineral-rich countries in the world is Russia and the former Soviet Union. They have every kind of mineral one can think of, that we have to have to survive as a Nation. In fact, 11 minerals that we have to have to survive as a Nation come from only two parts of the world, the southern part of Africa and Russia.

We should have cut a business deal with them to buy things, to send industry over there to create jobs and to mine these products, these minerals, so that they will have ongoing economic growth and we will get something for our taxpayers' dollars, we will get something in return. Instead, we are pouring money down a rat hole and what has not been mentioned here is much of this money, it is believed, is going into Swiss bank accounts. Corrupt politicians in the Soviet Union are shoveling that money into these bank accounts for their own use down the road.

Mr. Chairman, all parts of the world face this kind of problem. Last night on television, there was an exposé on Zaire and President Mobutu. He has taken millions of American taxpayers' dollars, bought 15 houses around the world, actually castles around the world, and we paid for it.

I submit to Members that much of the money we are sending to the Soviet Union is going for the same purpose, for corrupt politicians' use down the road. If we really want to solve the problems of the Soviet Union and create free enterprise and long-term democratic growth, then what we should do is cut a business deal with them and buy minerals and send American industry over there to develop jobs and economic growth.

Mr. CALLAHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio, Mr. TRAFICANT.

Mr. TRAFICANT. Mr. Chairman, I am going to vote for the Callahan amendment. I think the gentleman from Wisconsin, Chairman OBEY, does about as good a job as anyone in the House, no offense. But let me see if I have figured this out.

We give money to Russia. Russia takes the money and they bribe Aldrich Ames. Aldrich Ames, the CIA agent, gives top-level secrets to Russia. We finance CIA treason, buying of our top military secrets with my constituents' hard-earned tax dollars and yours.

Mr. Chairman, that is why I am going to vote for Callahan. I think enough is enough. We are trying to help democracy. It looks to me what we are trying to help democracy in Russia, Russia is trying to screw up some democracy in America. Beam me up. It does not add up, folks.

I say yes to Callahan. You keep your bribe money, make it Russian bribe money, and the tax dollars in America will stay in America, build some roads and bridges and help perhaps with some schools for our kids.

Mr. CALLAHAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all I could not agree more with the points that all of the opponents of this measure came

forth with. Yes, Russia does need help, but my colleagues are missing the point. The point is, can we afford to give Russia this money? Can we not afford to reduce our deficit by $348 million?

Mr. Chairman, I have two kids at Auburn University, a great university. If they came home to me and said, "Dad, I need a new Mercedes," I am sure they could give 50 reasons why I ought to buy them a Mercedes, but there is one good reason, Mr. Chairman, why I cannot: Because I do not have the money.

They would say, "Dad, you can borrow the money" such as we would have to do here. Maybe I would borrow the money, but if I did, I would put restrictions on that and say if you did not make passing grades I was going to take the car away; if you got caught speeding, I was going to take the car away.

The Chairman said we must be realistic. Let me tell Members what realistic is, it is recognizing that we are going to have to go to Japan and borrow this money to give it to Russia. Yes, it will help Russia; yes, Russia needs help; yes, we are going to leave $42 million in humanitarian aid to help Russia. But we ought not go to Japan or France or any other nation and borrow another $348 million when we cannot afford it.

□ 1730

That is the issue. The issue is not whether or not Russia wants it. The issue is not whether or not Russia can use it. The issue is whether or not we can better use it in this country.

I urge you to support the Callahan amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I do not know quite where to start in correcting the misstatements that have been made on the floor, but let me simply correct one of them in the limited time.

One of the speakers suggested that Exim loans are going to be taxed by the Soviet Government. The Eximbank heard that statement on television and just called me and assured me that most definitely was not the case. The gentleman quoted the article correctly. The fact is that article is wrong.

In response to the gentleman from Alabama [Mr. CALLAHAN], who is concerned about the money we have to borrow, let me ask this: How much money are we going to have to borrow if Mr. Zhirinovsky and his friends win the power struggle in the Soviet Union and we have to start spending $30 billion, $40 billion, $50 billion or more a year in our defense budget? The answer is we will have to borrow all of it. That is the answer.

This reminds me of World War I. After World War I, Germany was in a state of collapse. The Weimar Republic was in a state of economic turmoil. The West sat idly by. A fellow by the name of Hitler came to power. The result? "Only" 50 million people died worldwide. "Only" about 500,000 Americans died, because we let a critical situation get out of hand.

I would suggest to you there is a lot about the Soviet aid program that I do not like. But, the fact is most of this money, by far the largest amount of it, is not even seen by the Russian Government. It goes through private voluntary organizations. It goes to American business groups and volunteer organizations that provide precisely the kind of advice on democratization and privatization which the gentleman says he wants.

I would suggest to you that if we do not do everything within our power to assist the reformers in the Soviet Union, our children will never forgive us.

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered my colleague the gentleman from New York [Mr. SOLOMON]. His amendment is essential to our continued cooperative counternarcotics efforts in Colombia and Bolivia. I commend him for his leadership on the question of support for our international counternarcotics programs.

Both Colombia and Bolivia have shown courage in the struggle against the scourge of illicit drugs. The traffickers have responded with assassinations and bribery. We cannot appear to cut off Colombia and Bolivia; it is not in our interest to surrender the Andes to the traffickers.

My concern with the section as it stands before us is that it requires the Secretary of State to prove a negative. We ought not to tie the Administration's hands in providing military assistance to these key nations. Most of this aid goes to Colombian and Bolivian law enforcement elements to battle the illegal drug trade. Mr. SOLOMON's amendment helps continue this struggle.

Lest we forget, the Colombians, with U.S. assistance, broke up the violent Medellin cartel and have taken steps against the Cali cartel. This same courageous nation with our assistance helped to bring Pablo Escobar, a notorious trafficker and murderer to his final end. Bolivia has made gains against the traffickers, as well. I urge the adoption of Mr. SOLOMON's amendment as a symbol of our continued engagement in the war against the illegal drug trade.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Alabama [Mr. CALLAHAN]

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CALLAHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 286, not voting 8, as follows:

[Roll No. 205]

AYES—144

Allard	Gekas	Moorhead
Andrews (NJ)	Geren	Myers
Applegate	Gillmor	Nussle
Archer	Goodlatte	Packard
Armey	Goodling	Paxon
Bachus (AL)	Goss	Peterson (MN)
Baker (CA)	Grams	Pombo
Baker (LA)	Hall (TX)	Portman
Ballenger	Hancock	Poshard
Barcia	Hansen	Pryce (OH)
Barrett (NE)	Hastert	Quillen
Barton	Hayes	Quinn
Bilirakis	Hefley	Rahall
Blute	Hefner	Ramstad
Bonilla	Herger	Ravenel
Brewster	Hobson	Regula
Bunning	Hoekstra	Rogers
Burton	Hoke	Rohrabacher
Buyer	Huffington	Ros-Lehtinen
Callahan	Hunter	Roth
Camp	Hutchinson	Roukema
Canady	Hutto	Royce
Chapman	Hyde	Sanders
Coble	Inglis	Santorum
Collins (GA)	Inhofe	Sarpalius
Combest	Inslee	Schaefer
Condit	Jacobs	Sensenbrenner
Costello	Johnson, Sam	Shuster
Cox	Kaptur	Smith (OR)
Crane	Kasich	Smith (TX)
Crapo	Kim	Snowe
Cunningham	Kingston	Solomon
Danner	Klink	Spence
DeFazio	Klug	Stearns
DeLay	Kyl	Stenholm
Diaz-Balart	Laughlin	Stump
Dickey	Lehman	Sundquist
Doolittle	Lewis (FL)	Tauzin
Dornan	Lucas	Taylor (MS)
Duncan	Machtley	Taylor (NC)
Everett	Manzullo	Thomas (WY)
Ewing	McCandless	Thurman
Fawell	McHugh	Traficant
Fields (LA)	McInnis	Valentine
Fields (TX)	McKeon	Vucanovich
Fowler	Mfume	Walker
Franks (CT)	Miller (FL)	Young (FL)
Gallegly	Molinari	Zimmer

NOES—286

Abercrombie	Clay	Fazio
Ackerman	Clayton	Filner
Andrews (ME)	Clement	Fingerhut
Andrews (TX)	Clinger	Fish
Bacchus (FL)	Clyburn	Flake
Baesler	Coleman	Foglietta
Barca	Collins (IL)	Ford (MI)
Barlow	Collins (MI)	Ford (TN)
Barrett (WI)	Conyers	Frank (MA)
Bartlett	Cooper	Franks (NJ)
Bateman	Coppersmith	Frost
Becerra	Coyne	Furse
Beilenson	Cramer	Gallo
Bentley	Darden	Gejdenson
Bereuter	de la Garza	Gephardt
Berman	de Lugo (VI)	Gibbons
Bevill	Deal	Gilchrest
Bilbray	DeLauro	Gilman
Bishop	Dellums	Gingrich
Bliley	Derrick	Glickman
Boehlert	Deutsch	Gonzalez
Boehner	Dicks	Gordon
Bonior	Dingell	Green
Borski	Dixon	Greenwood
Boucher	Dooley	Gunderson
Brooks	Dreier	Gutierrez
Browder	Dunn	Hall (OH)
Brown (CA)	Durbin	Hamburg
Brown (FL)	Edwards (CA)	Hamilton
Brown (OH)	Edwards (TX)	Harman
Bryant	Ehlers	Hastings
Byrne	Emerson	Hilliard
Calvert	Engel	Hinchey
Cantwell	English	Hoagland
Cardin	Eshoo	Hochbrueckner
Carr	Evans	Holden
Castle	Farr	Houghton

Hoyer
Hughes
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Petri
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Rangel
Reed
Reynolds
Richardson
Ridge
Roberts
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tejeda
Thomas (CA)
Thompson
Thornton
Torkildsen
Torres
Towns
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zeliff

NOT VOTING—8

Blackwell
Faleomavaega (AS)
Grandy
Horn
Torricelli
Tucker
Washington
Young (AK)

□ 1757

Miss COLLINS of Michigan, Ms. CANTWELL, and Mr. BARTLETT of Maryland changed their votes from "aye" to "no."

Mr. SAM JOHNSON of Texas and Mr. EWING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House Report 103-350, the amendment to be offered by the gentleman from Ohio [Mr. KASICH], or his designee, debatable for not to exceed 10 minutes.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KASICH: Page 103, after line 14, insert the following new section:

ADDITIONAL LIMITATION ON FUNDS TO ENSURE IMPLEMENTATION OF WAPENHANS REPORT RECOMMENDATIONS

SEC. 569. (a) LIMITATION ON AMOUNTS AVAILABLE BEFORE APRIL 1, 1995.—If amounts appropriated by title I become available pursuant to section 567—

(1) not more than $30,000,000 shall be available for obligation before April 1, 1995, for "Contribution to the International Bank for Reconstruction and Development" for payment for contribution to the Global Environment Facility;

(2) not more than $1,024,332,000 shall be available for obligation before April 1, 1995, for "Contribution to the International Development Association"; and

(3) not more than $35,761,500 shall be available for obligation before April 1, 1995, for "Contribution to the International Finance Corporation".

(b) REQUIREMENTS FOR AVAILABILITY OF ADDITIONAL AMOUNTS.—No amount in excess of any sum specified in subsection (a) with respect to an account or activity shall become available on or after April 1, 1995, unless the Secretary of the Treasury—

(1) determines that the recommendations contained in the report entitled Report of the Portfolio Management Task Force (commonly referred to as the "Wapenhans Report") continue to be implemented as of such date;

(2) reports such determination to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate; and

(3) complies with the regular notification procedures of the Committees on Appropriations.

□ 1800

The CHAIRMAN. The gentleman from Ohio, Mr. KASICH, is recognized for 5 minutes. The gentleman from Wisconsin [Mr. OBEY] will be recognized for five minutes.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

The CHAIRMAN. the gentleman from Ohio [Mr. KASICH] is recognized for 6 minutes.

Mr. KASICH. Mr. Chairman, I come to the floor today with some good news and some real accomplishment for people who have been concerned about having their tax dollars used efficiently and effectively, especially in the area of foreign aid.

You might remember that for about the 3 or 4 years, I have been, along with our former colleague John Miller, offering a number of amendments, a series of reforms, designed to clean up the operation of the World Bank.

Last year we fought the recapitalization or the increased capitalization of the World Bank, and we came within a very few votes of being able to win that fight. And I believe as a result of consistent efforts and constant pressure being applied to the World Bank institutions, we were able to actually achieve the level of reform we wanted to get.

You might remember that last year I was able to report that a task force that the president of the World Bank had appointed, in collaboration with the General Accounting Office, determined that the operation of the World Bank had poor project design, inadequate management, poor implementation, a culture that rewarded new loans and not effective management of existing programs, basically that the World Bank was broke, that the system of managing the operation of the World Bank was not working, and so, therefore, I came to the House floor with an amendment to eliminate all this increased funding for the World Bank.

Now, in a nutshell, the World Bank, along with these other multinational banking institutions, their purpose is essentially to provide economic growth for poor nations in this world. And I want to say to my colleagues that we honestly cannot prove, there is no institution in our Government and no formula anywhere else that exists that I know on the face of the earth that can show us that the efforts that these international lending institutions have made to try to rescue people from poverty are yielding any real success.

Today I called General Boucher of the GAO and I said, the GAO has done fine work in terms of monitoring the operation of the World Bank, and a lot of the international financial aid institutions. But we need to develop a way to measure whether the money we are spending really is making a difference.

Now, what we recommended last year to try to develop some reasonable reforms in the operation of the World Bank, we cited a number of things: Declining loan performance. In other words, the loans that were going out, the projects that were being built, they simply were not meeting the mark. They were not meeting the standards, the internal standards, that the World Bank set for itself. And what we argued for was to create an independent IG to review all loans. And what we got in the new policy being advocated by the House and by the Secretary of the Treasury, who has assured me they are going to have speedy and effective implementation of these programs, is the creation of an independent inspection panel.

So last year we said that we wanted to create an independent IG. The new policy will create an independent inspection panel to make sure that the loans that we make meet their own internal standards and in fact will contribute to the elimination of poverty and the development of economies in the countries that we make loans to.

We said there was a problem of secrecy. In many countries around the world, these projects get presented to people and for example, in the country of India, in regard to a major dam project, we have displaced more independent Indians who live in the area of

the dam project. The Indian people knew nothing about this. It has created tremendous chaos, environmental problems. The Friends of the Earth, they are as concerned about this as I have been.

So what we argued is that whenever any of these projects are to begin, we ought to coordinate them with outside groups and have project disclosure.

What do we have in this reform proposal being adopted today? The establishment of a public information center. It expands technical and environmental assessments so we can make sure, believe it or not, that the moneys going to the projects, the people it is going to affect, are informed, and that it makes rational sense.

We also argued last year that the administrative costs of the World Bank were out of control, rising at an annual rate of 12 to 15 percent. We suggested we severely limit the growth of the World Bank administrative costs. Where are we this year? The prescribed goal for the reforms, no real growth in administrative costs between 1995 and 1997. Pretty darn good.

Then we argued about the extensive first class travel, a bunch of international bureaucrats flying all over the world and living high on the hog. In a nutshell, what we did was say no more first class travel, recommended economy class, and that is precisely what we are going to get in these reforms.

Let me say in a nutshell, we are not just trusting them. We have constructed fences that say no money will flow to the World Bank until the Secretary of the Treasury certifies that these reforms are in place.

Then this amendment that I am currently offering fences additional money, which means that next April, halfway through the fiscal year, the Secretary of the Treasury must come back one more time and certify to the Committee on Banking, Finance and Urban Affairs and the Committee on Appropriations that we in fact are having these reforms carried out by this international institution.

Let me say that the GAO review of the World Bank says the World Bank reforms are underway, but it is too early to determine their impact. The bottom line is, if these reforms are enacted, along with continued efforts to try to measure a standard in terms of progress in the poor nations of the world and whether these reforms are working, we have made great progress for the taxpayers of this country.

I want to thank the gentleman from Wisconsin [Mr. OBEY], and his staff for working with us. I know the gentleman had the same attitude about cleaning up the problem at the World Bank. I think we are making some great strides and we are doing it together. I appreciate the gentleman for his time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me simply say that I support the Kasich amendment. I think the gentleman from Louisiana [Mr. LIVINGSTON] does as well.

Let me simply say, I think we need to recognize that an awful lot of people have been involved in the reform of these institutions. I would say, frankly, that the process began with the Bush administration in 1991 and 1992, when they dealt with IDA negotiations and pushed for reforms during those negotiations. We also had the Wapenhans report which was, I think we should remember, asked for by Mr. Preston, the bank president himself. And, we have had a variety of actions taken by the Congress dealing not only with the World Bank and IDA, but with the European Development Bank, which we discussed earlier today.

I would simply say that I think the Kasich amendment is a constructive amendment. It continues pressure on the bank to implement reforms, without putting the United States further in arrears. That, in my view, is the way to do it. I think we have had bipartisan pressure on the institutions for a number of years to try to reform the way they do business, and accompanied with some chain pulling along the way, I think we have largely been successful so far.

Mr. Chairman, with that, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding.

I just want to add that I appreciate and support the gentleman's amendment. It enlarges upon an amendment we introduced before the full committee which originally asked the responsible institutions to review the Wapenhans criteria by October 1st of this current year. The amendment of the gentleman from Ohio [Mr. KASICH] provides for an ongoing review of compliance with that criteria. I think it is well put and I support it vigorously.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, as the ranking member of the authorizing subcommittee, I want to commend the gentleman from Ohio [Mr. KASICH] for his work. He has been persistent in this effort.

As the chairman said, many other people are involved in the past two administrations, but this gentleman has worked diligently at this effort, and I want to commend the gentleman from Ohio [Mr. KASICH].

The Wapenhans report does not directly relate to the ICC entirely, but I think it is highly appropriate to condition it on progress. Certainly it relates to IDA. I commend the chairman and the ranking member of the committee, too, for working with Treasury and the authorizing committee in this effort, but especially the gentleman from Ohio [Mr. KASICH].

Mr. Chairman, this Member believes that it is important that the World Bank continue to implement various management and other reforms to improve the quality of projects of the World Bank as the Kasich amendment proposes. A process of reform has been adopted by the World Bank executive board and is being implemented by the management as a result of the so-called "Wapenhans" internal quality assessment report commissioned by the World Bank President in 1992. The parts of the World Bank addressed by the Wapenhans evaluation included the International Bank for Reconstruction and Development and the International Development Association [IDA]. The Kasich amendment appropriately limits the U.S. contribution to IDA to last year's level until the Secretary of the Treasury certifies that these reforms are continuing to be implemented. The amendment makes a similar limitation on contributions to two other institutions which were not specifically addressed by the Wapenhans report and indeed, in the case of the Global Environment Facility, are now independent of the World Bank as a result of the recently-completed negotiation. This Member votes that the amendment covers the IFC and GEF, two institutions which are not directly the subject of the Wapenhans assessment. Nevertheless, this Member urges support of the Kasich amendment.

□ 1810

Mr. OBEY. Mr. Chairman, I would simply say that I think it is essential for us to keep the pressure on these institutions to live in the real world. I also think it is essential that we continue congressional support for these institutions, because they are the main method by which we leverage American tax dollars and bring other countries in the world into the process so that we do not get stuck with the lion's share of the tab for assisting the Third World with its development problems.

I appreciate the cooperative attitude of the gentleman from Ohio, and I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 3, printed in House Report 103-530, the amendment to be offered by the gentleman from Texas [Mr. DELAY] or his designee, debatable for not to exceed 10 minutes.

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Chairman, I have a parliamentary inquiry.

Mr. CHAIRMAN. The gentleman will state it.

Mr. DELAY. Mr. Chairman, I thought the procedure was going to be that we

would offer my amendment, the gentleman from Wisconsin [Mr. OBEY] would offer an amendment to my amendment, and then we would split 10 minutes apiece.

The CHAIRMAN. That is the Chair's understanding, once the amendments are offered.

AMENDMENT OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELAY: Page 18, line 21 strike "$98,800,000" and insert "$30,000,000".

AMENDMENT OFFERED BY MR. OBEY TO THE AMENDMENT OFFERED BY MR. DELAY

Mr. OBEY. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. OBEY to the amendment offered by Mr. DELAY: Strike the number "$30,000,000" where it appears in the amendment and insert in place thereof "$88,800,000".

The CHAIRMAN. The Chair will divide the time between the two Members. Each Member will be recognized for 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman of the full committee, the gentleman from Wisconsin [Mr. OBEY] for his cooperation in this effort.

Mr. Chairman, my amendment is quite simple. It would bring the funding level for the Global Environment Facility, a program controlled by the World Bank, down to the level of $30 million. The suggested funding in the foreign operations bill is $98.8 million or an unsupportable $68.8 million increase.

Run by the World Bank, the GEF has received about $1 billion since its inception in 1991 as a pilot project and its performance to date has been nothing short of dismal.

Complaints have abounded—not only from countries that have contributed to the GEF but even from environmental groups regarding the GEF's activities. These complaints prompted a internal evaluation completed last year which produced a scathing review of its performance. I would like to summarize some of those findings:

The report concludes that the GEF lacks a coordinated strategy to carry out global environmental protection programs and pays insufficient attention to project quality. The GEF's operations are dysfunctional and its accountability ill-defined.

According to the report, the premise of the GEF's mandate—putting emphasis on global environmental problems over local problems—is a serious weakness. The World Bank's ongoing projects are evicting roughly 2 million of the world's poor from their homes and lands. The GEF claims it is reforming these abuses by involving local citizens in the decisionmaking process. The GEF report called that claim a "biased exaggeration, if not falsification." Over half of the GEF's projects to date have in fact led to conflicts over forced resettlement of displaced local people.

According to the Environmental Defense Fund, "80 percent of GEF investment projects are components of much larger World Bank loans, which are often at odds with global environmental goals." The report concludes that the World Bank controls the lion's share of the GEF's resources to make its regular projects look greener and to "mitigate criticism alleging World Bank insensitivity to environmental concerns."

I could go on and on.

I'm pleased to say that until recently, no taxpayer dollars had actually been spent on this program. In the fiscal year 1993 Foreign Operations bill, $30 million was appropriated but never released to GEF. It was instead passed on to AID. Just this past Friday, however, the $30 million approved in the fiscal year 1994 bill was released to GEF by the administration.

Despite the objections of some environmental groups, the Administration believes that GEF has progressed in making some reforms and where they haven't yet developed reforms they are in the process of developing them. Considering the well-documented failure of this organization, it should go without saying that we should not put taxpayer dollars at risk until we are absolutely certain that whatever reforms are necessary have been completely implemented and have been demonstrated to be successful. It seems that this administration decision to release the GEF funds is just an effort to appear green.

According to the Environmental Defense Fund, the restricting process has been very superficial. In commenting on the GEF report, the Environmental Defense Fund states:

The report is right on target because it recommends that no further money be allocated to GEF projects before key reforms are, [and I emphasize] *in place*.

Promises are not enough.

Probe International in Canada, a group that has monitored the GEF for 3 years, states:

For the industrialized countries to renew their funding to GEF given its disgraceful track record and the absence of a worthy mandate or an accountable structure would be the height of irresponsibility.

Despite such obvious reasons to be extremely careful with whatever funding we give to the GEF, the administration pledged in March to send a total of $430 million to the GEF over 4 years based on a meeting in Geneva regarding the GEF's restructuring. According to the Environmental Defense Fund, however, "The GEF restructuring did not deal with issues that are critical to ensure that the permanent GEF is a transparent and accountable entity [and] decisions on fundamental questions, which should have become an integral part of the founding document of the permanent GEF, have simply been postponed."

Mr. Chairman, this program is not authorized and as far as I am aware, only one hearing has been held in the House regarding this program. To reward the GEF's incompetence by more than tripling the U.S. contribution is an outrageous abuse of the taxpayers' dollars. Frankly, I'm not convinced that we should continue to approve any appropriation level.

If we're not going to eliminate the U.S. contribution to GEF completely, then at the very least we should hold the GEF appropriation to last year's level. I would urge my colleagues to approve this amendment.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I just wanted to compliment the gentleman on his amendment. What some of the environmentalists call this whole effort of GEF is what they call "green wash" rather than a white wash, "green wash," because they have not been happy with a lot of the impact of the environmental programs.

I will tell the gentleman that all the reforms that we called for in the previous amendment would apply to the GEF. But frankly, the fact that it is not authorized and the fact that its increase has exploded, I think, is not justified nor warranted at this point. I think the gentleman offers a constructive amendment and hope it will pass.

Mr. DELAY. Mr. Chairman, I thank the gentleman for his input.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

The Global Environmental Facility was created to help Third World countries take into account the effects of their development activities on the worldwide ecosystem. It was created to focus the world's efforts on preventing climate change, on preventing environmental degradation and preventing ozone depletion.

The gentleman from Texas [Mr. DELAY] has cited a 1993 report which raises questions about the operation of the GEF. I do not challenge that report in any way.

What I think the gentleman from Texas [Mr. DELAY] has not mentioned, however, is that the Administration used that report as the basis for our ne-

gotiating position with some 73 other countries and secured the changes which that report suggested as part of the negotiating process.

The administration, in negotiations, assured that there would, in fact, be independence from the World Bank. They assured that the United States would be in a strong position to stop bad loans. And they assured a much greater degree of fiscal responsibility by scaling back the size of that facility from the proposed $4 billion to $2 billion.

□ 1820

The United States did not sign on until it won what it wanted to win in that negotiating process. Now we have an international agreement between 73 nations, including the United States. If this institution is to be kept on the right path, it is important that our participation be comprehensive and be aggressive in shaping the agenda of that institution so that it becomes a combined agenda, a worldwide agenda, rather than just the agenda of the underdeveloped recipients of some of this aid.

Mr. Chairman, environmental groups, many of them, had considerable concern about the operation last year, but they are fully supportive now, organizations such as the Natural Resource Defense Council, the Nature Conservancy, and the World Wildlife Fund. Therefore, in my view, the administration has already taken the steps necessary to respond to the report that the gentleman mentions.

Nonetheless, Mr. Chairman, I recognize that there is probably considerable value in continuing to fire a shot across their bow so that they understand that the Congress will be watching closely as we move through the next year in evaluating how that agency proceeds under the new international agreement. That is why I have offered my amendment, to make a $10 million reduction in the amount we have provided.

It is, in my view, the minimum amount which is necessary to maintain sufficient American leverage in that institution and see to it that it follows an agenda which we feel is responsible, and follows management practices which we think can be defended.

I think the administration has made a good deal of progress in assuring that some of the management practices which we have been concerned about in the past are in fact a thing of the past.

Mr. Chairman, I want to assure the gentleman from Texas [Mr. DELAY], as I did the gentleman from Louisiana [Mr. LIVINGSTON], that our committee will continue to very closely monitor the activities and the management practices of that agency, of that facility, and we will most certainly be holding hearings specifically focused on the degree to which the facility is in fact following the recommendations laid out in the report mentioned by the gentleman from Texas, and used by the administration in their negotiating posture earlier this year.

With that, Mr. Chairman, I would simply say that it is legitimate to have a disagreement about the techniques to maintain American leverage. I think that the proposal I suggest is more effective.

If we renege on the contribution which this country pledged to make, we virtually vitiate the ability of the administration to provide leadership in that institution. That is precisely what we do not want to do if we want to see to it that they stick to the kind of practices that we think are defensible.

Mr. Chairman, I would urge support for the substitute amendment, and thank the gentleman from Texas for making the points he has made this afternoon.

Mr. DELAY. Mr. Chairman, I yield 3½ minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the DeLay amendment with some concern about the Obey substitute.

Mr. Chairman, it is hard to convince anyone who has lived in the Northeast this last winter that there is really any such thing as global warming. It may exist, but I tell the Members that they sure could not find it with all the snow and ice we experienced over the last several months.

Even so, Mr. Chairman, if we are going to investigate and/or treat global warming, we have a responsibility to see to it that the money is well spent, we are not throwing our money away.

Two years ago, we appropriated $30 million for this program. Last year we appropriated another $30 million for the program. This year they are calling for $100 million, and $100 million again for 3 other years after that. If precedent is prologue, then we know this is an entitlement which will work its way into American life.

Mr. Chairman, there are a lot of criticisms of this program, and yet the Secretary of the Treasury, in response to those criticisms only the day after the markup, provided us a certification that "there are clear procedures ensuring public availability of documentary information on all facility projects, and associated projects of the global environmental facility-implementing agencies."

He says that they "have developed or are in the process of developing clear procedures, ensuring that the affected peoples and recipient countries are consulted in all aspects of identification, preparation, and implementation of facility projects and associated projects of facility-implementing agencies."

Yet on April 14, 1994, before the Subcommittee on International Development, Finance, Trade and Monetary Policy of the Committee on Banking, Finance, and Urban Affairs, Mr. Donald Goldberg of the Center for International Environmental Law testified that "Oversight and review mechanisms need to be put in place before the global environmental facility is implemented."

Furthermore, on that same day, before the same committee, Mr. David W. Reed of the World Wildlife Fund made the following statements. He said, "The GEF will have little impact in reforming the prevailing development strategies that underlie a broader pattern of environmental decline."

He goes on to say, "The reason the GEF, as presently conceived, is unlikely to make a decisive contribution to promoting sustainable development strategies is threefold:

"No. 1, the GEF has conceived of its environmental objectives as distinct from the economic development strategies promoted by the implementing agencies and recipient governments; No. 2, the GEF has demonstrated little willingness to evaluate its investment experience from the perspective of reforming prevailing development strategies; and, No. 3, the GEF has not established mechanisms through which its experience can be integrated into the operations either of the three implementing agencies or of the other developing agencies."

He says, "Moreover, it is clear that while there may be high caliber projects in the Pilot Phase GEF Portfolio, there is no overall strategic vision which unifies its investment program."

This fellow goes on to say that "there is no clear statement of objectives against which the actual contributions of the Pilot Phase investments can be assessed in the long run. As a consequence, a very high degree of uncertainty obscures the long-term impacts and contributions of the GEF."

These are leaders in the environmental community. They are saying that the GEF has not done its job. It seems to me that we ought to be very, very careful before we start committing $400 million more of taxpayers' funds to a rather dubious proposition.

Mr. Chairman, I include for the RECORD a letter to me from Lloyd Bentsen of May 20, 1994:

DEPARTMENT OF THE TREASURY,
Washington, DC, May 20, 1994.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to Title I of the FY 94 Foreign Operations Appropriations Act, Public Law 103-87, I have determined that the Global Environment Facility (the "Facility") implementing agencies have:

(1) established a clear procedures ensuring public availability of documentary information on all Facility projects and associated

projected of the Facility implementing agency; and

(2) have developed or are in the process of developing clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of identification, preparation, and implementation of Facility projects and associated projects of the Facility implementing agencies.

Payment of the $30 million appropriated to Treasury for the U.S. contribution to the Facility will be made to the International Bank for Reconstruction and Development for the account of the restructured Facility.

Sincerely,

LLOYD BENTSEN.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would simply say that the gentleman just quoted a letter from the World Wildlife Fund. I am in receipt of a letter from that same organization dated today which indicates their support for the exact amount of funding that we have provided in this bill for all of the institutions, including the facility now under debate, so it is obvious they recognize considerable progress has been made. I think the record needs to show that.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], a distinguished member of the subcommittee.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, GEF is an easy target for Members to focus on, but I am concerned that most of the Members do not know about the bipartisan U.S. effort behind its development, or even know what it really does.

The GEF was created largely at U.S. insistence as a mechanism for making resources available to developing nations to meet their commitments, the commitments we urged on them under the Biodiversity Convention and the Framework Convention on Climate Change. Its genesis is bipartisan.

President Bush's Treasury Department insisted on it, and oversaw its creation after the Earth Summit in 1992, and President Clinton's Treasury Department has worked to fine tune it.

The administrators of GEF have worked with the United States in good faith and met every demand for accountability that Republican and Democratic administrations have made of it, and we have made many.

As many Members know, the Treasury Department certified on Friday that GEF had met all of the criteria set out in the fiscal year 1994 foreign operations bill: more accountability to participating governments, requirements for public information disclosure, and a more democratic decision-making process.

□ 1830

So that GEF is a facility that we insisted on be separated from the World Bank and be accountable and be transparent and now after 3 years in a pilot status where no U.S. money was spent on it at all, we have it in the shape we want it.

Mr. Chairman, this has been an effort of both the Bush administration and the Clinton administration and it would be disastrous now if after urging the GEF be formed, after insisting on structures and processes that make it accountable and transparent, the United States would pull back and renege on the funding. We are at a critical juncture in our leadership in the world on so many issues, Mr. Chairman, on population, on human rights, on women's rights, and on sustainable development, and our credibility very frankly is at stake. We have played hardball with the GEF for the 3 pilot years, it has responded.

Mr. Chairman, the environmental community supports GEF, does not oppose it. Yes, they have seen problems but they have seen them being corrected. The funding for FEG is in our Nation's best interest and I urge Members to oppose the DeLay amendment and support the Obey amendment.

Mr. DELAY. Mr. Chairman, I yield myself the balance of my time, just to say when one gets a memo from the Environmental Defense Fund that says that the GEF restructuring which has just concluded in Geneva did not deal with issues that are critical to ensure that the permanent GEF is a transparent and accountable entity does not in my mind signal that the Environmental Defense Fund is in support of what has been happening in GEF.

Mr. Chairman, I think the administration might have made a better deal and we are trying to correct this deal. I think that we do not go into a deal that has a lot of questions into the deal and triple their money. We find out if the deal is going to work, if the restructuring is going to work, if the reforms that have been negotiated, all in good faith, are actually going to work.

I understand in negotiating with the chairman that the chairman will go back and in conference if they have not shown some progress in the reforms that have been negotiated, that the chairman will accept my amendment.

Mr. Chairman, in comity, I will accept the chairman's amendment to my amendment that cuts $10 million and sends a very real message that GEF ought to be getting its act together.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I am glad to yield to the chairman if he agrees with my assessment of our negotiations.

Mr. OBEY. Mr. Chairman, I simply want to say that certainly this gentleman has absolutely no compulsion to fund any institution which is wasting taxpayers' money, and I can assure Members that if we are not satisfied that the facility is performing up to par that we will indeed try to pull the chain in conference.

Mr. DELAY. Mr. Chairman, I know and have every confidence that the chairman does not like to waste taxpayers' money. I appreciate his participation in this. Therefore, I accept the chairman's amendment.

Mr. OBEY. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, I yield the remainder of my time to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I am very pleased to hear the accommodation between the distinguished Member from Texas and the chairman of the committee.

Mr. Chairman, this Member rises in opposition to the DeLay amendment to reduce to $30 million the fiscal year 1995 contribution to the Global Environment Facility—the "GEF"—a special multilateral fund for helping developing countries bear the extra costs of choosing the most globally beneficial design of development projects that affect four critical environmental areas: biodiversity, climate change, pollution of international waters, and ozone depletion.

The United States never contributed to the pilot phase of the GEF during the last 3 years because we, the Congress and the administration, were insisting that it be restructured in certain important ways. The negotiation to create the permanent GEF has just been completed. The U.S. won agreement on all of our key restructuring proposals: public access to project information, involvement of nongovernmental groups and local communities in project preparation and execution, an independent secretariat, and providing the governing council on which our government sits with the authority to approve or reject GEF policies and projects. The fiscal year 1995 contribution in this bill would be the planned first year installment of the U.S. contribution to the new restructured permanent GEF.

Yet there are still many operational issues to be decided as the new Council and the new GEF begin operations. The first year, when detailed policies and operational procedures are being adopted, is when the U.S. must be strongest and most vigilant to make sure that agreements made in principle during the negotiations are carried out in practice. If the U.S. is reluctant from the outset to back up fully its hard-won negotiating position by making the contributions it has tentatively pledged, it undoubtedly will undermine U.S. influence in the most critical year of the new GEF's operations. This is the reason that this Member will reluctantly oppose the amendment of the gentleman from Texas. It remains to be seen how effective the new GEF will be, but our government should at least have as strong a hand as possible to shape events that may well determine the operation of the principal financing mechanism for the new global conventions on climate change, biodiversity, and other environmental policies.

I urge the Members to support the Obey amendment.

Mr. Chairman, I thank the gentleman for yielding me this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] to the amendment offered by the gentleman from Texas [Mr. DELAY].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DELAY], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. It is now in order to consider Amendment Number 5 printed in House Report 103-530, to be offered by the gentleman from New York [Mr. SOLOMON] or his designee, debatable for not to exceed 10 minutes.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: On page 41, line 23, strike "Provided" and all that follows through "activities" on page 42 line 2 and insert in lieu thereof "Provided further, That none of the funds appropriated under this heading may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will be used by such country primarily for counternarcotics activities."

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment as a way of clearing up a perceived ambiguity in the bill.

As the bill is presently worded, lifting the conditional prohibition on military aid to Bolivia and Colombia would require a certification that looks too much like having to prove a negative.

Before the aid could go forward, the Secretary of State would be required to certify that these two countries will not use the aid for something other than the control of narcotics.

My amendment would be less stringent and less ambiguous.

It would permit military aid to go to Bolivia and Colombia if the Secretary of State certifies that the aid will be used primarily for counternarcotics activities.

This revised language is less patronizing and should provide a more positive and plausible context in which our diplomats and others can pursue their contacts with these governments and their militaries.

Mr. Chairman, we have to work closely with our hemispheric neighbors in getting the flow of illegal drugs under control, and we have to do so without being patronizing or paternalistic.

Yes, it is true that many South American countries have had problems in defining and maintaining the proper relationship between the military forces and civil society—but that should not deter them or us from doing what we have to do together.

Finally, I would just observe that both Bolivia and Colombia have come a long way in recent years.

In 1982, Bolivia made a successful transition to civilian democratic rule after decades of political instability and military interference in civil affairs.

Bolivia has also made astonishing economic progress in the past 12 years, finally getting a handle on the hyperinflation and other problems that had bedeviled the country for years.

Colombia has a longer history of stability and democracy than does Bolivia.

But it was not too long ago that Colombia was beleaguered—the capital city was under siege; government buildings were being seized by rebels; half the supreme court had been killed in a bombing; and many other senior officials—including several presidential candidates—had been assassinated.

Mr. Chairman, Colombia has shown great courage in facing down narco-terrorism and dealing with other problems.

We need to work with all of these friendly countries, because the drug problem is so much greater than any one country—ourselves included—can handle.

Mr. Chairman, I would certainly thank the chairman of the full Committee on Appropriations for his help in helping me to craft this revised version of the amendment. I appreciate his support.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Louisiana, my very good friend, and the ranking member of the subcommittee dealing with this subject.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I just want to join with the gentleman and support his amendment. I think it is a very fine amendment. It recognizes the tremendous sacrifices that the people of Colombia and Bolivia are going through right now in an effort to get a hold of the very real problems posed to them by the narco-terrorists. I agree with the gentleman and support his amendment.

Mr. SOLOMON. Mr. Chairman, I certainly thank the gentleman. The gentleman from Louisiana has been one of the real leaders in helping to bring about real democracy in Central and South America and we all appreciate his fine work.

Mr. Chairman, I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

□ 1840

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the situation we face here is that the committee included the language in the bill requiring that no military assistance be made available to Bolivia or Colombia until the Secretary of State certified none of these funds were being used for other than counternarcotics purposes.

The committee, I think, had every right to be concerned about what was happening in Colombia and Bolivia, because a number of allegations of misuse of American-supplied equipment have arisen, particularly with respect to Colombia. The GAO has, in fact, documented that the United States has very ineffective end-use monitoring mechanisms in place in Colombia, and there can be no question that there have been considerable violations of human rights in that country. So that is why the committee made the original recommendation it did.

However, we have also been asked to recognize that the Colombian military recently reorganized by disbanding military units involved strictly in counternarcotics activities, because the judgment of the Colombian Government was that it was creating more problems and actually hurting the counternarcotics effort to have units organized exclusively for that purpose, and, in fact, making them more susceptible to infiltration by those who are trafficking in narcotics.

So the Solomon amendment is an effort to try to balance concerns, and I am willing to accept it on a 1-year basis. But, I need to make very clear that I am deeply suspicious that a year from now we will still see substantial human rights violations in both countries by the military, and I want to make clear that I think the administration has an obligation to support an effort to totally cut off funds if we do not see substantial improvement in the way the military is used so that we are not continually embarrassed by the use of forces supplied and trained by America in a way which, in fact, impinges upon human rights which, as a country, we are supposed to value.

With that understanding, I would accept the gentleman's amendment and ask that he be flexible next year in accepting our effort to shut this off entirely if we do not have maximum and provable improvement.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, let me just say I fully agree with the gen-

tleman. I think the President, any President, has that obligation to see human rights are improved in those two countries.

We have a similar situation coming up very shortly when we consider the most-favored-nation treatment of China. The President has the same obligation there to see that significant improvement is made, and I hope it is made in all three countries, Bolivia, Colombia, and China.

I thank the gentleman for his support.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. RICHARDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. INSLEE. Mr. Speaker, during Roll Call 204 on the preceding bill I was unavoidably detained on official business. Had I been here, I would have voted aye.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unavoidably absent from proceedings of the House on Wednesday, May 25 owing to the death of my mother.

Had I been here, I would have voted as follows: Rollcall vote No. 199, "nay"; rollcall vote No. 200, "aye"; rollcall vote No. 201, "aye"; and rollcall vote No. 202, "aye."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote 204. Had I been present, I would have voted yes.

CONTINUATION OF EMERGENCY WITH RESPECT TO FEDERAL REPUBLIC OF YUGOSLAVIA BEYOND MAY 30, 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

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 Republics of Croatia and Bosnia-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.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 47 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1930

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FROST) at 7 o'clock and 30 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 70. 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.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 24) "An Act to reauthorize the independent counsel law for an additional 5 years, and for other purposes.".

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

The SPEAKER pro tempore. Pursuant to House Resolution 443 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4426.

□ 1931

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, with Mr. RICHARDSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 5 printed in House Report 103-530 offered by the gentleman from New York [Mr. SOLOMON] had been disposed of.

It is now in order to consider amendment No. 6 printed in that report.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURTON of Indiana:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

LIMITATION ON FUNDS FOR SOUTH AFRICAN ASSISTANCE PROGRAM

SEC. . Of the funds made available in this Act, the amount that may be used to support the South African Assistance Program shall not exceed the amount used for such purpose during fiscal year 1994.

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. BURTON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. OBEY. Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is to hold the Federal aid that is going to be given to the South African Government to the level that was originally to be funded for fiscal year 1994, that being about $99,146,000. Over the course of the next 3 to 4 years, they were going to increase that amount from $99 million a year to as much as $256 million a year, or over $600 million for the next 3 to 4 years.

Mr. Chairman, while the goals of the package are certainly very commendable, there is also no question that the needs in South Africa are very urgent. It is also obvious that the rest of Africa is looking to South Africa to be the engine of economic growth for that continent.

All of us are gratified that apartheid has been defeated and that South Africa has had elections. However, our assistance to South Africa is already very generous. They are among the largest recipients of U.S. development aid in the whole of Africa. We simply cannot afford at this time to raid the coffers of the American taxpayers any further.

This is nothing but a political move in response to political pressure. I dare say that the American people, including black Americans, would be firmly opposed to increasing our assistance to South Africa, which as I pointed out already, is very, very generous.

There are three relevant points that I want to raise: first of all, the failure of the foreign aid in the rest of Africa; second, the fact that South Africa is a country rich in minerals and other resources; third, the desirability of waiting to ensure that South Africa follows wise economic and social policies before granting it the stamp of our approval by additional foreign aid.

Mr. Chairman, I will address each one of these issues. First, every year, according to the Economist, donor nations dispense a total of $60 billion in aid to developing countries. Despite this generosity, and maybe even partly because of it, African countries are mired in debt, economic misery, and negative growth.

A 1990 World Bank report conceded that fewer than one-third of its projects in Africa are sustainable, even after we have given all these massive amounts of foreign aid. Nonetheless, the World Bank is ready to lend South Africa $5 billion over 5 years. Surely they are not lacking for willing lenders.

Second, South Africa has under its own soil the means to alleviate the misery of its masses. It is rich in gold, diamonds, platinum, and numerous other minerals. In fact, they have 11 minerals that are absolutely vital to almost every country in the world, and the only other place you can get these minerals is from the old Soviet Union.

As a matter of fact, South Africa is brimming with the very means to create economic growth, which is the only avenue out of poverty. I am totally in favor of massive investment in South Africa. In fact, I am even in favor of giving tax incentives to American industry to relocate some of their plants there to help create and stimulate economic growth, and thus more jobs for those who are unemployed right now.

I think the potential for a healthy return is tremendous if the government pursues wise fiscal policy over there. In fact, if I had a lot of money, I might even consider investing some money in South Africa myself, if we did it the right way.

My point is that the best way to help South Africa is to do so through business arrangements, through investments. Why on earth would we want to put South Africa on the same dole, on the same foreign aid treadmill, that has brought nothing but misery throughout the rest of Africa?

Many of my colleagues watched television last night and saw what has happened in Zaire. We have sent literally hundreds of millions, possibly billions of dollars into Zaire, and what has happened in that country? There is massive poverty, massive inflation. The king, if you will, of that country, President Mobutu, has 15 villas around the world. His people are literally starving. That is the result of our foreign aid.

Mr. Chairman, granted we had to do something there, because of the Communist problem, the cold war in the past, but we went overboard. We should not have. We should not go overboard right now in South Africa.

Third, even if we accept the assumption that assistance must be delivered to South Africa, I think we need to be very careful about the timing of that assistance. I think that any assistance ought to be conditioned on the new South African Government following correct economic policies, and respecting basic standards of human rights and democracy.

If apartheid is replaced with some other form of dictatorship, it will be a great tragedy for the South African people and the entire African Continent.

Mr. Chairman, the ANC has not proven itself as yet to be a champion of democratic practices. I wish the new government well, I hope they succeed, and I hope they prove to be a blessing to the South African people, but I am very concerned over the presence of high-ranking officials of the Communist Party within the Cabinet, men like Joe Modise, the Secretary of Defense, who was implicated in serious abuse of human rights when he was the leader of Mkhonto We Sizwe, the ANC military wing.

The issue of Communist Party members is not just an academic one, and it is not a matter of red-baiting. Communism is a failed and discredited ideology all over the world. It has brought untold suffering and misery to millions all over the world. It must not be allowed to impose its will on the people of South Africa.

In addition, Mr. Chairman, the new Government of South Africa inherits one of the richest economies in Africa, with a sophisticated infrastructure and tremendous mineral wealth. The potential for economic growth in South Africa lies right underneath the soil, not in Washington DC. I am completely for trade, investment, and business in South Africa. I believe that is a much better choice than putting them on the dole.

There is a lot we can do to help South Africans develop their own resources without giving them a handout. The economic policies which South Africa adopts will have more to do with the success of their fragile democracy than any amount of foreign aid we can give them.

□ 1940

Mr. Chairman, only a sound economic program will allow the South African economy to grow, to provide jobs for the rapidly expanding South African labor market and to ensure political stability.

Mr. Chairman, the man the ANC has put in charge of its economic reconstruction program for the important PWV area, South Africa's industrial heartland, is a man named Ben Turok. Turok says in his recent book:

"A new democratic South Africa will need to defend its interests against the predatory actions of international capital like the International Monetary Fund, the World Bank, and the big powers organized in the Group of Seven, the General Agreement on Tariffs and Trade, and the rest. Their intentions," he went on, "to the Third World are clear enough: To install bourgeois democracy, compradorism and transnational corporate power in a New World Order which recognizes, integrates, and subordinates the Third World and the so-called system of free world markets."

Turok advocates "more control over pension funds, insurance companies and other financial institutions."

Mr. Chairman, of the 23 Cabinet positions filled by the ANC, 11 of the 23, almost half, are members of the South African Communist Party. Unlike other Communist parties, the South African Communist Party has failed to profit from the lessons of the failures and abuses of the Soviet Union and Eastern Europe.

An interview in the Johannesburg Sunday Times with the South African Communist Party official Essop Pahad provides one illustration.

He said, "I see myself promoting in Parliament the socialization of the means of production, because the program of reconstruction and development offers us the basis to do that."

According to Mr. Pahad: "April 27 starts the process of shifting power away from big capital to the working class." He declares the South African Communist Party to be for the moment "at one with the ANC on the immediate and intermediate objectives."

Mr. Chairman, we should do everything we can to stimulate economic growth in South Africa, but I submit to my colleagues if we talk to the top 500 industrial companies in this country and said, "Look, we will create incentives for you to create plants over there to help stimulate that economy," and then we could buy those minerals through those companies relocating in South Africa, not taking jobs away from Americans, but locating in South Africa, we could buy minerals from them, and they could raise a lot of money through sales to the United States and other Western countries, and that would eliminate the necessity for the United States taxpayer to foot the bill for the new African National Congress government.

Mr. Chairman, it seems to me that is a much more rational approach than to create more dependency on the government and the taxpayers of this country through foreign aid to a country which simply does not need it.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I cannot think of a worse signal to send the entire continent of Africa than to pass the Burton amendment pending here tonight. That amendment will gut the planned aid program to South Africa.

Mr. Chairman, let me explain what I mean. The South African aid program has been planned since the election at $140 million. But because the fiscal year is more than half over before the new program level had been planned, the annual spending level in fiscal 1994 will be only $80 million. That means that despite the fact that the effective program level for the remainder of this year will be at about $140 million, the Burton amendment, in fact, would require us to cut it back to $80 million on an annualized basis next year.

That would do immense damage in South Africa and it would do immense damage to American business interests. I say that because at this point, the Export Import Bank and OPIC are expending no dollars in this fiscal year for export guarantees to South Africa. But the Export Import Bank is planning to finance at least $400 million in U.S. aircraft sales and other business sales next year. OPIC is planning to provide guarantees of $4 million to $5 million to U.S. businesses and that in turn will mean business for the United States. TDA, the Trade and Development Authority, which we were told here today is not doing enough around the world, would be squeezed in trying to provide any program at all over there next year because they are not providing one at this moment even though they were planning to provide one next year.

Mr. Chairman, for a lot of technical reasons, I think this amendment is ill-advised. But I think there is one overwhelming reason beyond that why it should be defeated and defeated soundly.

Mr. Chairman, we have had 35 years of minority rule in South Africa and now we have had a miracle. We have had a transition to a biracial government without having a cataclysmic social explosion. We have had a miracle in establishing a biracial government. Mr. Mandela and Mr. de Klerk have in fact performed a service to their country that no one would have dreamed possible just 5 years earlier. Everybody in this Chamber who has two eyes and two ears knows that.

Mr. Chairman, the gentleman from Indiana on the basis of a quote he has read from a book and on the basis of his expression of concern about someone who is in the government says, "Well, I've got a better idea, we can do it a different way."

Mr. Chairman, I have often noticed in this place that somebody has always got a better idea. My grandfather taught me a long time ago that generally those folks who are rowing the boat do not have time to rock it, and those folks who are rocking the boat generally do not have time to row it.

Mr. Chairman, what that means is that the people charged with the responsibility in our government to help assist South Africa in moving to a stable democratic future have laid out a course of events and we have no moral choice in my view but to back it. We ought to back it strongly.

I would suggest if a Member does not like some people in the South African government, so what? There are a lot of people in the American government I do not like, either. We have had democracy in this country for 200 years. On a per capita basis, I will bet you we have at least as many wackos in our own government as they do in South Africa's, perhaps even some in this Chamber.

Mr. Chairman, I would simply suggest that before Members get into the trap of deciding what they are going to do on a key policy question involving the most amazing and the most thrilling move to democracy since the fall of the Berlin Wall, before Members decide to make that decision on the basis of what they think about a few characters on the periphery of power in South Africa, think about how we would feel if we were back 5 years when we expected an absolute, total explosion in that country. Then Members would know that this amendment is ill-advised, it is ill-targeted, it is in my view perniciously selective, and it ought to be defeated.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from Wisconsin, it seems every time he opposes someone's amendment on this side, the gentleman goes up and in a veiled way makes some kind of attack on their intellect or their goals or their desires. I think that that is reprehensible and I do not think the gentleman really needs to do that. It is not necessary. The gentleman can attack my amendment on its merits and not make these veiled, slanderous remarks because the gentleman does not agree with what I say.

Mr. Chairman, after having said that, these are not minority fringe elements. Eleven of the 23 people picked by the ANC so far are members of the South African Communist Party. They believe in collectivism. They believe in total control of that government by the Communists. They do not believe in free enterprise like we are talking about.

Mr. Chairman, I am saying before we start giving American taxpayers' dollars to them, we ought to think seriously about whether or not they are going to reform that country in a direction that we do not like. Eleven minerals we have to have to survive as a Nation come from that area. I would like for it to be a free market, a free, democracy-oriented society. I do not want it controlled by the Communists or radicals over there. I think before we start pouring American taxpayers' dollars into that system, we ought to see what they are all about.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. JOHNSTON], the distinguished chairman of the Subcommittee on Africa.

Mr. JOHNSTON of Florida. Mr. Chairman, I appreciate the opportunity.

Mr. Chairman, this is the first time in the history of the world where a minority government has given up the reins to a majority of the people without any revolution.

To the gentleman from Indiana [Mr. BURTON], this is not personal but I directly challenge his figures of 11 out of 23, using indiscriminate numbers like that, and I challenge the gentleman's authority and ask him to prove it.

Mr. Chairman, I rise in strong opposition to the Burton amendment here. As a major superpower, the United States

should be in the forefront of support of democracy for this thriving free market economy in South Africa.

□ 1950

The present South Africa initiative is a prime example of America's commitment to assist the incoming Government of South Africa in reconstruction and development. This package should be supported and, in fact, many believe, and I believe, it is not enough.

The package in its current form only calls for about $120 million in additional expenditures over the next 3 years, and this is a modest amount in comparison to the billions of dollars that we are giving to the Middle East and Egypt and Eastern Europe and the former Soviet Union.

Apartheid left a horrible legacy, and this brutal system has had a devastating effect on 35 million black South Africans. I admit, I say to the gentleman from Indiana [Mr. BURTON], this country is rich. But the black South Africans are not rich. They are extremely poor.

Current statistics that support these dramatic needs are very telling. More than 9 million South Africans are homeless and live in shacks made of tin and cardboard. At least 50 percent of the general population are unemployed. Four out of every 10 people in South Africa are living in poverty, and more people die in infancy than graduate from high school.

I urge my colleagues to join me and the chairman in supporting Nelson Mandela and all of the people of South Africa who have cast aside racism and confrontation in favor of reconciliation.

Please, vote no on the Burton amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rushed to the floor, because I could not believe my ears when I heard the gentleman from Indiana [Mr. BURTON] on the floor opposing this very modest appropriation for South Africa.

First, I could not believe it, because I cannot believe that the gentleman is fighting the old Communist battle. Communism is gone. There is nothing to fear in South Africa, and it is unbelievable that he would even present that kind of argument on the floor.

I do not think it is fair to identify members of the ANC who are now in government and say somehow because they are Communists or they have been a part of a Communist Party that they do not deserve to be funded. I would raise the question to the gentleman about the funding request of Russia and the fact that it just passed, and there was an attempt to delete it, but that did not happen, and I suspect there may be still some who came from the Communist Party in Russia. But we are, indeed, going to fund them. I did not hear the gentleman raise that question when that debate was on the floor.

Furthermore, let me say it is in our economic interest. If the gentleman would check with some of his business friends, he will find that all of them are rushing toward South Africa, because they understand the potential for the markets there. They are trying to be on that part of the agenda that will allow them to do the investments, that will not only help growth in South Africa and revitalize that economy, but will also create wealth and jobs here at home.

So I would suggest that he check with this business friends so that he can understand what their interests are, and I think he may want to change his arguments.

In the final analysis, I would say to my colleagues it is absolutely immoral to talk about denying assistance to millions in South Africa who have been marginalized and denied for so long, who have been living under the unconscionable system of apartheid.

When you travel throughout South Africa and you see the shanties and you see the lack of housing, the lack of water, I do not think any human being that has any sense of fairness would want to deny us assisting those people in trying to have a semblance of a decent quality of life.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

The gentlewoman makes my point. American industry would like to go over there and are going over to South Africa.

All I am saying is rather than send American taxpayers' dollars over there, let us send American industry over there and let them mine these natural resources and send them back here to the United States of America. That is the way to build that economy.

they have a great industrial base. I have been there. I did not read it in a book. I have been there, and we do not need to be sending American taxpayers' dollars over there to the tune of $600 million over the next 3 or 4 years.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I also rise in strong opposition to the amendment to restrict United States assistance to South Africa to the fiscal year 1994 level.

The President announced the administrations's intention to increase direct assistance to South Africa to $143 million to support that country's transition to nonracial democratic rule.

Mr. Chairman, the increase the President requested is moderate when we compare it to the amount provided to other countries.

This bill provides a total of $900 million for the former republic of the Soviet Union.

It recommends a total of $3 billion to Israel; $1.2 billion in economic support funds, and $1.8 billion for military financing grants.

The bill recommends $2.1 billion to Egypt.

The least we can do Mr. Chairman, is support the amount recommended by the President to support this historical transition from apartheid to nonracial democratic rule.

Mr. Chairman, I urge my dear colleagues to vote against this most mischievous amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I am an Irishman, the only Irishman to fly the Irish flag, I think, in the House of Representatives, but I voted against the aid going to Ireland for the amendment offered by the gentleman from Wisconsin [Mr. KLUG] that was not allowed on the floor. When we talk about Russia, I agree, they are building four Typhoon-class subs, costing about $9 billion a year to build them, and we are sending them money. I think we ought to eliminate that, too.

The capitalist way to do things though is, for example, in South Africa, there are only two places in the world we can get titanium. One is South Africa, and the other is Ukraine. I would rather spend $600 million buying titanium and other minerals and putting them to work rather than just giving them the aid. That is called trade.

I think that I am happy that democracy is going forward over there. I hope it works. But I would rather set up policies to where we trade for it or we work for it instead of just giving it to them.

I think we would all be much better off even in our own country working in that direction also.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I, too, rise in opposition to the amendment.

You know, we like to throw around terms like world leadership and superpower. We ought to ask what that really means in a postwar context.

It seems to me if it means anything, it means being a reliable ally and friend to those countries that adopt and implement our policies such as is the case in South Africa. We have models for this policy: Israel, Russia, Egypt, all instances in which we said to those countries that support democracy, we will assist you.

My colleagues on the other side say do not give aid, give trade. I am suggesting that in order to have trade, we have to have stability.

This aid will help us achieve stability, because the new regime is under tremendous pressures from the previously disenfranchised majority. There is a need for infrastructure. There is tremendous poverty. If we are to have stability, we need this financial aid.

It is time we have a mature policy in the post-cold war, to support our friends and to set an example that we are, in fact, the leader, and that means providing leadership in real, not rhetorical, terms. It is not enough to just say adopt democracy. We have to actively assist democracy.

This financial aid will accomplish that goal and will enable South Africa to prosper.

I urge the defeat of the amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

There is an old Chinese proverb that says if you give a person a fish, you feed him for a day; if you teach him to fish, you feed them for their entire lifetime.

□ 2000

And it seems to me that welfare, whether it is here or around the world, creates a dependency on our Government and it does not create a desire for people to stand on their own two feet. I would much rather help South Africa with mineral development and industrial development instead of giving them money that is not going to solve their problems. We have done that in Zaire. We saw last night on television where President Mobutu raped the country and has 15 villas. That is not the answer. The answer is to help them by industrial development and trade.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I would like to appeal to the gentleman from Indiana and other Members of the party of Lincoln to act in the spirit of Abraham Lincoln. We have a situation here unprecedented in the history of the world, where there has been a peaceful transfer of power. South Africa is rich enough to take care of itself. It will do so eventually. We are at a critical transition period, a very explosive situation exists where 36 million people who have been denied the fruits of the country are waiting, anticipating. If you do not give them help over this transition period, you are going to help to strike a match that will explode the whole situation. That is a revolution that was made by the white businessmen acting in concert with black revolutionaries. This is a peaceful transition that will go forward and produce a great market for American products, a great market for American business, if it is peaceful, if it is orderly. If it explodes, however, into chaos because they cannot stand the pressures because we did not help with the transition, all would be lost.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment on the floor. We just saw a transformation of history with the 1994 elections in South Africa. They were the first free and full and open elections in South Africa. It is the first time they have had a majority rule, an opportunity for that in the country. They need time to prove themselves. We should not be cutting their progress off at the knees.

Mr. CALLAHAN passed in the full committee an amendment which makes clear that this aid in this bill is transitional, it is not an entitlement. This is a first step, an expression of support by the United States of America that free and fair and open elections in South Africa should be the wave of the future.

The Burton amendment would limit and deprive OPIC and TDA from encouraging private investment. It should be defeated.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has the right to close.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

First of all, I wish the Government of South Africa the very best. I want them to succeed. It want there to be a peaceful transition. I wish Nelson Mandela and his entire Government Mr. de Klerk, the vest best.

However, creating a dependency on outside entities is not the solution to that country's problems. I have been there. I know they have a great industrial base. I know they are a very, very mineral-rich country, probably one of the richest in the world. They have billions, probably trillions of dollars in minerals.

You do them no favor by giving them the dole. The better way to solve this problem is to create tax incentives and tax breaks for industries in various countries to go over there and mine those minerals and create jobs that will put those unemployed people to work, that will teach them useful skills and help them to stand on their own two feet.

Simply giving them taxpayer dollars from American taxpayers, from the largess of this country, is not the answer. Now, many have said, "Well, if we do not give them this money, there is going to be a revolution over there." If my amendment passes, they will say, "Oh, my gosh, Burton is responsible for a bloody revolution in South Africa." I do not believe that is the case at all.

I believe that if we help them develop an industrial base and mine those minerals and have good trade relationships, we will do much more long term for South Africa and for democracy over there than we will ever do by giving them American taxpayer dollars.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in vigorous opposition to the amendment.

Mr. Chairman, for years most Members of this body worked to eradicate the racist apartheid government of South Africa. With the recent democratically held elections we have seen our dreams realized. It is now incumbent upon us to keep our pledge to the people of South Africa and help them all reach the standards of equality and prosperity that they deserve.

With rich natural resources, a developed infrastructure, sophisticated banking structure, trained managers and cheap electricity, South Africa is positioned to play a leading and constructive role in the region. In 1989 South Africa accounted for 76.7 percent of the total GDP of the southern African region. The success of the region might very well depend on the success of this one nation.

I am outraged at the attempt by the gentleman from Indiana to cut aid to this nation just as they have elected a democratic, representative government. I can see no justification for this step and encourage all Members of this body to oppose his amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York, Mr. ENGEL.

Mr. ENGEL. I thank the gentleman for yielding time to me.

Mr. Chairman, I also rise in vigorous opposition to the amendment.

Mr. Chairman, I rise to express my opposition to the Burton amendment which would cut funding for South Africa.

For years, Members of Congress came to the floor of the House of Representatives demanding an end to Apartheid. The sanctions we enacted were overwhelmingly successful in bringing the racist regime to its knees. Now, more than ever we must support the South African people in their effort to establish a nonracial democracy based on the principle of one-person, one vote.

Having just returned from South Africa and having witnessed the inauguration of Nelson Mandela as that country's first black President, I firmly believe that American support for democracy and a free-market economy in South Africa is absolutely critical. With its extensive national wealth, not only in physical terms, but in a hard-working, diverse people, South Africa will soon play a positive role driving regional economic growth.

Furthermore, with our shared values, the United States and South Africa will work hand-in-hand to solve the transnational problems facing Africa, including over-population, conflict resolution, and hunger.

The money we seek to invest in South Africa is small compared to our European and Middle Eastern foreign aid programs. It will be critical to help the majority of South Africans deal with the problems they face now: poor education, insufficient housing, and high unemployment.

Mr. Chairman, we must not desert South Africa now that it has made the critical choice in favor of democracy. I urge my colleagues to oppose the Burton amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished majority leader, the gentleman from Missouri, Mr. GEPHARDT.

Mr. GEPHARDT. I thank the gentleman for yielding this time to me.

Mr. Chairman and Members of the House, I hope the Members will reject this amendment and understand tonight that we have an opportunity here to confirm and advance the cause of democracy and freedom in this great country. All of us are thrilled to see Nelson Mandela walk free, and we thrilled to an even greater height when we saw him inaugurated as president of his country.

Think back 20 years ago, think if communism has triumphed in South Africa; Mr. Brezhnev, who was then the head of the Soviet Empire, would have been into South Africa with money and assistance and aid to try to prop up communism and make it work. And he would have been pleased to do it.

Democracy won in South Africa, and now we have the opportunity to underpin and aid and abet that democracy by helping American businesses go to South Africa and to build that economy.

That is what we can do tonight. This is not a giveaway. This is not throwing money at someone. This is helping build this economy.

What a magnificent opportunity this is. We have won in South Africa, democracy has won, freedom has won, and now we as a people, believing in those values and principles, have the chance to stand behind it and help our businesses do it.

A few years ago we said to our businesses, "Don't go to South Africa, because there is no freedom and democracy." Tonight we can say, "Yes, there is freedom and democracy, and we urge you to go, and we stand behind you to go."

Mr. Chairman, I urge a vote against this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 321, not voting 14, as follows:

[Roll No. 206]

AYES—103

Allard
Andrews (NJ)
Archer
Armey
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Canady
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Danner
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Everett
Ewing
Fields (TX)
Fowler
Goodlatte
Grams
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Kim
Kingston
Kyl
Lewis (FL)
Linder
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
McMillan
Mica
Miller (FL)
Moorhead
Myers
Nussle
Packard
Paxon
Peterson (MN)
Petri
Pombo
Quillen
Ramstad
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Schaefer
Sensenbrenner
Shaw
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Talent
Taylor (NC)
Thomas (WY)
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—321

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
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Barrett (WI)
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Bilbray
Bishop
Bliley
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Bonior
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Brown (CA)
Brown (FL)
Brown (OH)
Bryant
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Collins (IL)
Collins (MI)
Conyers
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de Lugo (VI)
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Edwards (CA)
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Ehlers
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Fawell
Fazio
Fields (LA)
Filner
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Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
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Geren
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Gilchrest
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Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
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Hoyer
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Hutto
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Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
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King
Kleczka
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Klink
Klug
Knollenberg
Kolbe
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Kreidler
LaFalce
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Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McDermott
McHale
McKinney
McNulty
Meehan
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Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
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Moakley
Molinari
Mollohan
Montgomery
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Blackwell
Dooley
Faleomavaega (AS)
Ford (MI)
Grandy
Gunderson
Hall (TX)
Horn
McCurdy
McDade
Moran
Spence
Washington
Whitten

□ 2028

Ms. BROWN of Florida, Mr. GALLEGLY, and Mrs. LOWEY changed their vote from "aye" to "no."

Messrs. THOMAS of Wyoming, BATEMAN, and McCANDLESS, and Mrs. FOWLER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McCURDY. Mr. Chairman, during the debate and vote on the amendment offered by the gentleman from Indiana [Mr. BURTON] I was unavoidably detained and missed the vote. Had I been present, I would have been recorded as voting against the Burton amendment.

□ 2030

The CHAIRMAN. It is now in order to consider amendment No. 7, printed in House Report 103-530.

AMENDMENT OFFERED BY MR. BEILENSON

Mr. BEILENSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BEILENSON: At the end of the bill, insert after the last section (preceding the short title) the following new section:

CERTAIN REDUCTIONS FOR ADDITIONAL POPULATION DEVELOPMENT ASSISTANCE FUNDING

SEC. 569. (a) REDUCTIONS.—Each amount appropriated or otherwise made available by this Act is hereby reduced by .75 percent.

(b) ADDITIONAL POPULATION DEVELOPMENT ASSISTANCE FUNDING.—The amount otherwise provided by title II for "Population, Development Assistance" is hereby increased by $100,000,000.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. BEILENSON] will be recognized for 15 minutes, and a member opposed, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering addresses the most fundamental challenge facing current and future generations: the alarming rate of human population growth, which underlies virtually every environmental, developmental, and national security problem facing the world today.

This amendment increases voluntary family planning assistance by $100 million, and pays for the increase through a three-quarters of one percent across-the-board cut in all other foreign assistance provided by the bill. This increase will bring the U.S. international population contribution to $669 million for fiscal year 1995—a significant step closer to achieving the funding levels called for in the 1989 Amsterdam Declaration, the multinational plan for making voluntary family planning assistance available universally by the year 2000.

I would like to commend the gentleman from Wisconsin [Mr. OBEY], and the members of the Foreign Operations Subcommittee for providing a total of $569 million in fiscal year 1995 for population programs, which is a $59 million increase over the amount appropriated for fiscal year 1994. In each of the last four years, thanks to the subcommittee's leadership on this issue, the U.S. has increased its contributions to international population programs, and that is particularly significant in a time when the subcommittee has been under tight spending constraints. However, while the funding level in H.R. 4266 is a step in the right direction, it is less than three-quarters of the amount needed for the United States to do its fair share to achieve universal access to family planning by the year 2000, an objective this nation agreed to in the 1989 Amsterdam agreement, and an objective which the Clinton administration has endorsed. This amendment brings us significantly closer to achieving this important goal.

The harsh fact is that unless the population growth of developing nations is slowed, none of the other forms of aid we are voting for in this bill will have any real or lasting value or effect: so long as current population trends continue, the billions of foreign aid dollars we spend each year in an effort to alleviate poverty and stimulate economic growth in the Third World are simply being wasted. Our generosity will always remain several steps behind the growing number of mouths to feed, and hands to employ.

The world's population now exceeds 5.6 billion people, and it is growing by almost 100 million people every year. Every day—every single day—there are 260,000 more people on the earth than there were the day before. Day after day—inexorably, unendingly, relentlessly—more than a quarter of a million people are added to the population: a quarter of a million more people to provide shelter, jobs, health care, and drinking water for, a quarter of a million more mouths to feed and children to educate.

Nearly 95 percent of this increase is occurring in developing countries—countries which cannot begin to adequately take care of their existing populations, where there are already too few jobs, inadequate schools, inadequate health care, inadequate amounts of food and, usually, very little, if any, individual freedom.

Future prospects, moreover, are even more staggering. The United Nations estimates that without a substantial decline in the fertility rate, the earth's population will almost double to more than 10 billion by the year 2024. Even if fertility drops from the current 3.3 children per woman to 2.8 children in 2025—quite a significant reduction—world population would still grow to 12.5 billion by the year 2050. And, if effective action is not taken within this decade—as today's three billion children in the developing world reach their child-bearing years—the Earth's population could nearly quadruple to over 19 billion people by the end of the next century.

This rapid growth underlies virtually every environmental, developmental, and national security problem facing the world today. The impact of overpopulation, combined with unsustainable patterns of consumption, is evident in mounting signs of stress on the world's environment. Under conditions of rapid population growth, renewable resources are being used faster than they can be replaced.

Each year, for example, the world's farmers try to feed 100 million more people on 24 billion fewer tons of topsoil. Overcropping, overgrazing, and poor land management practices which have beset ever more populous countries have resulted in progressive salinization or desertification of large tracts of formerly productive land. Despite major gains in agricultural productivity, if current trends in resource use and population growth continue, by the year 2010 per capita availability of cropland will drop by 21 percent; per capita rangeland by 22 percent; and per capita forests by 30 percent. Without a major conservation effort to stop this degradation, developing countries could experience an almost 30 percent decline in agricultural productivity by the end of the next century.

In much of the developing world, high birth rates, caused in great part by the lack of access of women to basic reproductive health services and information, are contributing to intractable poverty, malnutrition, widespread unemployment, and the rapid spread of disease. Rural peoples fleeing the progressive impoverishment of the countryside have also put heavy, often intolerable strains on urban environments. By the year 2000, 18 of the 20 largest cities will be in the developing world, and as these cities mushroom in size, they are creating serious problems for which there are no simple or affordable solutions.

Population growth is outstripping the capacity of many nations to make even modest gains in economic development. In the next 15 years, developing nations will need to create jobs for 700 million new workers, which is more than currently exist in all of the industrialized nations of the world combined.

Everywhere you look, the prospects are staggering. Consider, for instance, a nation like Bangladesh. With a population of 125 million (about half that of the entire United States) jammed into an area the size of Wisconsin, Bangladesh would have little hope of climbing out of its desperate state of severe poverty and underdevelopment even if its population remained stable. But it's going to get much worse: in less than 30 years, Bangladesh is projected to add another 85 million people.

Bangladesh is only one example. No continent remains untouched by this explosion. Three months ago, the U.S. Census Bureau published its best analysis of what the population of various countries would be 25 years from now. Let me give you some of those figures:

Egypt, which adds one million people every 8 months, will grow from 59 million to 97 million;

Nigeria from 98 million to 215 million;

Ethiopia from 58 million to 124 million;

Somalia from 6½ million to 12 million;

Iraq from 19 million to 46 million;

India from 920 million to 1.3 billion;

Pakistan from 128 million to 251 million;

Kenya from 28 to 44 million;

Mexico from 92 million to 136 million; and

Zaire from 42 million to 92 million.

And on, and on, and on.

□ 2040

Every impoverished, hopeless, and desperate country in the world will see its population double, or more, in the next 25 to 30 years.

Overpopulation, however, is not a problem for lesser developed countries only. Rapid population growth in already overcrowded and underdeveloped areas of the world has given rise to an unprecedented pressure to migrate, as workers seek decent, and more hopeful lives for themselves and their families. According to a recent report by the United Nations Population Fund [UNFPA], over 100 million people, or nearly 2 percent of the world's population, are international migrants, and countless others are refugees within their own countries. Many of the world's industrialized nations are now straining to absorb huge numbers of people, and in the future, as shortages of jobs and living space in urban areas, and resources such as water, agricultural land, and new places to dispose of waste grow even more acute, there will be even greater pressure to emigrate.

As Ambassador Richard Gardner has written, nobody has the slightest idea of how to provide adequate food, housing, health care, education, and gainful employment to such exploding numbers of people, especially as they crowd into the mega-cities of the Third World like Mexico City, Cairo and Calcutta.

The growing numbers of desperate poor will only accelerate the ferocious assault on the world's environment now under way in Africa, Asia and Latin America . . . Can anyone doubt that even if these growth figures are realized, our children and grandchildren will witness unprecedented misery, worldwide violence, and a tidal wave of unwanted immigration throughout the world?

We know what is required to defuse the population explosion: universal access to affordable, quality family planning services—as well as more economic development and better education and employment opportunities for women in the developing world.

Hundreds of millions of people throughout the world would use family planning assistance if it were available to them. A recent Demographic and Health Surveys study indicates that in most developing countries more than half of the married women do not want any more children, and tens of millions more would like to delay subsequent births. But at least 200 million married women are not using contraception, largely due to lack of availability, even though they wish to avoid pregnancy.

The hopeful news is that family planning programs have been remarkably successful worldwide. In general, average fertility falls by about one birth for every 15 percentage-point increase in the number of married couples using contraception. Since the early 1960's, contraceptive use worldwide has gone up from roughly 10 percent of couples to over 50 percent today. And over the same period, the number of births per woman dropped from 6 to 3.3, almost half the fertility of just one generation ago.

Education and access to contraception also has a positive effect on both infant and women's mortality rates. Worldwide, the combination of better birth spacing and the elimination of births to adolescents could avoid at least three million infant deaths a year, or 20 percent of the estimated 15 million deaths a year to children under five. Moreover, adequate family planning would reduce the enormous number of deaths from pregnancy-related problems, which the World Health Organization estimates to be the cause of between 20 percent and 45 percent of all deaths among women ages 15–49 in the developing world.

Time is of the essence. How quickly we provide worldwide access to family planning is crucial. Like compound interest applied to financial savings, high fertility rates produce ever-growing future populations.

Let me give you two examples. If a woman bears three children instead of six, and her children and grandchildren do likewise, she will have 27 great-grandchildren rather than 216. If Nigeria, which now has 98 million people, reaches replacement fertility by 2010 rather than 2040, as currently projected, its eventual population would be 341 million, rather than 617 million.

So, what we achieve in the way of making family planning services available in this decade will determine whether world population stabilizes at double today's level or at triple that level—or more.

The model for achieving universal access to voluntary family planning by the year 2000, and the stabilization of population at the earliest feasible date, is the 1989 Amsterdam Declaration, a practical blueprint issued by the 80 governments—including the United States—that participated in the United Nations Amsterdam Forum on Population. That plan is based on studies which indicate that if quality contraceptive information and supplies were readily available, about 75 percent of reproductive-age couples in most countries would use them, compared with just over 50 percent today. At the 75 percent level of contraceptive use, people tend to have an average of just over two children per couple, which results in replacement-level fertility.

The Amsterdam plan calls on industrialized countries to incrementally increase population funding to $4 billion by the year 2000. Fully funding our share of the plan next year would require raising that amount to $800 million, or to put it another way, the United States could be doing its fair share to make family planning services available universally by devoting a mere .05 percent—five hundredths of 1 percent—of total Federal expenditures to international family planning programs. While this amendment does not raise total spending to the level called for by the Amsterdam plan, it does bring us significantly closer to achieving this important goal.

This will be an historic year for global population concerns. In September, political leaders and other decision makers from more than 190 countries will convene in Cairo for the International Conference on Population and Development [ICPD], which will seek to forge a new international consensus on the importance of slowing population growth. By increasing funding levels this year, Congress would underscore to the international community the seriousness and commitment with which the U.S. approaches the population issue.

Combating rapid population growth is the most humane, farsighted, and economically effective effort we can undertake. An increase in funding now will save many times this expense in future U.S. foreign assistance, will greatly reduce human suffering, and will promote global peace and security.

Our Nation's interest is clear. Slowing population growth is fundamental to everything else we do to improve living conditions abroad and to protect our own national interests. Our failure to address this problem adequately will mean that most of our efforts to promote peace, security, and the well-being of people around the world, now and in the future, will continue to be wasted.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, when I look at the gentleman from California [Mr. BEILENSON], I am reminded of Will Rogers' comment when he said, "When two people agree on everything, one of them is unnecessary." That is the way I feel about the gentleman from California. He and I agree a very high percentage of the time, but I am simply pained to say that tonight I cannot agree with him, even though I respect and agree with his expressed concerns about the need for greater funding for this program.

The fact is that we have made population programs one of the top priorities in this bill already. In 1989, we were providing $198 million for this program. Last year we were providing $392 million. That represents a very large increase over such a short period of time. Last year we were providing $392 million, and the bill provides $450 million, which is a 15 percent increase.

The gentleman wants to provide an additional $100 million, and I sympathize with his efforts, but the problem is that when he finances the cut, he has to cut a number of other programs which are, in my view, equally worthy, and in fact, the effect of the amendment winds up also reducing resources available for population programs in the United Nations programs and in Africa. It also cuts other humanitarian programs. I just do not think it is advisable to do that.

Mr. Chairman, I would point out that no population program, no family planning program, is going to be successful until we elevate the power and the role and the say of women in Third World societies, because that is the key, at least one of the keys, in achieving effective population growth reductions.

There is also another, I think, particularly troubling aspect of the amendment. I want to make clear this amendment does not in any way touch aid, either economic or military, to Egypt or Israel, but it does leave us in the peculiar position on the military aid portion of the bill. For instance, it does leave us in the peculiar position of having only $4 million left in the entire bill for the rest of the world once aid has been provided for Israel and Egypt. That is clearly an untenable position. I do not think that anyone would suggest otherwise.

Mr. Chairman, the gentleman is right in his concern. I respect his passion. I respect his commitment. I think he does a great public service when he takes the floor to spell out the fact that we are inadequately supporting this program, but that is the case with an awful lot of other programs as well.

It is part of the price we pay for the budget squeeze which is going to squeeze the purchasing power of every discretionary dollar in the budget by 20 percent over the next five years. It is a price I hate to have to see us pay, but we have no choice but to pay it. That is why even the major population groups in the country are opposed to the Beilenson amendment.

The Alan Guttmacher Institute, Population Action International, and Planned Parenthood Federation of America all say in a letter, "It is important to remember that the Foreign Operations Subcommittee has treated population assistance very well in its bill relative to most other sustainable development programs."

They say in another paragraph, "Most of our organizations have been participating in coalition efforts to protect funding for sustainable development programs. In the spirit of cooperation and common purpose with our coalition partners, we cannot support your amendment, especially if the increase for population is funded by reductions in other sustainable development programs."

Mr. Chairman, I would urge rejection of the amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the ranking Republican.

Mr. LIVINGSTON. Mr. Chairman, I like, respect, and admire the gentleman from California [Mr. BEILENSON], but I must oppose his amendment. In 1992 this House gave $246 million to this account. In 1993 they gave $350 million, a 42 percent increase; in 1994, $392 million, a 12 percent increase. In 1995 we proposed $450 million, another 15 percent increase over last year, and the gentleman proposes another $100 million.

Mr. Chairman, in a time of declining foreign aid budgets year after year after year, this account is going up astronomically. These are tremendous increases. When we add the money that we are already applying to population control, consider the fact that in the development fund for Africa, 10 percent of $784 million or $78 million is also going to similar programs.

Consider also that the UNFHA applies $40 million, not to mention all of the money that the World Bank applies to this type of assistance. That is $568 million currently in this year's bill, plus the World Bank, going to this account.

The developed countries last year, according to Global Monitor, May, 1994, developed countries gave approximately $755 million in 1991 for population activities in the developing world. Overall, 10 countries accounted for 96 percent of all such donor contributions. The United States contributed nearly half. How much do we have to contribute?

□ 2050

Mr. Chairman, I would like also to point out a letter to the same periodical from a Peruvian woman who says:

> I am a Peruvian health worker in one of the poor areas of Lima. Here in Peru, we women greatly value the family and love our children, but economic conditions make it difficult to raise and nurture our family in even a minimal way. The deplorable economic condition is our real problem. We don't need birth control, we need an end to our poverty.
>
> At times I view with sadness the fact that many women bring their children with an injury or a burn to health centers that don't even have gauze or antiseptics but the shelves are filled with birth control pills. I think that if the United States or any other economically developed country wants to help us, before offering birth control, it should think about what we want and need. Our country needs technical and economic assistance to make progress.

Mr. Chairman, I could not say it any better.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise reluctantly to oppose the Beilenson amendment because though I appreciate the long history of hard work by the gentleman from California [Mr. BEILENSON] on this critical issue, this amendment would upset the delicate balance we have sought to achieve in the foreign operations appropriations bill. Under Chairman OBEY's leadership, we have made a significant commitment to critical population assistance while working within extremely tight budget constraints to create a bill that responsibly deals with our commitments in the developing world.

This amendment—as well intentioned as it is—would threaten the carefully crafted bipartisan agreement that has brought this bill to the floor. While .75 percent sounds minimal, in a bill where we have worked hard to make real cuts even in very small accounts the impact can be severe.

Indeed, the committee has worked hard to craft a bill that contains a large increase in population assistance—$58 million over fiscal year 1994 funding. These funds will reduce infant mortality, improve women's lives, and help stabilize exponential population growth which threatens the ability of developing nations to move forward. Surveys show that more than 500 million married women worldwide want contraceptive methods but cannot obtain them. The Worldwatch Institute reports that a mere $1.50 invested per woman per year would enable most nations to reduce maternal deaths by more than 60 percent. Clearly, we can and must do more to support these efforts—and this bill is an important step.

In addition, I am particularly proud that the report for this bill includes for the first time ever a direction that up to $20 million in aid to the newly independent states be spent for urgently needed family planning assistance there. This is a sensible and humane response to the appalling lack of contraception in the NIS, which has led to reliance on abortions, often performed in unsafe conditions, as a method of family planning. This is just one example of how other accounts in this bill—not just that designated for population—are helping with this critical need.

Mr. Chairman, this bill contains a strong, increased commitment to population assistance, and while I deeply appreciate Congressman BEILENSON's long history of hard work on this critical issue, I urge my colleagues to oppose this amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER], a member of the subcommittee.

Mr. PORTER. Mr. Chairman, I commend the gentleman from California for the intent of his amendment. He speaks the truth. No one has been more forthright or a stronger leader on this most vital issue than my friend and colleague from California. I believe, as he does, that voluntary family planning is the highest global priority. The

closing comments of the gentleman from Louisiana almost lead me to support the amendment. Rampant population growth undermines economic gains in developing countries, puts pressure on the environment and food production and delivery systems, and can destabilize entire regions.

The United States made a commitment to providing the resources to help other nations stabilize the world's population in the early part of the coming century. At the Amsterdam Conference in 1991, the U.S. delegation signed a document pledging to work toward providing our fair share of the funds necessary to meet this goal. This year our share would be about $800 million. By 2000, we should be providing a billion dollars to population programs.

The gentleman from California, and many other Members, including myself, have worked with Mr. OBEY and other members of the subcommittee to try to meet this funding goal. Given the tremendous budgetary pressures we face, I believe we have made very good progress in increasing funding for voluntary family planning. Funding for the population account has increased 50 percent in the past 4 years while many other accounts have been declining. In addition, we are again providing funds to UNFPA, which works in many nations that AID does not, dedicating nearly $80 million in Subsaharan African assistance to population programs, and AID is considering expanding its small voluntary family planning program in the former Soviet Union. All told, this bill provides nearly $600 million for population programs.

I am torn, because I am second to only my friend from California, perhaps, in the House in my desire to see us meet the Amsterdam funding levels. But I believe we have done the best we can for population in this bill given the subcommittee's 602(b) allocation and other priorities that must be funded in this bill. I must also say that the chairman has been tremendously accommodating and deserves a great share of credit for the increase in resources for these worthwhile programs.

The intent of the amendment is pure and admirable. I vote for it in my heart. Nevertheless, I am troubled by the affect of reducing other accounts further to bolster voluntary family planning. I would urge the gentleman to withdraw the amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding me the time.

Mr. Chairman, I rise in strong opposition to the amendment offered by my friend, the gentleman from California [Mr. BEILENSON].

In bringing the foreign operations bill to the floor today, both the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Louisiana [Mr. LIVINGSTON] have worked hard to assure that at least modest funding would be available for a myriad of important humanitarian, environmental and peace promoting activities. I do not agree with many of the allocations, but I respect the sincerity of the authors of this bill.

Mr. Chairman, ironically one of the most controversial programs funded by U.S. taxpayers is actually slated to get a hefty increase in this bill. Total population control spending increases by 15 percent to a whopping $569 million in fiscal year 1995.

Yet for some, a 15-percent increase still is not enough, even when other, more worthy programs are either straight-lined or cut.

The gentleman from California, Mr. BEILENSON's amendment takes a whack out of the U.N. children's fund, Middle East peace efforts, the Peace Corps, the fund for Ireland, which like other programs is already below the President's request, the nonproliferation and disarmament fund, refugee assistance, international narcotics control, peacekeeping, aid to Israel, Egypt and El Salvador, and the African Development Foundation.

As incredible as it sounds, even assistance for the world's children will be cut to accommodate population control.

The child survival fund is one of the most remarkable humanitarian initiatives ever launched by the U.S. Congress.

I am very proud of the fact that when President Reagan's budget zeroed it out in the mid-1980s, I offered the amendment and doubled its funding. I have worked to enhance and expand this fund for years.

Mr. Chairman, last June I authored an amendment to the Foreign Assistance Act that passed the House to earmark $275 million for the child survival fund.

Despite the fact that the child survival fund and UNICEF's immunization and oral rehydration therapy programs have saved millions of kids from the agony of polio and other diseases and will save countless others from tetanus and psoriasis in the future, the gentleman from California [Mr. BEILENSON] proposes to take some of that vital money away from the children to expand population control.

Mr. Chairman, finally let me remind Members that ever since Mr. Clinton reversed the Mexico City policy of the Reagan/Bush era, the U.S. Agency for International Development has poured and is pouring hundreds of millions of dollars into the coffers of NGO's that use their funds to aggressively promote abortion as a method of birth control. One of their goals are the approximately 100 sovereign nations around the world, especially in Latin America, South America and Africa that have laws that protect the lives of unborn children.

Mr. Chairman, the $100 million contained in the Beilenson amendment would go to groups that want to change all that.

Mr. Chairman, I respectfully submit that they do not deserve it.

Reject the Beilenson amendment.

Mr. BEILENSON. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentleman from California [Mr. BEILENSON] is recognized for 5 minutes.

Mr. BEILENSON. Mr. Chairman, yes, obviously many of the comments made by my friends and colleagues who seem to be supportive of the idea but cannot bring themselves to vote for it, most of what they have said is quite true. It does cut other programs, it does cut programs in Africa, the African Development Bank. It does cut programs in the World Bank. It cuts those programs by three-fourths of 1 percent. It cuts them by three-fourths of 1 percent. I think they can afford to be cut that much.

Mr. Chairman, we spoke about Africa. Let me tell Members two things about Africa: Every 3 weeks, there are 1 million additional people in Africa over what there were 3 weeks earlier. In 25 years, not 50 years, not 100 years, in 25 years, the population of Africa will have more than doubled.

Mr. Chairman, we can fritter away our monies to the African Development Bank or we can make family planning help available to the hundreds of millions of couples in Africa and other continents and in other nations around the world who want it.

Yes, the committee has done a wonderful job. I spent 2 of my first 10 minutes commending the gentleman from Wisconsin and his colleagues on his subcommittee. They have raised the spending, the appropriations for this most important area a great deal in the last 3 or 4 years. I commend them on that. But my argument is that unless we do more, all of the rest of the good things that that committee proposes and that we support them in is eventually utterly futile.

Mr. Chairman, if we do not solve this problem, the rest is money wasted. This amendment is an effort to deal more seriously even than we have in the past with what I and many others believe is perhaps the most immensely fundamental and important issue which faces this entire planet.

As I told my colleagues before, we will have more than 100 million additional people by the end of 1 year from now.

At this moment, more than 5.6 billion people share our planet. By this time tomorrow, another quarter of a million will be added to that number.

Ninety-five percent of the newcomers will be born in the developing world. Many of them will die in childhood of

malnutrition or disease, and most of the rest will live out their lives in countries that cannot adequately feed and shelter the people they already have.

By the year 2020, the world's already strained and overexploited resources will have to sustain life for more than 8 billion people—an increase of 2½ billion, most of them desperately poor, in just 25 years.

The harsh fact is that without a decrease in population growth rates, the outlook is bleak, both for developing countries and for our ability to provide them any real, sustainable help.

So long as current population trends continue, the billions of foreign-aid dollars we spend each year in an effort to alleviate poverty and stimulate economic growth in the Third World are simply being wasted; our generosity will always remain several steps behind the growing number of mouths to feed, and hands to employ.

No matter how much aid is given by the United States, and others, the truth of the matter is that developing countries cannot solve their economic problems without first solving their population problems. The reason is obvious: In most Third World countries today, populations are growing faster than the ability to provide food, shelter, health care, education, and jobs.

If these countries cannot adequately meet the basic needs of their own people now, surely they will be less able to do so in 25 years, when their populations will have doubled. By then they will be much worse off, even after the expenditure of billions of dollars in economic assistance in the meantime by us and others.

This inevitable reality of population growth is so simple and so inescapable that our failure to recognize it is striking. Yet we mindlessly go about our business, throwing away billions of well-intended foreign-aid dollars on aid that is not doing the supposed beneficiaries any real or lasting good.

Hundreds of millions of people throughout the world would welcome greater family planning assistance. Surveys indicate that half of the married women in developing countries do not want any more children; millions more would like to delay subsequent births.

Providing greater amounts of family planning aid would be, without question, the most constructive, cost-effective, and humanitarian contribution we could make to help developing countries achieve economic and political self-sufficiency, and to better the quality of life of people around the world.

We would be sending a needed message to the entire world that all of us—rich and poor nations alike—are careening toward immense and irreversible human and environmental tragedy that can be averted only if we immediately get serious about slowing our planet's burgeoning population growth.

□ 2100

Mr. OBEY. Mr. Chairman, I yield the remainder of my time to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman, the chairman of the subcommittee, for yielding me this time.

The gentleman from California has been a leader in the fight for a sensible population policy at the State and national levels. But I disagree with him as to methods in this case.

He correctly says that if we do not encourage population control, other parts of foreign aid do not work well. But the reverse is also true, and it may be the converse or the obverse, and I never know which is which of those: the opposite, that is, for population control, for birth control to work well, it cannot be done in isolation.

There is increasing evidence of what is commonsense true, one of the best things you can do to help curtail population growth is to improve the status of women in the society. Women who are kept literally ignorant, women who are given no real job opportunities, women whose lives are not going to mean very much because of a variety of economic conditions and social mores are much less likely to be interested in and cooperative with a family planning program. So it is certainly the case we need to do family planning as this appropriation does, but it is also the case that, and we are now beginning, through the efforts of many Members, to get the multinational banks and others to pay more attention to such important issues as improving the status of women.

If you do not put a great deal of attention on improvements in the educational and occupational opportunities of women, if you do not break through, in many societies, the kind of oppression that women are faced with, then birth control efforts will not work very well. Because physical availability alone and even information about how to use techniques does not work until and unless there is some kind of broader predisposition toward it, and that comes in part with an improvement in their status.

It is also the case that there are other important programs. The gentleman from California reminded me of the important work of the refugee situation. Tragically the world today is faced with a grave increase in refugees. Cutting anything out of the refugee account seems to me to be an error.

So I agree that we should be focusing on population control, and I think one of the advantages of the new administration is that it has reversed some policies that interfered with that. I think the subcommittee bill reflects that.

I think it would be a mistake to try and take it out of context, and we are already grievously underfunding a whole range of accounts.

The tragedy here is there is too little money available here for all of these programs. I do not think we can overcome that by beggaring some of them to fund this account, and I think we will best achieve the goal of a sensible population policy by doing these in a balanced way.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. BEILENSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BEILENSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 54, noes 371, not voting 13, as follows:

[Roll No. 207]

AYES—54

Abercrombie	Hamburg	Pastor
Allard	Hoagland	Payne (VA)
Beilenson	Inslee	Price (NC)
Boehlert	Jacobs	Rostenkowski
Bonior	Kopetski	Sanders
Brown (CA)	Kreidler	Sawyer
Brown (OH)	Lambert	Schroeder
Bryant	Leach	Sharp
DeFazio	Lloyd	Skaggs
Derrick	McDermott	Slaughter
Edwards (CA)	McKinney	Stark
English	Meyers	Strickland
Eshoo	Miller (CA)	Studds
Farr	Minge	Swift
Fawell	Mink	Synar
Filner	Moran	Valentine
Gilchrest	Morella	Velazquez
Gordon	Neal (NC)	Waters

NOES—371

Ackerman	Browder	Danner
Andrews (ME)	Brown (FL)	Darden
Andrews (NJ)	Bunning	de la Garza
Andrews (TX)	Burton	de Lugo (VI)
Applegate	Buyer	Deal
Archer	Byrne	DeLauro
Armey	Callahan	DeLay
Bacchus (FL)	Calvert	Dellums
Bachus (AL)	Camp	Deutsch
Baesler	Canady	Diaz-Balart
Baker (CA)	Cantwell	Dickey
Baker (LA)	Cardin	Dicks
Ballenger	Carr	Dixon
Barca	Castle	Dooley
Barcia	Chapman	Doolittle
Barlow	Clay	Dornan
Barrett (NE)	Clayton	Dreier
Barrett (WI)	Clement	Duncan
Bartlett	Clinger	Dunn
Barton	Clyburn	Durbin
Bateman	Coble	Edwards (TX)
Becerra	Coleman	Ehlers
Bentley	Collins (GA)	Emerson
Bereuter	Collins (IL)	Engel
Berman	Collins (MI)	Evans
Bevill	Combest	Everett
Bilbray	Condit	Ewing
Bilirakis	Conyers	Fields (LA)
Bishop	Cooper	Fields (TX)
Bliley	Coppersmith	Fingerhut
Blute	Costello	Flake
Boehner	Cox	Foglietta
Bonilla	Coyne	Ford (TN)
Borski	Cramer	Fowler
Boucher	Crane	Frank (MA)
Brewster	Crapo	Franks (CT)
Brooks	Cunningham	Franks (NJ)

Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Michel
Miller (FL)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Blackwell
Dingell
Faleomavaega (AS)
Fazio
Fish
Ford (MI)
Grandy
Horn
McDade
Murphy
Underwood (GU)
Washington
Whitten

□ 2124

Mr. DOOLITTLE and Mr. TOWNS changed their vote from "aye" to "no."

Mrs. MINK of Hawaii and Mr. ABERCROMBIE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 103-530.

For what purpose does the gentleman from Ohio [Mr. TRAFICANT] rise?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. . (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency shall provide, to the greatest extent practicable, to such entity a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, American tax dollars go to foreign countries. This amendment says, when they do not produce a product in their own country, the Congress of the United States encourages them to buy American made products by Americans who pay taxes who provide money for this foreign aid.

Mr. Chairman, the modest measure would also give a notice to that effect, and perhaps, maybe we might get a few American jobs out of the bill.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, in the interest of saving time I would simply like to say we have no objection. I do have a short comment I want to make on my time, but we have no objection on this side. We will accept the amendment.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON Mr. Chairman, we have read the gentleman's amendment. We think it is a good amendment, we support it and have no objection to it.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I say to my colleagues, We can get out of here very quickly. Before we rise, I simply want to thank the staff for the work they have done on the bill: Terry Peel, the staff director; Mark Murray, Bill Scheurch, Lori Maes, Pat Summers from AID; the minority staff, Jim Kulikowski who represents the gentleman from Pennsylvania [Mr. MCDADE]; Trip Funderburk, the valuable staff assistant for the gentleman from Louisiana [Mr. LIVINGSTON]; from the administration, Bob Lester from AID, Carol Schwab from State, and most especially Mike Marek who has served me on this bill for 17 years and who will shortly be leaving for a different job. I am going to miss him very much, I know the committee is going to miss him very much, and I would have been remiss in my duty if I did not make full recognition of the service he has done for the House over these past 17 years.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding to me. I would just like to add my own mega-dittos and say that the staff has been tremendously helpful to both sides of the aisle. We could not have gotten through all of this bill as quickly as we did today without their magnificent help, and I appreciate their assistance.

□ 2130

Mr. OBEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. RICHARDSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, pursuant to House Resolution 443, he

reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CALLAHAN. Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Callahan moves to recommit the bill, H.R. 4426, to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendment:

On page 32, line 1, strike "$900,000,000" and insert in lieu thereof "$875,500,000"; and

On page 36, line 5, strike "$100,000,000" and insert in lieu thereof "115,000,000".

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CALLAHAN], will be recognized for 5 minutes, and the gentleman from Wisconsin [Mr. OBEY], will be recognized for 5 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN.]

Mr. CALLAHAN. Mr. Speaker, the purpose of this motion is to provide an additional $15 million for the International Narcotics Program, and to offset the addition by reducing the aid to the former Soviet Union, Russia. This motion goes a little ways toward what the Gilman-Rangel-Oxley amendment would have done, had it been made in order. It restores $15 million of the administration's requested $52 million budget increases.

Mr. Speaker, some would argue that the International Narcotics Program is not as effective as it should be, but I would argue that neither is the program aid for Russia.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would like to indicate that on this side we have no objection. We accept the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. OBEY. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 4426, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

On page 32, line 1, strike "$900,000,000" and insert in lieu thereof "$875,500,000"; and

On page 36, line 5, strike "$100,000,000" and insert in lieu thereof "$115,000,000".

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 87, not voting 9, as follows:

[Roll No. 208]

AYES—337

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutto
Hyde
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOES—87

Applegate
Archer
Armey
Baker (CA)
Barrett (NE)
Barton
Bonilla
Brooks
Bunning
Buyer
Callahan
Canady
Collins (GA)
Combest
Condit
Crane
Crapo
DeFazio
Doolittle
Dreier
Duncan
Emerson
Everett
Fields (TX)
Gallegly
Gekas
Goodling
Goss
Hall (TX)
Hancock
Hansen
Hayes
Hefley
Hefner
Herger
Hutchinson
Inglis
Jacobs
Johnson, Sam
Kaptur
Lewis (FL)
Lloyd
McCandless
McKeon
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Petri
Pombo
Quillen
Rahall
Roberts
Roemer
Rogers
Rohrabacher
Roth
Sanders
Sarpalius
Schaefer
Schroeder
Sensenbrenner
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stark
Stearns
Stump
Tanner
Tauzin
Taylor (MS)
Traficant
Valentine
Volkmer
Walker
Weldon
Young (FL)

NOT VOTING—9

Blackwell	Grandy	Murphy
Fish	Horn	Washington
Ford (MI)	McDade	Whitten

□ 2153

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I inadvertently voted incorrectly on roll call number 207, the Beilenson amendment to the Foreign Operations Appropriations bill. I would like to express my strong support for the Beilenson amendment and funding for international family planning, even though my vote, unfortunately, does not reflect it.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4426, the bill just considered and passed.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4426, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Clerk may be permitted to make technical and conforming changes including section renumbering, during engrossment of the bill (H.R. 4426).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENT AS MEMBERS OF THE UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 1928a, the Chair on behalf of the Speaker appoints to the United States group of the North Atlantic Assembly the following members on the part of the House:

Mr. ROSE of North Carolina, chairman; Mr. HAMILTON of Indiana, vice chairman; Mr. BROOKS of Texas; Mr. COLEMAN of Texas; Mr. SOLOMON of New York, and Mr. BEREUTER of Nebraska.

□ 2200

PARLIAMENTARY INQUIRY

Mr. WALKER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. PAYNE of Virginia). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I noticed when the names were read, and I did not object to it at the time, that someone was putting 17 different items into extension of remarks. Is that not above the limit that we normally would have in the House?

The SPEAKER pro tempore. The Chair is not aware of any limit under the rules.

Mr. WALKER. There is no limit? I always heard informally that the limit was 10.

The SPEAKER pro tempore. But the Chair will state that is unusual.

Mr. WALKER. I thank the Chair.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

U.S. HAITIAN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, I think it is time for a brief review of our policy in Haiti. I would like to begin by stating that it is as desperate a situation now as it has ever been.

Just a few days ago a new wave of killing resulted in the destruction of a group of supporters of President Aristide. The military thugs who are in charge of Haiti are not impressed at all by the new imposition of sanctions by the United Nations. The United Nations sanctions have come much too late, and they are well prepared for them. Their stockpiles are higher. They have built a new highway which crosses the border into the Dominican Republic. The very rich and the military have no fears at all of being inconvenienced by this new embargo and set of sanctions imposed by the United Nations.

Mr. Speaker, we have never seriously enforced sanctions, so they do not believe we will seriously enforce them now. The situation deteriorates each day, and the only solution is a more affirmative policy by this Nation.

If we are serious about enforcing sanctions, one of the things that must be done immediately is to seal the border with the Dominican Republic. The Dominican Republic border is an open sieve through which flows everything that is on the list of the sanctions and the embargo. If we are serious, it seems to me that the United Nations resolution allows for the United Nations or any nations participating to take any necessary actions to see to it that the embargo is enforced.

We have ships which are on the seas around Haiti, and those ships are empowered to stop other ships, to search other ships, to turn back ships that have the wrong cargo. We are involved very much on the seas in enforcing the embargo that has been imposed, I do not see why we cannot seal the border with the Dominican Republic on the Haitian side and consider that also a part of our duty to enforce the embargo.

Mr. Speaker, this is the kind of forceful step that ought to be taken if we are serious about the embargo.

We should also stop the flights going into Haiti carrying all kinds of cargo in the form of private passenger ships or commercial passengers. We have not lifted the visas of the Haitian elite who have supported the coup. We have not lifted the visas of all of the military. We have not frozen assets. There are a number of things still left to be done. I think we should do all of these things seriously and wait for 30 days to see what effect we are having, and then we should seriously consider the implementation of a military solution. We mean by a military solution what the Congressional Black Caucus voted on last October. Last October we voted for protective military intervention.

Here is the situation. In the case of Haiti we have an elected president, Jean Bertrand Aristide, who was elected by 70 percent of the voters. It is not the chaos of Somalia, it is not the chaos of Rwanda, it is not the breakup into organized factions of Bosnia and Yugoslavia. It is the situation where the recognized head of government, elected by 70 percent of the people, sits here in Washington. We can take him back with protective troops. It is not an invasion if you take the elected government back. It is not an invasion if you protect everybody who is elected, all of the Cabinet members, all of the members of the opposition. Everybody who has been elected by the people should be protected by this protective force.

If there are any forces in Haiti which choose to attack the protected forces, then they have to be repelled, they have to be dealt with. But it is not an invasion. It is interference with those who have been sent in to protect the legally elected government.

Aristide is the people's choice. Aristide is a unified force in Haiti. Aristide can give a new birth to the country. The country has been poor for a long time, the country has been wracked by an unstable government for a long time. But in the 7 months that Aristide served as president some unusual things happened.

There was no great input of foreign aid from the United States or any other country. However, the people had hope for a change, and because they had hope, and because they looked forward to an honest government, because they looked forward to order, because they looked forward to an atmosphere in which investment would be made, there were people not only not leaving Haiti, but many Haitians were returning from the United States and countries all over the world.

So the hope of Haiti, the future of Haiti lies in the men they have chosen, the elected leader of Haiti, Jean Bertrand Aristide, and we should take whatever means necessary in the next 60 days to ensure that Jean Bertrand Aristide is returned to Haiti.

EXPLOITATION OF CHINESE LABOR STANDARDS BY U.S. CORPORATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, as we debate whether or not to renew MFN status for China, we must remember that the debate is not simply over whether China has committed human rights abuses. It has been well-documented by international human rights groups, such as Asia Watch, that China has and continues to abuse the basic rights of its own people. As reported by the Washington Post, New York Times, all the networks—China continues to export products made by prison labor; China continues to routinely round up and jail political dissidents; China continues to persecute Christians and other people who believe in something more than the Chinese Communist Party. The Chinese Government does not even bother to deny its actions. In reality, there is very little to debate in terms of the Chinese Government's human rights policy.

No, the debate over renewal of China MFN status should be seen in the wider context of our economic and trade relationship with China; and further how that trade relationship affects the progress toward democracy-building and respect for individual citizens in both China and here in this country. The debate should be over whether America wants to be an active supporter, by renewing MFN status, of labor abuses in China and the continued loss of jobs in the United States. The debate should be over who actually is benefitting from the renewal of China MFN status—what U.S. corporations have a stake in China. And the debate should be over which democratic values this nation is willing to champion on the international scene. Because I ask you: Is the average Chinese worker benefitting from China's MFN status? As reported in the Wall Street Journal, Chinese workers earn a "living wage" of a few dollars a day, toil 15 hours a day, get few holidays, have overtime forced upon them, live in "dank dormitories" and are made to eat food not fit for human beings. One Chinese worker was quoted as saying, "Two people died from the food! And if you complain, they fire you! The worker is the lowest person in China!"

The Chinese worker does not seem to benefit from extending China MFN status. In fact, during this latest phase of Chinese economic growth, China's Labor Ministry recorded more than 8,000 strikes in China. The Chinese worker would seem to be more angry than content with the working conditions in China.

Does the average American worker fare any better with China MFN? The Administration and the U.S. corporations who support renewal of China MFN constantly state that exports create American jobs. That China is a $9 billion dollar market for U.S. exports. What they do not say is that the U.S. actually runs a $23 billion dollar trade deficit with China. $23 billion dollars worth of lost jobs. A trade deficit that has increased by 335 percent over the last 10 years. The vast majority of American workers certainly do not benefit from trade with China.

So then, if the average Chinese and American worker does not benefit from China MFN status, who does?

Mr. Speaker, I submit to you that the true beneficiaries of China MFN status are those same U.S. corporations who are fighting tooth and nail for the renewal of China MFN status today.

Let's just take one example of a U.S. corporation which has profited immensely from China MFN. A brand name that seems to all of us as the essence of American business and culture: Nike. As reported in the Washington Post on May 23, nearly 30 percent of Nike's shoes are produced in China. Not a single Nike shoe is made in the United States. Nearly one out of every three pairs of Nike sports shoes is cut, stitched and glued together in factories in China, the single largest foreign source country, out of many source countries for Nike, in Asia.

Nike, a supposedly "American" company, employs roughly 300 administrative personnel in Seattle, Washington. But Nike employs thousands of Chinese workers in provinces such as Guangdong, China. While Nike would be required to pay a decent wage to an American worker, Nike gets by with paying only $10 a week to its workers in China. This "American" company then imports the tennis shoes to the United States at the lowest possible tariff rates under China's current MFN status.

Nike's production costs average approximately $8 per pair of shoes made in China. The last time I checked at my local Foot Locker outlet, a pair of Charles Barkley basketball shoes—a Nike brand—sold for $135.99, not including tax. So you can see who makes the money.

It is clear who stands to benefit from the renewal of China MFN status. It is not the Chinese worker who earns $0.25 cents an hour in the apparel industry in China. It is not the American footwear worker in Maine who has lost his or her job only because they would be paid a decent, living wage in our country. It is those "American" companies, like Nike, who profit immensely from low tariffs under China MFN status. These are the same "American" companies which have increased their investments in China by over 1,000 percent since 1990. About $5.5 billion of investments taken out of the United States and placed in China.

Mr. Speaker, while China's human rights policy is a great cause for concern, the debate over whether or not to link human rights and trade is simply not reflective of the larger debate which needs to be waged in the United States. The link to be pointed out between both the United States and China is the abuse of people for the profit of a few U.S. corporations and foreign governments such as the Chinese Communist Party. The debate should be about building democracy as essential to free trade. At the very least, what should be debated is NOT how trade agreements will benefit a few U.S. corporations but rather how trade can improve the lives of the many individual workers that trade affects and nations in which they live.

□ 2210

HEALTH CARE REFORM VOTE

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I submit for the RECORD the vote on health care reform which took place in the Labor-Management Relations Subcommittee of the Committee on Education and Labor on May 25, 1994:

COMMITTEE ON EDUCATION AND LABOR—SUBCOMMITTEE ON LABOR MANAGEMENT RELATIONS

HEALTH CARE MARK-UP, MAY 25, 1994

The following recorded vote was taken on May 25, 1994 in the Subcommittee on Labor-Management Relations of the Committee on Education and Labor during consideration of Chairman Williams' substitute proposal for H.R. 3600, the Health Security Act of 1994:

1. A motion by Mr. Kildee to favorably report H.R. 3600 as amended by the Williams Substitute (as amended in Subcommittee). The motion was agreed to 17–10

DEMOCRATS

Mr. WILLIAMS, Yea; Mr. FORD (ex officio), Yea; Mr. CLAY, Yea; Mr. KILDEE, Yea; Mr. MILLER (CA), Yea by proxy; Mr. OWENS, Yea; Mr. MARTINEZ, Yea; Mr. PAYNE, Yea; Mrs.

UNSOELD, Yea; Mrs. MINK, Yea; Mr. KLINK, Yea; Mr. MURPHY, Yea; Mr. ENGEL, Yea; Mr. BECERRA, Yea by proxy; Mr. GREEN, Yea; Mrs. WOOLSEY, Yea; Mr. ROMERO-BARCELÓ, Yea;

REPUBLICANS

Mrs. ROUKEMA, Nay; Mr. GOODLING (ex officio), Nay; Mr. GUNDERSON, Nay; Mr. ARMEY, Nay by proxy; Mr. BARRETT, Nay by proxy; Mr. BOEHNER, Nay by proxy; Mr. FAWELL, Nay; Mr. BALLENGER, Nay; Mr. HOEKSTRA, Nay; Mr. MCKEON, Nay by proxy.

LET THE PRESIDENT DO HIS JOB

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I would like to read into the record today portions of a letter I received from Charlotte M. Dixon—one of my constituents in Stone Mountain, GA:

I pay taxes and I vote, and I am writing you to say I don't care one bit about this 10 year old Whitewater junk, or anything else this President might or might not have done before he was elected President. President Bill Clinton won this latest election because the people wanted the changes he promised to try to make in this country, and I want you, as a Congressperson elected to represent my state, to help him do exactly that.

I care about the thousands of hungry and homeless people we have. I can't go to a concert or a play in downtown Atlanta without literally stumbling over some poor homeless person on Peachtree Street.

If a gay person wants to serve his or her country in the military, then I believe they should be allowed to do so, and we should be grateful. The Tailhook incident seemed to me to indicate a serious problem with the heterosexual males in the military.

As a woman and as a mother of two daughters, I care about women's rights, including the right to safe and legal abortion.

All these things and more, I care about. I am not the least bit interested in whether President Clinton has ever had an affair.

And while I'm at it, I want to say that I'm very glad that Hillary is trying to help him do this.

I don't like this distraction, and I don't like my tax money being spent for this ridiculous investigation.

You people need to get a grip here, and start doing what we sent you all to Washington to do.

I agree with you, Ms. Dixon. More of us in Congress need to put the American people first and let the President do his job!

THE 50TH ANNIVERSARY OF ASTOUNDING EVENTS IN WORLD WAR II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I wish I had an hour special order tonight. I may get a chance to do one tomorrow to talk about some of the 50th anniversary of just astounding events in World War II that will be coming up during this district work period break when there will be no one on the floor to just cause a moment of pause and reflection to think about the age of heroes that I experienced from my 8th to, well, through my 12th year as a young person.

Like many Americans of my generation and teenagers, older than I, and even people like my younger brother, younger than I, we had maps on the walls; in my case, my brothers and I had a map of the Pacific area on one wall and the North Africa-Mediterranean-Italian-Europe theater on another wall, and we followed the course of the war.

And to show you how we have gone all through 1992 and 1993 with hardly a moment's pause here to reflect on the dark years for America and for our European allies in World War II, 1942 when we were not sure at all we could beat the axis powers, Japan, the Fascist forces of Mussolini and the Nazi forces of Hitler, and then the turnaround year of 1943.

Just today, for example, just today, 50 years ago, Allied troops, Polish forces, American forces, Canadian, British, particularly the Americans at the Anzio bridgehead where we had been stuck for 4 months and 3 days, we broke out of Anzio, and 10 days later, almost eclipsed by the incredible landings on the beaches of Normandy, the enternal city of Rome was liberated by Allied forces June 4, 1944.

And this House Chamber will be dark on that 50th anniversary. Two days later the Normandy invasion.

My first 15 years here, 15½ years, I had a living, breathing reminder of that incredible event sitting right here in this chair, a good pal of my colleague here, Chris Heil used to sit there, looking for all the world like a gentle leprechaun, taking down our words, and yet Chris had been one of the engineers that had defied belief when trying to comprehend heroics.

People often say when they see these incredible black-and-white newsreel shoots of the first ramps dropping on the very First British, Canadian, or United States little small landing craft, and you could see the waterspouts of machine gun fire just popping up all in front. You would read the accounts of men hearing the bullets hitting the ramp, the face of the ramp door before it would drop, and you would charge out into this hail of fire.

Over the next 2 weeks, we will see over and over again those tragic shots of four or five Americans coming up the beach, one drops, two, then three, then four, and then only one is standing.

□ 2220

What could be worse than being the first one or two men off of the landing barges at the British and Canadian beaches of Gold and Soar and Juneau, the beaches that ring with the historical name Omaha, Utah, where the American 1st and 29th, our divisions went in hitting those beaches? And yet there is a tougher job. Chris Heil, who sat here for decades, was one of the engineers who went in in the dead of night before the dawn and tried to make the beach safer for landing by swimming from tank trap to tank trap and cutting the barbed wire, trying to make the beach more safe for men just his age, young men in their late teens, early 20's, who would come after him. Chris was wounded that day, later in the day, an Army engineer. He went to a hospital, recovered, went back into the fighting, wounded again, back to the hospital, recovered, wounded again in the Ardennes/German offensive, the Battle of the Bulge, in December. We will not be in during December, the 50th anniversary of the Battle of the Bulge. What I would like to put in the record today in just these short moments is an article from Newsweek magazine that describes the unthinkable, "What if our allied forces had been thrown off the beaches?" One of the most poignant stories is the message that President Eisenhower prewrote, carried in his pocket, that he would read to the press if we failed and were pushed off in what would have been a near-massacre, back into the water. Why the allies won and what would have happened if we had been repulsed on those beaches in that tremendous battle which Rommel himself called the longest day of the war.

Mr. Speaker, I submit these for the RECORD.

First, "What if D-Day had failed:"

Adolph Hitler could have used the time gained to continue development and use of his "Vengeance" weapons—V–1 and V–2 ballistic missile and just contemplate, we still have no defense today against a modern V–2 ICBM. We should not wait for another Hitler to use similar weapons. Instead we should immediately develop near-term, a low cost ballistic missile defense (BMD) systems such as Navy upper-tier the LEAP option, which could provide wide-area BMD coverage to our allies and forward deployed forces using existing Aegis cruisers and destroyers, an improved "Standard" air defense missile and the LEAP kinetic energy interceptor.

Second, the crucial role of intelligence:

British intelligence controlled all information going to Hitler from German spies around the world. This is why it is so important to prevent treason within our own intelligence community such as the Ames case which could have cost the lives of over ten foreign agents. Such intelligence was vital then and remains so today in the post-Cold War ear.

Third, importance of bombers:

Frontline Panzer divisions recall the carpet-bombing of American B–17s and B–24s during the invasion. Had we been unable to quickly deploy ground forces to Saudi Arabia during Desert Shield, bombers would have been our only option to stop the advancing armor formations of the Iraqi military. This is why we need to maintain a modern, capable bomber force and that means B–1 lancers and B–2 spirits with conventional enhance-

ments including precision guided bombs and weapons.

Fourth, Germans had better weapons but Allies had more mobility:

Despite outstanding German weapons, the Allies were able to outmaneuver the Germans because of systems such as the C-47 transport aircraft which could "land almost anywhere" and the 2½ ton truck which could literally smash through small trees.

The C-17, like the C-47, can really land U.S. troops almost anywhere in the world (10,000 more runways, unimproved, than a normal airlift aircraft).

The V-22, "Osprey" like the 2½ ton truck, can overcome nearly any obstacle in the delivery of troops and supplies.

Mobility is a direct function of technology, this is why we must develop systems such as the C-17 and V-22

Fifth, overwhelming superiority of firepower and forces:

D-Day did not take place until we knew we had overwhelming superiority as the attacker to invade an area with superbly built up fortifications.

Today, civilian "Armchair Generals" in this Administration talk about "Desert Storm Equivalents" and forces required for two "nearly simultaneous conflicts" believing we need only the bare minimum of force to achieve victory. The "arsenal of democracy" which won World War II did so with overwhelming American force, not "equivalents." Let's not risk more American lives through senseless cuts to a strong U.S. military.

Sixth, personal valor:

Some claim that individual bravery did not carry the day during the invasion. I must disagree. The one consent throughout the history of the U.S. military has been the courage and innovation of our soldiers, sailors, pilots, aircrewmen, and marines who sometimes despite inferior numbers, inferior training, and inferior weapons, always prevailed. We cannot guarantee such courage. Even with modest pay increases deleted by the administration but restored by Congress morale is going down. But we can make sure that our military has the number of forces, the proper training, and the most modern technology to deter, and if necessary fight and win the wars of the future. Let us never forget the victory of D-Day, and why allied forces prevailed that day.

WHY THE ALLIES WON

(By John Barry)

H-Hour on D-Day, The Hour on The Day. Every one of the 370,000 soldiers and sailors aboard the 5,300 Allied vessels steaming toward the Normandy beaches on the morning of June 6, 1944, was carrying a mimeographed piece of paper, the "order of the day" from Allied commander Dwight Eisenhower: they were, he told them, embarked on "the Great Crusade." Churchill called D-Day "the most difficult and complicated operation ever to take place." With British phlegm, the chief of naval operations for the invasion, Adm. Sir Bertram Ramsay, felt obliged to apologize to his staff a few days before the landings: he was sorry about all the superlatives, he said, but this time they were true.

How important was Operation Overlord? Had it failed, the map of Europe might look quite different today. Mounting a second try would have taken a year—"at least another year, if you take account of the psychological impact of such a disaster," says Martin Blumenson, the author of the U.S. Army's official history of the Normandy campaign. While the shattered armada regrouped, Hitler would have time to complete the Atlantic Wall, to rain V-1 and V-2 missiles on London and to finish off the Final Solution. Meanwhile, Stalin's Red Army would have pushed on to the West—perhaps, in time, right across Germany. "It's not too far-fetched to wonder if the Iron Curtain might have been on the Rhine," says D-Day historian Carlo D'Este.

That is, unless the Western Allies struck first with nuclear weapons. "If D-Day had failed, then by August 1945 America would have been dropping the atomic bomb on Germany," says William O'Neill, professor of history at Rutgers and a World War II authority. "Instead of Hiroshima and Nagasaki, we'd remember, say, Berlin and Frankfurt."

The prospect of risking so much on a single battle—a single day—gave real pause to Allied leaders. Remembering the carnage of World War I, Churchill muttered morosely about "Channel tides running red with Allied blood" and "beaches choked with bodies of the flower of American and British manhood." The Americans were more confident, but not without their private qualms. In mid-May, with the invasion only three weeks away, Eisenhower's chief of staff, the choleric W. Bedell Smith, had "premonitions of disaster." He put the chances of success at 50-50.

Such fears seem exaggerated, in retrospect. Consider the odds: the Allies could put more than 10,000 warplanes over France that day; the Luftwaffe had 890. Allied naval forces included five battleships and 23 cruisers: the German Navy in the Channel was reduced to a few light E-boats and submarines. In two months the Allies put more than 8,000 tanks into Normandy; the Germans could muster only 1,350. Still, victory was not a sure thing. The weather was the main element of uncertainty. Eisenhower's meteorologist gave him a 36-hour window between Channel storms. Had he guessed wrong, the fragile landing craft would have foundered in the gale. (As it was, 10 troop craft launched off Omaha Beach were swamped instantly, drowning perhaps, 1,000 men.)

It would be romantic to think that bravery carried the day, and the green and seasick young men dodging bullets in the surf along 59 miles of Normandy beach were brave indeed. But in reality D-Day was won far from the beaches of Normandy, by forces larger than courage. The decisive factors:

The Russians: If the Red Army had not tied down—and chewed up—the Wehrmacht, the Longest Day would have been longer still. The Allies faced 56 depleted German divisions; in Russia. Hitler had 157. Two weeks after Operation Overlord, Stalin launched an offensive that dwarfed D-Day. In 10 days, 130 Russian divisions destroyed three entire German armies, killing, wounding or capturing 350,000 men.

Hitler: The führer was obsessed with defeating Bolshevism and never grasped the peril of a second front. He rejected the pleas of his top generals in the West, von Rundstedt and Rommel, to smash the Allies by consolidating in the East and shifting divisions to France. Nor would he resolve the dispute between them on how best to deploy the tanks they did have. Von Rundstedt wanted to hold the Panzer tank divisions in the rear, for massed counterattack; Rommel believed the invaders had to be driven into the sea in the first hours of battle. Hitler's indecision was fatal; the Panzers came too late. "I'd like to shake him by the hand," Britain's chief of staff, Gen. Alan Brooke, remarked later to a startled group of generals. "He was worth 40 divisions to us."

Deception: The Germans were crucially delayed by the most successful intelligence operation in history. The Allies created two phony armies under Gen. George S. Patton (temporarily in purdah for slapping a soldier) to con the German General Staff into believing that they were crossing the Channel closer to Germany, at the Pas de Calais. Under "Double Cross," British intelligence controlled all German spies in England and had them sending false reports about Patton back to the Reich. The Allies were able to tell the ruse was working through the supersecret Ultra operation, which broke German codes.

Detroit: "They can make cars and refrigerators, but not aircraft," scoffed Hermann Göring, the chief of Hitler's air force, the Luftwaffe, in August 1941. He found out differently by 1943, when the American Eighth Air Force began daring daylight raids deep into Germany. A hundred miles from the Normandy beaches. Edward R. Murrow, the CBS newsman, could hear the engines of the Allied bomber fleet as H-Hour approached. "It was the sound of a giant factory in the sky," said Murrow. For all the individual heroics. D-Day is ultimately the story of how Roosevelt's "arsenal of democracy" simply overwhelmed all opposition. "In the East, we were fighting men against men." said one of the German soldiers caught in the Normandy firestorm. "Here it is men against machine." Rommel despondently told his son a few weeks after D-Day, "All the courage didn't help. It was a terrible bloodletting. . . Every shot we fire now is harming ourselves, for it will be returned a hundredfold."

The Wehrmacht by 1944 may have been exhausted and outgunned, but the Germans still had nearly a year of bitter fight left in them. There dramatic breakouts and sweeping envelopment by the Allies, but most of the fighting was a hard slog, from the hedgerows of Normandy to the banks of the Elbe. "For the ordinary rifleman in the infantry divisions, life expectancy at the front was no better than that of the Tommies and the Doughboys of the First World War," wrote historian John Ellis. The average casualty rate for 11 American divisions cited by Ellis was 76 percent. In one division, the Fourth, which fought for the full 11 months, 83 percent were killed or wounded.

German casualties were beyond belief. Most German units suffered more than 100 percent casualties over 11 months: in other words, they were wiped out. The most formidable force facing the Allies on D-Day was the crack 21st Panzer Division, which began the day with 127 tanks, 350 officers and 12,000 men. When the remnants of the 21st straggled across the Seine 10 weeks later, it consisted of 300 men and just 10 tanks. The commander of another frontline division the Panzer Lehr, recalled being carpet-bombed by American B-17s: "It was hell . . . the planes kept coming overhead like a conveyer belt . . . the fields were burning and smoldering . . . My front lines looked like a landscape on the moon, and at least 70 percent of my personnel were out of action—dead, wounded, crazed or numbed." After one battle in Normandy, the German dead lay so thick in the summer sun that pilots of the light-artillery observation aircraft flying overhead could smell the stench below.

After the war, the commanders of the NATO forces allied against the Soviet Union were almost all veterans of D-Day and the battle for Europe. Until the fall of the Berlin wall. NATO relied for its defense on the threat of nuclear weapons, for a simple rea-

son: no one wanted to fight D-Day again—ever.

THE CONFERENCE ON THE CRIME BILL AND ASSORTED STATISTICS

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under a previous order of the House, the following Member is recognized for 5 minutes, Mr. TAYLOR of North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, since we have in this Congress passed a crime bill which now is in conference between the House and the Senate, and while the House and Senate are thinking of that crime bill and the public is thinking of that crime bill, we ought to review some of the statistics. I am going to go through some that were written in the National Review just this month.

Actual punishment for crimes in this country: burglary 6 to 7 days; robbery, 2 months; aggravated assault, 8 to 9 days; car theft, 2 to 3 days; rape, 6 months; murder, 2 years.

62 percent of all criminals sentenced to probation. Most crimes committed by criminals, most criminals will serve no more than 40 percent of their sentences, at most. 90 percent of persons charged with serious crimes are allowed to plead those crimes to lesser charges.

The likelihood of a serious crime leading to imprisonment fell by 80 percent from 1962 up through today. Of the 2,500 people on death row, most will die of old age. We have executed for murder only 2 percent of the people in the United States on death row, and that 2 percent is in relationship to 20,000 homicides committed each year.

In other words, there is only 32 executions each year for 20,000 homicides committed each year.

Per 1,000 serious crimes, there were 90 people in prison in 1960, per 100,000 serious crimes; today there are only 30 in prison for 1,000 serious crimes.

We have in conference, unfortunately, a so-called crime bill that will abolish the death penalty, according to the National District Attorneys Association; they called the quota measure involved in the bill "a vote to end the death penalty," in the United States.

That bill will take away hundreds of weapons, not just the weapons people ordinarily think of, the 19 designated as assault weapons, but the Treasury Secretary already has identified some 185 weapons that have been called assault weapons under the terminology of the bill. And many more will be added to the list.

My son's shotgun, with which he hunts turkeys, meets the criteria for an assault weapon, and it is a standard weapon that is used in the hunting of birds.

We will release with the so-called crime bill some 16,000 Federal drug pushers from prison. We will spend some $8 billion on job training programs, and that will be all right. But it will be our 151st job training program. As described by many, it is called "fighting crime through social work speeches," in the sense that the programs that we will be spending the $8 billion on will include efforts to increase the self-esteem of wayward youth, in part through cultural programs, arts, crafts, health, education, and service programs.

All this is in the crime bill. While it sits in conference, it would be well for us to remember the statistics I have just read and perhaps to see if we in this country can attack the real sources of crime and not pass a show bill, that will give some indication that we are serious about crime, when this legislation provides nothing serious and little hope for the victims of crime in this country.

ADDITIONAL VIEWS ON D-DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, [Mr. HUNTER], is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I wanted to take this opportunity, as I was listening to the gentleman from California, [Mr. DORNAN], give us his very eloquent description of the battle that was waged for freedom in World War II, I just wanted to give Mr. DORNAN a little more time to talk about that and to talk about it with him a little bit.

Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank my colleague from California.

First of all, let me correct something. I went all the way through pilots training with a good friend named Helm, and I mispronounced Chris Heil's name previously and said "Helm" when we all know that we really came to enjoy and knew all of our hardworking recorders of official debate here and Chris Heil was one of those incredible young Army engineers who went in in the dead of night.

DUNCAN, I am getting a wonderful opportunity to go with one of our retired 2-star generals in this House, the gentleman from Mississippi, "SONNY" MONTGOMERY, over to Normandy in a few days. We leave next Tuesday. We will spend some time in England visiting some of the airfields. I am going to take a side trip to go down to some of the beach areas where the landing barges left and spent a miserable day at sea, getting sick because the weather was so bad and the assault was delayed a day.

Then we are going to go down to Anzio so we do not forget those Americans who broke out of that beachhead after 4 months and 3 days, 50 years ago this very day. Then back onto England and over to France, spend 1 day on the Utah beaches, go into Ste. Mere Eglise, where one of our distinguished colleagues on the other side of the aisle, SAM GIBBONS, bailed out in the dead of night with the 101st Airborne. The other division being the 82d. By the way, earlier I forgot to mention the great IV Division, the 4th Division that hit the beach at Omaha.

I do not know what we can do in this House to keep this memory alive. Imagine you as a Vietnam vet, if we cannot take time out in this Chamber to recall the momentous events of D-Day, what is it going to be like 50 years after the Vietnam war? Will it be remembered at all?

We passed the 75th anniversary of my dad's World War I without a whisper of a mention in this Chamber or over at the other body.

Mr. HUNTER. If my friend will permit, let me say that things come back to us, such as the movie shown about Normandy over at the Space Museum a few days ago, that shock us back into a realization of this momentous event and what hung in the balance, the freedom of the world that hung in the balance, and what our relatives did and our friends and our neighbors.

□ 2230

A lot of people who got up on that stage, I thought it was good the other night when so many Members of Congress were called forth starting with STROM THURMOND and the gentleman from Florida [Mr. GIBBONS] who jumped in with the 101st Airborne, and I think STROM was in a glider operation, if I am not mistaken, and I think Sam was in a paratroop outfit, obviously with the 101st. But I had an experience the other day that shocked me back to this realization:

I go through the now and again our veterans hospital in San Diego County, and I go there, and a lot of the folks are World War II folks in that hospital right now who are bedridden, and I just have a standard line I give them. I tell them, "Thanks for what you did for the country," and interestingly none of them have complaints about the hospital. They are all, to a man, modest and grateful for what this country has done for them.

And I said, "Thanks for what you have done for our country," to one veteran, a gentleman named Lou West who was in a wheelchair, and his answer to me was; he said, "This country has done a lot more for me than I've done for it," and so I thought that was an interesting response.

And I asked what he had done and experienced in World War II. He was a flight engineer on a B-17, and he was shot down in 1944. It was October 7 of 1944. And when he was shot down, one of his good buddies in the plane, Hubert Betterton, had a parachute on. He took his parachute off. Now this was after the plane had been hit and was going down. He took his parachute off, and

gave it to Lou and said, "Don't worry. I'll go back and get another one," and he went to the back, and apparently he got a chute, and he went out, too, and, when Lou went out, they were very low level at that point, and he hit the ground, and he was unconscious when he woke up. His friend, Hubert Betterton, was dead beside him. Hubert Betterton's chute had not opened. The chute that he gave Lou West had opened——

Mr. DORNAN. Wow.

Mr. HUNTER. Lou was staring into the face of two Germans who immediately captured him and took him P.O.W., and that was just a little bit of an illustration of what our forefathers did, what our relatives did, just really a few days ago in the context of our history to serve this country.

Mr. DORNAN. Well, I was thinking of drawing some analogies, and I will have to submit it for the Record of the House. Some things do not change. If Hitler had bought time, he would have developed the V–2 rocket more. We are still unprotected to this day, and we are still debating over bombers and transports today. These systems earlier turned the tide of war.

Mr. HUNTER. Mr. Speaker, I apologize for running out the gentleman's time.

Mr. DORNAN. That is all right; it was the gentleman's time.

TRIBUTE TO SAM B. HALL, JR.

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, the gentleman from Texas [Mr. BROOKS] is recognized for 60 minutes as the majority leader's designee.

Mr. BROOKS. Mr. Speaker, I want to take this opportunity to join my colleagues in expressing our sense of deep sadness at the passing of our beloved friend and former colleague, U.S. District Judge Sam B. Hall, Jr. Judge Hall served the House of Representatives with both distinction and dedication from 1976 to 1985. In the House of Representatives, he was known as a hard worker and an outstanding leader who brought compassion and understanding to our deliberations. He earned the respect of all with whom he came in contact.

The people of Marshall and deep east Texas were indeed fortunate to have Sam Hall represent their interests on public issues with such energy and dedication, both here in Washington and, since 1985, in the Eastern District of Texas as a member of the Federal bench.

Sam Hall's father, Sam B. Hall, Sr., was a 20-year veteran of the State district court system while his uncle, Rubin Hall, retired as Chief Justice of the State Court of Civil Appeals in Texarkana, TX.

Sam B. Hall, Jr.'s judicial work set a high standard of excellence for others to follow. My sympathies go out to his family. I will miss his presence on the Federal bench.

I yield to the gentleman from Kentucky [Mr. MAZZOLI], my distinguished friend.

Mr. MAZZOLI. Mr. Speaker, I say to the gentleman, Thank you, Mr. Chairman, for, first of all, taking out this special order on behalf of our late friend, Sam Hall, Jr., and also for recognizing me. You can learn, as I said the other day when we passed a bill successfully here in the House naming the Federal Building and Courthouse in Marshall the Sam B. Hall, Jr., Federal Building and Courthouse—as I said then:

> You learn an awful lot about a person by sitting next to him or her, and it was my fortune on our Judiciary Committee to sit next to Sam Hall for a number of years, most of that time from 1976 to 1985, and in momentary lulls and pauses in the committee deliberations we would talk, and I always was very impressed by Sam as a human being, as a jurist, as a legislator, as a husband of Madeleine and a father of the three daughters, and I really believe that he served the House extremely well. He served the people of east Texas with real nobility, and on our trips to Texas, which took place in the last 3 years, when your daughter and son-in-law were living in Sugarland, I would often get on the phone and call Sam, or call Madeleine, over in Marshall just to see how things were going, and it was this past January when I made a call, and I learned that Sam's problems had recurred, and they were extremely difficult for him.

Mr. Speaker, it came in April, word that Sam had passed away, and so my friend of many years on the gentleman's committee, the man with whom I rode back on an airplane from Bangkok, Thailand, after having visited the refugee camps in Thailand some years back, and once again during that long trip I talked a lot and learned a lot about the man with whom I spent, and my wife, Helen, and I spent, with Sam and Madeleine in an evening at that house in Arlington eating quail which Sam had shot on one of his hunting trips in Texas—that man is gone, Mr. Speaker, as the gentleman said.

Mr. Speaker, Sam B. Hall, Jr., leaves a big imprint here in the House and in Texas, and so I thank the gentleman from Texas [Mr. BROOKS] for taking this special order. I want to join him in extending condolences to Madeleine and to the family and to say that we will miss our friend very much.

Mr. BROOKS. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank my friend, the gentleman from Texas [Mr. BROOKS], for yielding to me, and incidentally, before the gentleman from Kentucky [Mr. MAZZOLI] leaves I say to him, you're leaving this year, ROM, and I want to tell you from this side of the aisle that we really appreciate you. I didn't have a chance to indulge in what other Members were saying about you recently on the floor, but you're first class. Thank you.

To my friend, the gentleman from Texas [Mr. BROOKS] I say, You know that even though I represent San Diego that I am half Texan by birth and family, and you know Sam B. Hall, Jr., was a special, special guy, and we all have images of the people who represent their districts in this House of Representatives, and we form friendships, and we form memories, and Sam Hall was a strong memory former because he was a strong friendship former. He was a guy whose word was his bond.

Mr. Speaker, he had a great sense of humor, and I say to my colleagues, you have got to have a little sense of humor in this place, and Sam had that in spades, and I guess he represented to me the heart of Texas. And that was a guy who was strong on defense, like the gentleman who is speaking, strong on individual rights, and believed in heavy doses of freedom, and just he is the kind of guy that makes this country go whether he is working as a county judge, or a hardware store dealer, or U.S. Congressman, and I respected greatly Sam Hall, and I respect and honor his memory.

I think to a man and to a woman Members on this side of the aisle share our colleagues' respect and feelings for Sam Hall.

Mr. BROOKS. Mr. Speaker, I say to the gentleman, Thank you very much.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I thank my distinguished colleague for yielding.

I say, I could not have been more shocked when I was standing down there with Congressman HUNTER and we heard about this tragic passing of Sam. It must be months ago, but it seems like only weeks ago, that he was laying in ambush in the center aisle here for friends from both sides of the aisle, and he grabbed me as I was walking out and said, "Young fella," which was pretty nice when you're 60 years of age. He said:

> I want you to know that sometimes after a hard day on the Federal bench I'll watch the House during special orders to see all of my friends on both sides of the aisle. I'm keeping track of all you guys.

Mr. Speaker, I was doing something about World War II, just as I was doing tonight, and he told me how much he appreciated it. If ever there was somebody that was truly beloved on both sides of the aisle, it was this special American.

□ 2240

I do not know what it is about you Texans, you just keep producing these heroes that remind me of everybody I read about at the Alamo. He is certainly a proud American and son of Texas that our country is much the less for his passing.

What a guy, Sam Hall.

Mr. BROOKS. Mr. DORNAN, we appreciate your contribution.

The gentleman knows, of course, that very seldom am I seen on special orders. I cannot remember the last one. I hope there are not many more of this type.

I yield to the gentleman from Texas [Mr. GREG LAUGHLIN], such time as he may require.

Mr. LAUGHLIN. I want to thank the dean of my delegation for taking out this special order and must confess that during the service of Sam Hall, Jr. As a U.S. Congressman representing the First District of Texas, I did not have the privilege or honor of knowing Sam in that capacity. It was after he went to the Federal bench that I was elected to Congress and it was in the capacity of my service in the House and his service on the Federal bench that I came to know Judge Hall.

On those occasions it occurred that when he would be there visiting, he would talk about how he missed his colleagues in the House, he missed service in the House. But my respect for him grew immensely while on several occasions, a man of his position and many think of Federal judges as not too caring and too preoccupied with the importance of their office to care about little people, but on more than one occasion Judge Hall called me seeking my assistance of young teenage boys and girls in my district who needed a good word, who needed assistance from me because they lived in my district.

That told me something that I think typifies a lot of the great people from our State, Dean, and, that is, they have time for the teenagers, the kids that need a little help from someone, that some people think may be too important or hold too high an office to help a youngster that is going the wrong way. Sam Hall had that capacity and it made me proud when I sat on the Committee on Public Works and Transportation that it was our committee that reported out the bill to name the Federal courthouse in the Eastern District of Texas for Judge Sam Hall, Jr.

I am proud that since the committee on which I sat passed that bill out of the committee, the House has now passed it.

Mr. Speaker, I thank the dean of my delegation, the honorable chairman of the Committee on the Judiciary.

Mr. BROOKS. I might say that I am sure his family will deeply appreciate that building in memory of Sam Hall for generations.

Mr. HUTTO. Mr. Speaker, I rise today to pay tribute to our late colleague, the Hon. Sam Hall of Texas. This gentleman is remembered by all as a person of the highest integrity.

It was a pleasure for me to serve here in the House with Sam Hall for several years before he became a district Federal judge back in Texas. Sam was a gentle, easy going individual who possessed a keen intellect and worked hard for our Nation and his constituents in his congressional district.

I got to know Sam better when he and I were among several members of Congress from the Armed Services and Veterans Committees who visited Beirut, Lebanon shortly after the tragic bombing that killed some 250 of our Marines. Like the rest of us, Sam wanted to know more about this incident and wanted to make sure the injured and the families of those who perished were receiving necessary care and were fully informed.

One of Sam Hall's best friends is a friend of mine, Pat Groner, in Pensacola, FL. Pat and Sam grew up together in Marshall, TX. They attended the same schools and maintained that strong bond of friendship until Sam passed away on April 10, 1994. Pat says in their youth that he and Sam were fellow members of an organization in which good scholarship and no smoking nor drinking was permitted, an indication of the strong Christian character of both men.

Pat Groner was named for Pat M. Neff and the fathers of both Pat and Sam Hall played a role in helping Pat Neff to become Governor of Texas. Governor Neff later served as President of Baylor University while Sam and Pat were students there.

Sam Hall was very active in civic work and was known and loved by hundreds of people who appreciated his dedication to service. He served with distinction here in Congress and on the bench. Sam's life here on Earth was a positive force for good and his wife, Madeleine, and the Hall family can take comfort in that memory.

Mr. SPENCE. Mr. Speaker, I rise today to pay tribute to our late colleague, Sam Hall of Texas. It is with a great degree of sadness that I recognize his passing.

Sam hall was a true gentleman and a statesman. It was an honor for me to serve with him in the Congress from 1976 until 1985, when he resigned to accept an appointment as a U.S. judge for the Eastern District of Texas. Also, my former Administrative Assistant, Kenneth Black, was Sam Hall's Administrative Assistant prior to joining my staff.

It is certainly appropriate that Sam Hall completed his career as a jurist on the Federal bench, as he truly loved the law. While a Member of Congress, he devoted much of his attention to the work of the Committee on the Judiciary, and, as a lawyer's lawyer, he relished the action of the courtroom.

Sam Hall was a dedicated lawmaker, a very capable judge, and a friend to many. He will be greatly missed.

Mr. SYNAR. I rise today to pay tribute to a close, personal friend and colleague, Judge Sam B. Hall, Jr. who died of cancer on April 10. After being elected in a special election in 1976, Mr. Hall served with distinction on the Judiciary Committee as chairman of the Administrative Law and Governmental Affairs Subcommittee. He also ably served on the Veterans Affairs' Committee and the Select Committee on Narcotics Abuse Control. During his tenure in Congress, I had the good fortune to serve with him on the Judiciary Committee where he provided me with much needed guidance, wisdom and advice.

As a young, freshman Congressman, I found Judge Hall to be an excellent role model who showed me how a successful Congressman can serve the Nation and community with unending strength and compassion. Of his many accomplishments during his time in Congress, Judge Hall is perhaps best remembered for his key role in bringing about the return of many MIA's and POW's from Southeast Asia. There is little question that Judge Hall was a dedicated public servant who earned the administration of his constituents and his colleagues.

When he resigned in 1985 to become the U.S. district judge of the Eastern District of Texas, he served with the same dedication and thoughtfulness he brought to Congress and never failed to serve his community and family with honor. Mr. Hall was a devoted and caring man who balanced a wholesome family life and active community service with a challenging career. Many remember the long hours he spent working in the community, and all remember that he always found time to work diligently on his farm with his wife, Madeleine, and his three daughters.

This country, and I personally, benefited greatly from the life of Judge Sam Hall and it is with great sadness that we mourn his passing.

Mr. DE LA GARZA. Mr. Speaker, today we pay tribute to one of our distinguished former colleagues who recently died, Sam Hall. As I started to think about what I wanted to say about Sam Hall one word kept coming to mind. That word is extraordinary and that is exactly what Sam Hall was.

When he was first elected to the 94th Congress by special election, back in 1976, the shoes he was filling were not at all that easy to step into. He was filling the seat vacated by the death of the Honorable Wright Patman who, those of us serving at that time will recall, was quite a presence in this body. Sam Hall without hesitation dove right into the job with vigor and an energy charged presence.

While having no legislative experience prior to coming to Congress, once here Sam Hall displayed a skillful understanding and love for the legislative process. He thrived in his work as a member of the House Judiciary Committee, and specifically as chairman of the Administrative Law Subcommittee. His focus on judicial concerns, however was not exclusive. He was interested in veterans issues as well. In fact, having been appointed to a congressional delegation that traveled to Southeast Asia to investigate American POW–MIA's he was successful in negotiating the return of the remains of a number of servicemen, an accomplishment of which he was quite deservedly proud.

The years he was in Congress were very productive for Sam Hall and for the 1st District of Texas which he so ably represented. Had he chosen to remain here I know his accomplishments would only have continued to flourish, but in 1985 Sam Hall resigned his seat to become the U.S. District Judge for the Eastern District of Texas. This appointment was truly fitting and definitely capped a brilliant career.

Sam Hall was a great man, a great Texan, and a great member of Congress. All of us who were fortunate enough to have associated with him or to have served with him in

this body know that with his death we have lost someone very special. To his wife and family I extend my deepest and most heartfelt condolences.

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a distinguished native son from the Lone Star State—a distinguished American and a dear and respected friend—the Honorable Sam Blakeley Hall, Jr., who died Sunday, April 10, 1994, at his home in Marshall, TX, following a long and heroic struggle against cancer. He was 70 years young.

Sam was a true Texan in the best sense of the word. He was tall in stature and long on principle, independent in thought and yet responsive to those he served. He was not afraid to fight for those principles he held dear, but his fights were always ethical and honest, fair-minded and good-natured. As a lawyer, a Member of Congress, and a Federal judge for the Eastern District of Texas, Sam was a man of honor and integrity. As a friend, he was respected and loved by hundreds who had the privilege of knowing him well. He was a close personal friend, and I will miss him greatly.

My heart-felt sympathy goes to his lovely wife, Madeleine, and to his family, to whom he remained devoted throughout his distinguished career. His memory and many of his virtues will continue to live on through them.

A native of Marshall, TX, Sam was elected as a Democrat to the 94th Congress by special election on June 19, 1976, to fill the vacancy caused by the death of Wright Patman. He was reelected to the five succeeding Congresses, serving until May 27, 1985, when he resigned to accept an appointment as U.S. Judge for the Eastern District of Texas.

As a Member of Congress, Sam was respected by his peers for his honesty, integrity, and dedication to public service. He was chairman of the Judiciary Subcommittee on Administrative Law, and his work in this capacity earned him the respect of Members from both parties. His ability to analyze complex issues served him well in matters of law. Upon his departure from Congress in 1985, he was recognized by numerous fellow Members in tributes to his uncommon character and nine years of distinguished service to the First District of Texas and to his country.

Sam continued this career of distinction as a federal judge, bringing a sense of fairness and balance to his courtroom in the Eastern District of Texas. He was a thoughtful and dedicated jurist whose rulings were issued only after careful deliberation, and he was respected by lawyers on both sides of the docket. Sam's devotion to the law was a legacy from his father, who was a prominent Texas district judge of 20 years and with whom Sam enjoyed a close association.

Sam Hall, Jr., was born in Marshall, Harrison County, TX, on January 11, 1924. He graduated from Marshall public schools in 1940, received an A.A. degree from College of Marshall (now East Texas Baptist University), in 1942 and attended the University of Texas Law School from 1942 to 1943. He left school to serve in the U.S. Air Force from 1943 to 1945, then graduated from Baylor University in 1946 and Baylor University Law School in 1948.

Sam was admitted to the Texas bar in 1948 and practiced law for almost 20 years in his hometown of Marshall. In 1962 he ran unsuccessfully for the House of Representatives, but fulfilled his dream of serving in Congress by winning the special election in 1976 for Wright Patman's seat.

Mr. Speaker, few have served their country as well as the Honorable Sam B. Hall, and few have been as respected and admired. He will be remembered by those who knew him both professionally and personally, and I can think of no better way to honor him than to name the Federal Building and United States Courthouse in Marshall, TX, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

CRITICISM OF ALLEGED PBS' DOCUMENTARY

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, the gentleman from Texas [Mr. LAUGHLIN] is recognized for 60 minutes.

Mr. LAUGHLIN. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for his remarks.

On this week when our Nation is preparing to celebrate the 50th anniversary of the invasion of Nazi Europe, I think it is appropriate that I take this special order to address an injustice that was done to millions of veterans of our Nation.

Before I make that comment, Mr. Speaker, I should make note that the distinguished chairman of the Committee on the Judiciary, who just finished taking the special order in the memory of Judge Sam B. Hall, Jr. of Texas, the gentleman from Texas [Mr. BROOKS], too, is a veteran of World War II and served with great honor and distinction in the battles in the Pacific at Guadalcanal, Guam, Okinawa and finally in North China. Here is a distinguished Member of the House who gave service as a youngster, a young man in World War II. I should note with great personal pride that 30 years ago this week, I was commissioned a second lieutenant in the U.S. Army Reserve. I have personal experience firsthand in the pride that one has in his or her military unit.

Mr. Speaker, that brings me to the point of discussing a Public Broadcasting System alleged documentary about military units who served in World War II.

To commemorate Veterans Day on November 11, 1992, Public Broadcasting Service [PBS] aired nationwide a documentary entitled: Liberators: Fighting on Two Fronts in WW II.

The injustice to our veterans is the inaccurate presentation of the events and facts in the documentary.

This film was produced by Miles Production Co. of New York City.

It's authors/producers were William Miles and Nina Rosenblum, both award winners in their profession.

Cooperating with the author/producers in preparing this film for airing was station WNET/13 of New York City.

PBS aired the film over its network of affiliated stations throughout the United States, only to find out after the fact the accuracy of the film was flawed.

This documentary portrays the 761st Tank Battalion and the 183d Combat Engineer Battalion as the liberators of the infamous Buchenwald Nazi Concentration Camp on April 11, 1945; and the 761st as liberating Dachau, another well-known Hitler death camp on May 4, 1945.

Neither of these portrayals is accurate, Mr. Speaker.

With little advice from knowledgeable military sources, without contacting any agency of the Department of the Army about the history of one of the units, with complete disregard of available documentary evidence, this film was produced to satisfy the agenda of the producers and authors.

The authors produced a film relating the horrible plight of the persecuted Jews under Hitler to that of African-Americans in a segregated United States.

To accomplish this preconceived objective, the authors arranged the script so that solders from the 761st Tank Battalion and the 183d Combat Engineer Battalion could be portrayed as the saviors of European Jews from Hitler's horror camps.

This theme obviously had great social as well as commercial value to the producers.

Claiming that the official records pertaining to these units troops were "non-existent, incomplete, untold, and heretofore unknown" the authors/producers relied on so called "oral testimony" of 8 to 10 veterans of the units they selected to place in the role of the liberators.

They chose not to seek the testimony of hundreds of other such veterans, including the Army Center for Military History and officers who were responsible for the deployment/resupply of those units and when true history failed to suit their purpose, the authors chose to ignore the facts.

The 761st did, indeed, play a role in the liberation of a camp at Gunskirchen and should be given due credit for liberating this concentration camp of death and inhuman treatment. But Gunskirchen was not well-known in the United States.

So the authors conveniently switched the scene to Buchenwald and Dachau in order to gain the appeal of a larger audience while misrepresenting facts.

□ 2250

Military records confirm that the 6th Armored Division did liberate the Buchenwald Concentration Camp. One of my constituents, Pat McEnroe of Victoria, TX, was a member of the 6th Armored Division and participated along with members of the 6th in liberation of the Buchenwald Concentration Camp.

To be more precise, a patrol, led by the late Captain Fred Keffer—later to become Dr. Frederick Keffer, head of the Physics Department at the University of Pittsburgh—of the 9th Armored Infantry Battalion, an organic unit of the 6th Armored Division discovered the infamous camp.

The 4th Armored Division also is credited with assisting in the liberation of Buchenwald.

On the day in question, April 11, 1945, the 6th Armored Division was operating under the command of the 20th Corps, and Buchenwald was located in that zone.

On that same day, all four companies of the 761st Tank Battalion were attached to the 71st Infantry Division which was operating under the command of the 12th Corps.

Official records indicate that the 71st Infantry Division, including the attached 761st Tank Battalion was fighting near Coburg, Germany, which is approximately 60 to 70 miles from Buchenwald.

These official records, which were available to the producers of the film through the Office of the Department of the Army Center for Military History, Suitland Reference Branch, also reflect that Dachau was liberated by the 45th and 42d Infantry Divisions.

The authors and producers could have found in the daily report that the 71st Infantry Division with the 761st Tank Battalion attached thereto was with the 12th Army Group from June 6, 1944, through May 1945.

The President of the 761st Tank Battalion Association, Mr. Phil Latimer who was the supply officer of the battalion in 1945, has stated in a letter that "at no time was the 761st Tank Battalion at Buchenwald or Dauchau."

Prior to the airing of the film, two members of the 6th Armored Division, Mr. Melvin Rappaport of combat Command A and Mr. Milton Harrison of the 9th Armored Infantry Battalion, advised WNET officials that the content, as announced, of the documentary was not accurate.

Further, the senior living officer of the wartime 6th Armored Division, Mr. James Moncrief also advised WNET in writing—two letters: dated October 31, 1992, and November 7, 1992—that the proposed film was not historically correct.

A book by the same name was published by Harcourt Brace Jovanovich [HBJ] soon after the film was released. There was a suggestion made that the book be placed in all high school libraries.

After much criticism from veterans, Veterans' groups, and from many Jewish organizations, HBJ, the publishing firm, issued a disclaimer which was placed in all books which were sold after June 1993.

While WNET, after an independent investigation to determine the facts surrounding this controversial film, has admitted the alleged documentary's flaws and inaccuracies, and pulled the tape, neither the authors, producers nor PBS have publicly made any such admission.

Mr. Speaker, I have great admiration and respect for all the brave men of the country who left their loved ones and the comforts of their home to fight overseas for the honor and standards of our great country.

Those young men of all military units serving in World War II made the history upon which we are reflecting today. That is their history. They have enormous pride in their history.

I, for one, resent their history being rewritten, falsified, or distorted.

I resent such misrepresentation being broadcast over a national television network to millions of Americans as true history.

Mr. Speaker, never again should a military documentary misrepresent the military units or the military individuals who have served our Nation and who have participated in military actions in the name of freedom, in the name of democracy, to liberate a people and groups of people who have been subjected to Nazi treatment or to totalitarian government.

Mr. Speaker, I hope this sort of documentary about the courage and service of brave men and women from all across America never happens again in our land.

ECONOMIC INEQUITIES IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and May 23, 1994, the Chair recognizes the gentleman from Vermont, [Mr. SANDERS] for 60 minutes.

Mr. SANDERS. Mr. Speaker, as the only Independent in the U.S. Congress, I accept the responsibility to raise issues that my Democratic and Republican colleagues often choose not to deal with. We talk a whole lot of things on the floor of the House, but it always amazes me that some of the most important issues facing the American people are not addressed.

Let me briefly touch upon a few of these issues this evening. Mr. Speaker, the newspapers and the U.S. Congress talk about economic issues a great deal. But I think that the most important trends within our economic system are in fact not honestly addressed or faced. And that is that to a very great extent, the United States of America today is increasingly becoming an oligarchy. An oligarchy, a nation in which a small number of people control a significant part of our wealth, and also control a great deal of the power in our country.

I think sometimes within the schools of America, the young people are taught that we live in a democracy; that all people have power; that all people can make the key decisions that affect our lives. But the day-to-day experience of human existence tells us in fact that that is not the truth, and it is time that we brought that out into the open and discussed what we might do about that.

For example, Mr. Speaker, according to the Federal Reserve Board, the richest 1 percent of our population now owns 37 percent of the wealth. The richest 1 percent owns 37 percent of the wealth, while the bottom 90 percent of our people only own 32 percent of the wealth. That means that the wealthiest 1 percent of the population owns more wealth than the bottom 90 percent of our people. We have today among all nations of the industrialized world the most unequal, unfair distribution of wealth.

Mr. Speaker, the chief executive officers of the Forbes 500 corporations, the major corporations in America, now earn 157 times more income than the workers whom they employ. One hundred fifty times more. In Japan, for example, the ratio between CEO and worker is 30 to 1. We also have the widest gap between CEO's and worker in the industrialized world.

Since when is it appropriate that the people at the top are worth or have needs that are 157 times greater than the average worker? I do not think that that is appropriate.

□ 2300

I also find it especially interesting that many of the CEO's the corporate executives who have brought forth the most significant layoffs in recent America are precisely the same CEO's who are enjoying the highest incomes. One almost gets the feeling that they are being paid to lay off American workers.

Mr. Speaker, the gap between the rich and the poor in America is wider today than at any time since the 1920's. During 1983 to 1989, 55 percent of the increase in family wealth accrued to the richest one-half of 1 percent of families. The very wealthiest people have become much wealthier while the lower middle and lower classes lost during that period over $250 billion of wealth. In other words, what we have been experiencing for the last number of years is the Robin Hood proposal in reverse. We have taken from the poor and we have given to the rich.

Mr. Speaker, when we talk about rich and poor, we should understand that we are not just talking about somebody who has a big house, somebody who is rich, and somebody who is poor who has a small house. We are not talking about somebody who has a big car and somebody who has a small car. That is not what it is about. In many instances, Mr. Speaker, when we talk about rich and poor, we are quite lit-

erally talking about life and death. This is not just that somebody has a little bit more than somebody else.

A study published in the New England Journal of Medicine last year showed very clearly the correlation between income and mortality, how long we live. What the study concluded, not too surprisingly, is that the more you earn, the larger your income, the more wealth you have, the longer you are likely to live.

Statistically, those who earn $14,000 a year live longer than those who earn $9,000 a year; just as those who earn $30,000 a year live longer than those who earn $20,000 a year.

The authors of the study conclude that the widening difference in mortality rates is largely caused by "the broad social changes in this country since 1960." They cite "increasing inequalities in income, education and housing and a falling standard of living for a large segment of the U.S. population." Obviously, the fact that tens of millions of low-wage workers are unable to afford health insurance is also at the heart of the problem.

In other words, what this study is saying is that the wider the gap between the rich and the poor, the wider the length of time that people can actually stay alive. What we are seeing in this country is more and more people suffering terribly because of the decline in their income. They are working longer hours. They are living under more stress. They are working in unhealthy jobs.

Thirty-seven million Americans lack any health insurance. Tens of millions of Americans lack full insurance. They have large deductibles. They cannot get to the doctor and the hospital when they want to.

What poverty is doing, what low wages are doing is, in fact, killing large numbers of Americans and causing a great deal of suffering.

Mr. Speaker, when we talk about oligarchy and a grossly unfair distribution of wealth, we are also talking about power and powerlessness. This is an extremely important issue that I am afraid we do not discuss terribly much here in Congress; the corporate media also does not discuss this terribly much.

Almost all Americans agree that if somebody robs a store or mugs a person or physically assaults a human being that that is unacceptable behavior. It is a crime and we have laws which punish people for committing that type of illegal behavior. But what do we say when American corporate leaders, who own profitable companies, throw American workers out on the street as they move our industrial base to China, to Mexico, to Haiti, to Indonesia and to other desperately poor Third World countries?

Somehow or another we have not taken a close look at that type of behavior and have not condemned it as loudly as we should.

Let me not at this moment talk about the fact that 27 major U.S. corporations have laid off a total of 630,000 workers since March of 1991. Let us not talk about that right now. Let us not talk about the fact that IMB, AT&T and General Motors have each laid off more than 74,000 workers since March of 1991.

Let me talk, if I might, for a moment about what I see closer to home in my own small state of Vermont. Let me give you one example of what in fact is happening all over America.

In Bennington, Vermont, a few months ago, over 200 workers in that small town were dismissed, were thrown out of their jobs when the factory owned by Johnson Controls was shut down at the same time as the company was moving production to Mexico. These were good-paying jobs done by skilled Vermont workers who produced high-quality automobile batteries.

Let me tell you what powerlessness is about. Powerlessness is about that last year, on a Sunday during the summer, I marched in a parade with those workers who were members of the United Automobile Workers Union. We marched in a parade celebrating a Vermont holiday. We had a really good time.

On the next day, the very next day, a Monday, without a prior word of warning, these same workers were told that their plant was going to be shut down. These were dedicated workers. These were men and women who had given years of their lives to this company. Mr. Speaker, they were treated like garbage.

That is what powerlessness is about, and all over this country today there are millions and millions of workers who go to work and are scared to death that before the work day is over they are going to be given a pink slip. They are going to be told by the owners of the company that their jobs are going to Mexico, that their jobs are going to Asia.

I would argue, Mr. Speaker, that if this country were truly a democracy, if working people truly had democratic rights, that type of behavior would be illegal. You just cannot say to somebody, thank you for working for this company for 30 years. We do not need you anymore. You are out on the street. We are going to China, where we can hire people for 12 cents an hour. We are going to Mexico where we can hire somebody for one dollar an hour.

These companies are making decisions which totally disregard the feelings of these workers, the needs of their children, the obligations that these workers have toward their own parents. These feelings, these needs are totally irrelevant as these corporations pursue every bloody nickel they can possibly make. That is what powerlessness is about.

Powerlessness means that millions of people in this country have no control or very little control about what is happening in their lives, because their day-to-day existence is dependent upon people who have large sums of money and who in many respects have total contempt for the people who have enriched them over the years.

That is what happened in Bennington, VT, and that story is being repeated a thousand times from one end of this country to the other.

Mr. Speaker, in another plant in Vermont, in southern Vermont, senior citizens had been guaranteed, as part of their union contract, lifetime health insurance paid for by the company. That is what they had negotiated as workers. That is what they had been promised. But one day within the last year, that promise was rapidly taken away from them. On a day's notice, the elderly workers who had been employed by that company were told that their insurance was no longer going to be maintained by the company. The workers had to organize, fight hard and at least were successful in getting the company to retain some of their health insurance payments. And also, that is a reality that is taking place all over America, to senior citizens, workers who had negotiated contracts, workers who have been made promises by the company now find that those promises are not worth the paper that they were printed on. And on and on it goes.

Good-paying jobs which paid American workers a living wage with decent benefits are closed down and shipped to Third World countries where workers there are exploited. So what do we say about those people who have destroyed the dreams, the hopes, the lives of millions of American workers?

□ 2310

Basically, we do not, as a nation, as a Congress, stand up and say to the people that "your behavior is socially unacceptable; despite the fact that you own a company, you have certain moral responsibilities to the people who work for you; that you cannot simply throw people out on the street because you can make a few bucks more; that you have got to treat workers with dignity and respect."

More and more I think it is becoming apparent to the workers of this country that corporate America could care less about them, that many of the corporations that consider themselves American corporations are really international corporations. They originally made their money in this country, but they are willing to go to the Third World to hire slave labor as quickly as they can pack their bags.

Mr. Speaker, the United States in many respects, and we do not talk about this as often as we should, is be-

coming a Third World economy. The standard of living of the average American worker continues to decline. The real wages of American production workers have dropped by 20 percent during the last 20 years as millions of decent paying jobs have disappeared. The new jobs that are being created are largely temporary, part-time, low-wage jobs with few benefits.

There was an article that appeared on the front page of the Wall Street Journal a few months ago, Mr. Speaker, and I think it was indicative of a trend which is taking place from one end of this country to the other. The article described the good news that factories in the Midwest were being reopened, factories that had closed down during the early 1980's. The good news is that factories were being reopened, that workers, many of them the same workers who had formerly worked in those factories were now going back to work. That was the good news.

The bad news is that the same workers who were going back to the same factories that had been closed down were going back to work at 50 percent of the wages that they received 10 years previously.

Mr. Speaker, articles in major newspapers tell you that fully 25 percent of the jobs that Americans now have are contingent jobs. That means that workers are not employed by a company, they do not have security, they do not have the capability of moving up the ladder and gaining more income, they do not gain benefits, they are contingent. They work for a certain period of time and then they are out and they have to go looking for another job and another job and another job.

The ranks of contingent workers are growing so rapidly that some estimate they will outnumber permanent, full-time workers within the next 10 years.

Mr. Speaker, 20 years ago the United States led the world in terms of the wages and benefits our workers received. I wonder how many of the viewing audience knows what place we are in now. The answer is that we are in 12th place. We went from 1st to 12th in 20 years. Our wages, our health care benefits, our vacation time, our parental leave, our educational opportunities lag behind much of the industrialized world.

People read in the newspapers that European companies are coming to invest in the United States, and people say, rightfully, that is good, we would encourage other countries to invest in the United States. But the sad reality is that many European companies that are coming to invest in the United States are coming here because we are now, for them, a cheap labor nation. We have become, for some of the European countries, what Mexico and China are for us. I think that is a very sad state of affairs.

In my own State and throughout this country, we have skilled, intelligent, hard-working people who are working for $6 an hour, $7 an hour, $8 an hour, without benefits. In many of the European countries, workers there have driven up wages that are significantly higher than are the wages that American workers receive.

Mr. Speaker, when we talk about such issues as vacation time, it is important to know that over the last many years, workers in the United States today are working longer hours, significantly longer hours, taking less vacation time than they used to take. Is there any wonder why so many millions of Americans feel stressed out? They need to work longer hours, they need to work overtime in order to compensate for the real decline in their wages.

In terms of vacation time, we rank almost at the bottom of the industrialized world. There are countries in Europe, in Scandinavia, where young workers entering the work force get 5 or 6 weeks off with full pay, 5 or 6 weeks off in Scandinavia and in Europe. Our young workers are very, very lucky to get 1 week off or 2 weeks off.

In terms of parental leave, the rights that befall workers when they have a baby, when somebody in the home is critically ill, the Congress and the President were very proud that finally the U.S. Congress and the President signed and passed a parental leave bill, which means that if a worker is having a baby, she will not be fired for the crime of having a baby, if you like. Everyone says, "What a great deal. You have 3 months off when you have a baby. You get to know your baby."

The fact is that compared to parental leave programs throughout Europe and Scandinavia, that is the weakest parental leave program in the industrialized world. For many new parents, what does it mean that you can have 3 months off if you do not get a paycheck coming in? Many of the European countries, the Scandinavian countries, not only allow longer periods of time for parental leave, but provide and mandate significant income coming in to those parents.

It terms of educational opportunity, there was a time not so many years ago in this country where great State university systems and college systems provided inexpensive higher education for large numbers of people, but increasingly, as we become a poorer nation, as the cost of collage education goes up, we face a situation where millions of working-class young people, low-income people, are simply unable to afford the high cost of college education.

If you are poor, if you are working-class, you cannot go to college, in many instances. If you are upper-income, well, I guess you can pay the $25,000 or $30,000 a year that it takes to go to Harvard or to Yale.

Mr. Speaker, while the rich have grown much richer, while the middle class has shrunk, the poor in fact have grown much poorer. I wish very much that I could tell the Members that the U.S. Congress was actually engaged in trying to wipe out poverty, that we were going to war against poverty. Unfortunately, it seems to me that many of the policies that are talked about on the floor of this House are really a war against the poor, not a war against poverty.

At the same time as we have seen an increase in the number of billionaires in America, 22 percent of our children live in poverty. Mr. Speaker, we not only have the highest rate of childhood poverty in the industrialized world, we have twice the rate of childhood poverty than any other nation in the industrialized world. That is a national disgrace. Billionaires ride around in their big limousines and they go through neighborhoods where the vast majority of the kids are living in poverty. That tells us something about our national priorities.

Mr. Speaker, what a disgrace it is that in the United States of America today, some 5 million children go hungry, at least 2 million people now lack permanent shelter or sleep out on the streets, and some recent studies indicate that number may even be greater than that.

Mr. Speaker, 1 in 10 American families now puts food on the table only with the aid of Food Stamps, because we have seen a significant increase in poverty in America. How many millions and millions of working families exist paycheck to paycheck? If their job stops, they are on welfare, they are on food stamps.

Mr. Speaker, in more and more abandoned neighborhoods throughout our country a lack of jobs, a lack of income, a lack of educational opportunity, or perhaps, most important, a lack of hope has created an extraordinary climate of savagery and violence surpassing that of many communities in Latin America, Africa, and Asia. What we have created is an underclass without hope, an underclass alienated from mainstream America.

The suffering and the desperation in the Third World that we have distantly observed is now coming home as we in many, many ways become a Third World economy.

The suffering and the desperation in the Third World that we have distantly observed is now coming home as we in many, many ways become a Third World economy.

Mr. Speaker, when we talk about power and when we talk about powerlessness, we should not forget that in November 1994, when this entire House comes up for election, when one-third of the Senate comes up for election, State legislatures come up for election, we should not forget that when that national election takes place, the estimate is that over 60 percent of the

American people are not going to come out and vote.

□ 2320

And the evidence is very clear that the overwhelming majority of poor people no longer vote. I recently had the privilege and the honor to go to South Africa with the U.S. Delegation to attend the Inaugural of Nelson Mandela as president of that country. What a joy it was to see so much excitement in terms of the rebirth of democracy in South Africa. Yet in our own country over 60 percent of the people will not be voting in the national elections in 1994.

Why is that? What does that tell us about people's faith in government, and what does it tell us that millions of poor people do not believe in any way, shape, or form that government represents their interests? I think what it tells us, in fact, is that the majority of the American people understand that to a very large degree what Congress does, what the President does is not reflective of the needs of ordinary Americans, of working people, of the elderly and of the poor, but is in fact reflective and represents the needs of those who have the money.

There was an amazing article that appeared I believe in yesterday's Washington Post, and the chairman of the House Ways and Means Committee was negotiating with the insurance companies trying to have them take their ads, the anti-health-care ads off the air. They had apparently put some $10 million of TV ads on, and they were able to negotiate some type of an agreement. The clarity of how money buys power was obvious to all.

I sit on the Committee on Banking, Finance and Urban Affairs, and it is amazing to me when we get together how many members of the Banking Committee are there to represent not consumers, not ordinary Americans, but the very, very wealthy. If you want to know why things do not happen in this country, if you want to know why the rich get richer and the poor get poorer and the middle-income people get squeezed, why we ignore the needs of the veterans and the most vulnerable people in our society, I would urge the viewers to get the information from the Federal Elections Commission and find out who is buying and selling Members of the United States Congress. Enormous amounts of money are coming in here from very, very wealthy people.

That is why after 50 years of discussion we still do not have a national health care system. That is why workers have virtually no rights at all as our jobs are being taken away from us and taken to the Third World.

So what do we do? What can we do? We know that people throughout this country have already thrown up their hands. They have given up. They feel helpless and they feel hopeless.

I think all I can say is the following: That is, that this Nation has the potential to be an extraordinary nation. We are an intelligent people, we are a hardworking people. But what has gone on for a number of years is that the power has gone away from ordinary people and is now in the hands of the very few, and they are using their wealth, and they are using their power to enrich themselves, and they are ignoring the needs of the vast majority of the people.

So I think clearly that if we are going to make changes in this country, people have got to stand up and fight for their own rights, they have to fight for their kids, they have to fight for their parents.

We could have national health care in this country which guarantees health care to every man, woman and child without out-of-pocket expenses. We could have that. That is not a Utopian vision. That exists in Canada. That exists in one form or another in many countries on Earth.

But we will never have it so long as people do not stand up and fight for health care as a right for all people. So long as the insurance companies are able to dictate what happens in the United States Congress, what we will continue to see is the insurance companies becoming rich, the doctors becoming rich, the drug companies making huge profits, and ordinary people lacking health care that they desperately need.

The way to resolve that is for people to stand together, to come together, to participate in the political process, to tell the candidates that if they are not prepared to stand up and fight for a single-payer national health care system which takes on finally the insurance companies and the drug companies, and the AMA, they are not going to get voted in here.

People have got to stand together. They have got to organize. We can in fact create an economy which creates decent paying jobs for all of our workers. But we are not going to have that unless working people come together and put their eyes on the prize.

We do not have to see automation come in and throw American workers out on the street. Automation ought to be used to improve the lives of ordinary people, not to throw people out on the street and to increase human suffering.

We can have quality college education for all people, but we need to change our priorities. And the American people have got to come forward and stand together and say no, now that the Cold War is over we do not have to spend $260 billion a year on the military, we do not have to spend $100 billion a year defending Europe and Asia against a non-existent enemy. We do not need more nuclear weapons. Let us take some of that money, bring it back home, and put it into education so that we can have the best educational system in the world. We can do that.

Instead of spending so much money on the military, most of which is not needed, we can put that money back home into a jobs program. And I am happy to tell you, Mr. Speaker, that I and other Members of Congress are working on a major $60 billion a year jobs program which will rebuild this country, our physical infrastructure and our human infrastructure and put millions of workers back to work at decent wages doing so.

It is insane that we continue to have millions of workers unemployed while our roads, our sidewalks, our wastewater plants, our sewer systems, our schools, our libraries deteriorate. Let us invest in this country, and let us put our people back to work doing so.

It is absurd that we have unemployed teachers when our educational system is in crisis, when our child care system is totally inadequate. We can employ large numbers of people working with our children and educating our people.

Mr. Speaker, it is not acceptable to me that we continue to see millions of workers working for inadequate, low wages. A minimum wage today at $4.25 an hour is grossly inadequate. It is a poverty wage. The purchasing power of the minimum wage worker has declined significantly in the last 20 years. Let us stand up as a people and say that if you are going to work 40 hours a week you are entitled to a living wage. It makes no sense for people to be working 40 hours a week and finding themselves deeper and deeper in poverty. We must raise the minimum wage. Some of us are supporting legislation which will raise the minimum wage from $4.25 an hour to $5.50 an hour.

Lastly, Mr. Speaker, when we talk about how we can re-empower the American worker, the ordinary people, we must talk about rebuilding the trade union movement in this country. It is amazing to me how many people in this Congress, how many people in the business community keep telling us how terrible unions are, what an awful thing it is that workers come together to stand up for their rights and to be able to negotiate a decent contract.

I always find it amazing that the same people who tell us how bad unions are belong to unions themselves. What is the American Medical Association? It is a union of doctors. What is the American Bar Association? It is a union of lawyers.

□ 2330

What is the American Manufacturers Association? It is a union of manufacturers.

What is the Chamber of Commerce? It is a union of business groups. That is OK.

But when poor people come together, when people who make 5 bucks an hour or 6 bucks an hour come together so that they can approach their employer united and as one rather than one by one, oh, it is a terrible thing; oh, unions are bad.

We need to make sweeping changes in labor law in this country.

Right now, it is very difficult for workers to form a union. Despite the current law, employers very often fire workers who try to organize a union, and 5 years later, the NLRB will slap the owner on the wrist, give him a small fine. In many instances, workers, after enormous effort, are able to bring forth a union, and then they sit down to negotiate a first contract, and the employer refuses to do that.

I will soon be introducing sweeping labor law reform which will grant those workers who want to join a union the right to do so in a fair manner.

But the bottom line of that is that if we are going to improve the standard of living of working people, if we are going to protect our jobs, workers have got to come together. I think rebuilding the trade union movement, bringing forth labor law reform is very, very important.

Let me conclude, Mr. Speaker, by just saying this: I think clearly in this country politically there is a deep sense of demoralization. Poor people, as I mentioned a moment ago, do not bother voting. They no longer believe that the government represents their interests. They understand quite clearly that the government works for the wealthy and the powerful. They do not vote.

Young people, to a large degree, do not vote. They do not see much sense in that either.

I think that if we are to turn around this country, which has such enormous potential, if once again we are to have the highest standard of living, if once again we are to have a vibrant democracy where decisions which affect their lives, then clearly people are going to have to wake up and stand up and fight for their rights.

People did not fight and die throughout the history of this country so that a handful of large corporations and their wealthy owners should make the decisions for all of us. People fought and died for democracy, the right of all people to be able to control their lives, and I hope at this terribly critical juncture in our history that working people and poor people and elderly people and people today who feel disenfranchised, who feel alienated will come together as one to stand up and fight for their dignity, for their rights, for the rights of their kids and their parents.

We are a great Nation. We can in fact provide well for all of people. We can live in dignity, and I would hope that that becomes the goal of the vast majority of the people of this country.

RECESS

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Pursuant to clause 5 of rule I, the Chair declares the House in recess subject to the call of the chair.

Accordingly (at 11 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0014

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GORDON] at 12 o'clock and 14 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4454, LEGISLATIVE BRANCH APPROPRIATIONS BILL FOR FISCAL YEAR 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-532) on the resolution (H. Res. 444) providing for consideration of the bill (H.R. 4454) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT), for today, before 3:20 p.m., on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAYLOR of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of North Carolina, for 5 minutes, today.

Mr. COLLINS of Georgia, for 5 minutes, on May 26.

Mr. BARTLETT of Maryland, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TAYLOR of North Carolina) and to include extraneous matter:)

Mr. SPENCE.
Mr. BLILEY.
Mr. PACKARD.
Mr. WELDON.
Mrs. JOHNSON of Connecticut.
Mr. LEWIS of California.
Mr. FRANKS of New Jersey.
Mr. MOORHEAD.
Mr. BEREUTER.
Mr. ZELIFF.
Mr. THOMAS of California.
Mr. KNOLLENBERG.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. MANN.
Mr. LANTOS in two instances.
Mr. HAMILTON.
Mr. MONTGOMERY.
Mr. REYNOLDS in 17 instances.
Ms. ESHOO.
Mr. KILDEE.
Mr. FRANK of Massachusetts.
Mr. FOGLIETTA.
Mr. DARDEN in two instances.
Mr. VISCLOSKY.
Mr. STARK in three instances.
Mr. FAZIO.
Mr. EVANS.
Mr. CONYERS.
Mr. RICHARDSON.
Mr. MONTGOMERY.
Mr. ENGEL in two instances.
Mr. PALLONE.
Mrs. MEEK of Florida.
Mr. OBERSTAR.
Ms. MARGOLIES-MEZVINSKY.
Ms. HARMAN.

(The following Members (at the request of Mr. SANDERS) and to include extraneous matter:)

Mr. HUTTO.
Mr. BROWN of California.
Mr. HUGHES.
Mr. FLAKE.
Mr. MENENDEZ.
Mr. SANDERS.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MOAKLEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand a division.

On a division (demanded by Mr. WALKER) there were—yeas 4, nays 3.

So the motion was agreed to: accordingly (at 12 o'clock and 15 minutes a.m.), the House adjourned until Thursday, May 26, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

3255. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3256. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3257. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 1994, through March 31, 1994, pursuant to 2 U.S.C. 104a (H. Doc. No. 103-261); to the Committee on House Administration and ordered to be printed.

3258. A letter from the Secretary of the Interior, transmitting a report on certain Small Reclamation Projects Act [SRPA] program applications; to the Committee on Natural Resources.

3259. A letter from the Administrator, Federal Highway Administration, transmitting a status report on fundamental properties of petroleum asphalts and modified asphalts used in highway construction, pursuant to Public Law 102-240, section 6016(e) (105 Stat. 2183); to the Committee on Public Works and Transportation.

3260. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to impose certain fees to fund environmental insurance resolution reform, and for other purposes; to the Committee on Ways and Means.

3261. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to amend the Energy Policy and Conservation Act to manage the strategic petroleum reserve more effectively and for other purposes; jointly, to the Committees on Energy and Commerce, Natural Resources, and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL of Ohio: Committee on Rules. House Resolution 443. Resolution providing for the consideration of the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995 (Rept. 103-530). Referred to the House Calendar.

Mr. HAMILTON: Committee on Foreign Affairs. H.R. 3937. A bill entitled: "The Export Administration Act of 1994"; with amendments (Rept. 103-531 Pt. 1). Ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 444. Resolution providing for consideration of the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-532). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 3937. Referred to the Committees on Armed Services, Judiciary, Public Works and Transportation, Ways and Means and the Permanent Select Committee on Intelligence for a period ending not later than June 17, 1994, for consideration of such provisions contained in the bill and amendment as fall within the respective jurisdictions of those committees pursuant to rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. NORTON:

H.R. 4486. A bill to prohibit any executive branch agency from entering into any service contract if the services procured under the contract can be performed at a lower cost by employees of the agency; to the Committee on Government Operations.

By Ms. NORTON:

H.R. 4487. A bill to require the Director of the Office of Management and Budget to develop and implement a system for determining and reporting the number of individuals employed by non-Federal Government entities providing services under contracts awarded by executive branch agencies; to the Committee on Government Operations.

By Ms. NORTON:

H.R. 4488. A bill to amend the Federal Workforce Restructuring Act of 1994 to provide that the duties performed by individuals separating from Government service in order to receive a voluntary separation incentive payment may not be performed by any person under contract with the United States; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. BROWN of California:

H.R. 4489. A bill to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics and technology, mission support, and inspector general, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. BRYANT:

H.R. 4490. A bill to extend the Administrative Conference of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. CANADY (for himself, Mr. PETE GEREN of Texas, Mr. FROST, Mr. TAUZIN, Mr. HAYES, Mr. SISISKY, Mrs. THURMAN, Mr. TALENT, Mr. DORNAN, Mr. STUMP, Mr. BAKER of California, Mr. LINDER, Mr. DELAY, Mr. OXLEY, Mr. LEVY, Mr. SANTORUM, Mr. POMBO, Mrs. FOWLER, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. SPENCE, Mr. GOSS, Mr. KLUG, Mr. WALKER, Mr. RAMSTAD, Mr. HUTCHINSON, Mr. SCHAEFER, Mr. LIVINGSTON, Mr. SMITH of Texas, Mr. HOEKSTRA, Mr. BILIRAKIS, Mr. INGLIS of South Carolina, Mr. KING, Mr. SAXTON, Mr. EWING, and Mr. MICA):

H.R. 4491. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to identify hardcore juvenile offenders and treat them as adults; to the Committee on Education and Labor.

By Mr. DE LA GARZA (for himself, Mr. JOHNSON of South Dakota, and Mr. COMBEST) (all by request):

H.R. 4492. A bill to extend the authorization for appropriations for the Commodity Futures Trading Commission for 5 fiscal years; to the Committee on Agriculture.

By Mr. MANN:

H.R. 4493. A bill to amend title 11 of the United States Code to limit the value of certain real and personal property that the debtor may elect to exempt under State or local law; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. PETERSON of Florida, Mr. PAYNE of New Jersey, Mr. ENGEL, Mr. FROST, Mr. HOCHBRUECKNER, and Ms. VELÁZQUEZ):

H.R. 4494. A bill to guarantee the provision of minimum child support benefits and to reform the child support enforcement system; jointly, to the Committees on Ways and Means, Energy and Commerce, Banking, Finance and Urban Affairs, Agriculture, and Education and Labor.

By Mr. OBERSTAR (for himself and Mr. LEWIS of Georgia):

H.R. 4495. A bill to amend the Federal Aviation Act of 1958 to prohibit smoking on all scheduled airline flight segments in air transportation or intrastate air transportation; to the Committee on Public Works and Transportation.

By Mr. OBERSTAR:

H.R. 4496. A bill to amend the Surface Transportation Assistance Act of 1982 and title 23, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways; to the Committee on Public Works and Transportation.

By Mr. SCHUMER (for himself, Mr. GINGRICH, Mr. LEWIS of Georgia, and Mr. LEWIS of California):

H.R. 4497. A bill to award a congressional gold medal to Rabbi Menachem Mendel Schneerson; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. MINK of Hawaii (for herself, Mr. ABERCROMBIE, Mr. BECERRA, Mr. CLAY, Mrs. CLAYTON, Ms. COLLINS of Michigan, Mr. DELLUMS, Mr. EDWARDS of California, Mr. ENGEL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. HAMBURG, Mr. HASTINGS, Mr. HINCHEY, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. MARTINEZ, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MFUME, Mr. MINETA, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. RUSH, Mrs. SCHROEDER, Mr. SERRANO, Mr. TOWNS, Mr. UNDERWOOD, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mr. WASHINGTON, Ms. WATERS, Mr. WATT, Ms. WOOLSEY, Mr. WYNN, Mr. YATES, Mr. CONYERS, and Mr. FOGLIETTA):

H.R. 4498. A bill to provide additional assistance to persons receiving aid to families with dependent children who are most likely to use the assistance to end their welfare dependence; jointly, to the Committees on Ways and Means, Education and Labor, Banking, Finance and Urban Affairs, and Agriculture.

By Ms. NORTON:

H.R. 4499. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.J. Res. 370. Joint resolution designating May 25, 1995, as "National Tap Dance Day"; to the Committee on Post Office and Civil Service.

By Mr. FLAKE (for himself, Mr. ACKERMAN, Ms. MCKINNEY, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mr. WATT, Mr. REYNOLDS, Mr. RUSH, Mr. PAYNE of New Jersey, Mr. FORD of Tennessee, Ms. WATERS, Mrs. CLAYTON, Mr. THOMPSON, Mr. HILLIARD, Mr. DIXON, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. MFUME, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. CLYBURN, Mr. BISHOP, Mr. TUCKER, Mr. WYNN, and Mr. JEFFERSON):

H. Con. Res. 252. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to recognize the achievements of Lewis Howard Latimer; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Res. 442. Resolution electing Representative LUCAS of Oklahoma to the Committees on Agriculture and Government Operations; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

399. By the SPEAKER: Memorial of the Senate of the State of Hawaii, relative to unfunded Federal mandates imposed on States; to the Committee on Government Operations.

400. Also, memorial of the Senate of the State of Hawaii, relative to urging the U.S. Government to cease further preemption of State and local powers; jointly, to the Committees on Government Operations and the Judiciary.

401. Also, memorial of the House of Representatives of the State of Hawaii, relative to aliens; to the Committee on the Judiciary.

402. Also, memorial of the House of Representatives of the State of New Hampshire, relative to atomic veterans; to the Committee on Veterans' Affairs.

403. Also, memorial of the Assembly of the State of California, relative to California's missing children; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. TORKILDSEN:

H.R. 4500. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Chrissy*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 692: Mr. HAMBURG.

H.R. 799: Mr. CONDIT.

H.R. 1106: Ms. DELAURO.

H.R. 1543: Mr. CANADY.

H.R. 1551: Mr. JOHNSON of Georgia.

H.R. 1817: Ms. PRYCE of Ohio.

H.R. 1910: Mr. MYERS of Indiana, Ms. DUNN, Mr. CANADY, Mr. ROYCE, and Mr. CONDIT

H.R. 2444: Mr. HASTERT, Mr. SMITH of Michigan, Mr. HOKE, Mr. DUNCAN, Mr. OXLEY, Mr. LEWIS of California, Mr. DREIER, Mrs. ROUKEMA, Ms. PRYCE of Ohio, Mr. POMBO, Mr. EWING, Mr. SKEEN, Mr. BREWSTER, Mrs. VUCANOVICH, Mr. GILCHREST, Mr. SCHIFF, Mr. KYL, Mr. BACHUS of Alabama, and Mr. RAVENEL.

H.R. 2586: Mr. BARRETT of Nebraska and Mr. BLUTE.

H.R. 2607: Mr. TORRES.

H.R. 2710: Mr. DIXON, Mr. FARR, Mr. HILLIARD, Ms. MCKINNEY, Mr. PALLONE, and Ms. VELÁZQUEZ.

H.R. 2803: Mr. EMERSON and Mr. SCHIFF.

H.R. 2866: Ms. NORTON, Mr. PRICE of North Carolina, and Mrs. MORELLA.

H.R. 2957: Mr. KINGSTON.

H.R. 3017: Mr. RICHARDSON.

H.R. 3031: Mr. TALENT and Mr. STEARNS.

H.R. 3087: Mr. LUCAS and Mr. HAMBURG.

H.R. 3283: Mr. FRANKS of New Jersey.

H.R. 3433: Mr. CONDIT, Mr. HORN, and Mr. SARPALIUS.

H.R. 3446: Mr. KYL.

H.R. 3491: Mr. FISH, Mr. LEWIS of California, and Mr. HYDE.

H.R. 3561: Mr. WAXMAN and Ms. COLLINS of Michigan.

H.R. 3584: Mr. BARLOW, Mr. BROWN of Ohio, Mr. CAMP, Mr. MCHALE, Mrs. VUCANOVICH, and Mr. ZELIFF.

H.R. 3646: Mr. COMBEST, Mr. PENNY, Mr. DELAY, Mr. WILLIAMS, Mr. HANSEN, and Mr. JOHNSON of South Dakota.

H.R. 3656: Mr. MEEHAN and Mr. LAZIO.

H.R. 3685: Mr. ZELIFF.

H.R. 3727: Mr. SMITH of New Jersey, Mr. PORTER, and Mrs. MEYERS of Kansas.

H.R. 3765: Mr. WILLIAMS.

H.R. 3785: Mr. TUCKER.

H.R. 3820: Mr. COLLINS of Georgia, Mr. TAUZIN, Ms. NORTON, Mr. COX, Mr. GINGRICH, Mr. GOODLATTE, Ms. MOLINARI, Mr. PAXON, Mr. FRANK of Massachusetts, Mr. JOHNSON of South Dakota, Mr. BISHOP, Mr. CLEMENT, Mr. GENE GREEN of Texas, Mr. FLAKE, Mr. DICKEY, Mr. LAZIO, Mr. WALSH, Mr. BEILENSON, Mr. COSTELLO, Mr. DURBIN, Mr. EDWARDS of California, Mr. HUGHES, Mr. HAYES, Ms. KAPTUR, Mr. KILDEE, Mr. MCCURDY, Mr. MAZZOLI, Mr. MILLER of California, Mr. MORAN, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. SABO, Mr. SCHUMER, Mrs. SCHROEDER, Mr. STUDDS, Ms. WATERS, Mr. WISE, Mr. PENNY, and Mr. SAWYER.

H.R. 3827: Mr. HAMBURG, Ms. VELAZQUEZ, Mr. VENTO, and Mr. GUTIERREZ.

H.R. 3866: Mr. LAFALCE, Mr. KLEIN, Mr. JEFFERSON, Mr. VALENTINE, Mr. FARR, Mr. WATT, Mr. DIAZ-BALART, Mr. MILLER of California, Mr. DEFAZIO, and Mr. ROSE.

H.R. 3900: Mr. PASTOR.

H.R. 3955: Mr. HUTTO and Mr. GILLMOR.

H.R. 3978: Mr. THOMAS of California.

H.R. 4024: Mr. BAESLER.

H.R. 4057: Ms. LAMBERT, Mr. SANGMEISTER, Mr. MCHALE, Mr. DORNAN, Mr. MCHUGH, and Mr. MANN.

H.R. 4095: Mr. DELAY.

H.R. 4096: Mr. SAXTON, Mrs. MEEK of Florida, Mr. BROWDER, Mr. MURPHY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEYERS of Kansas, Mr. BEVILL, Mr. JEFFERSON, Mr. GENE GREEN of Texas, and Mr. CALLAHAN.

H.R. 4135: Mr. KLINK, Mr. KNOLLENBERG, Mr. TRAFICANT, Mr. SHARP, Mr. JACOBS, Ms. LONG, Mr. MCCLOSKEY, Mr. VISCLOSKY, Mr. BURTON of Indiana, Mr. BARRETT of Wisconsin, Mr. PETE GEREN of Texas, Mr. BAKER of California, Mr. PALLONE, Mr. BLILEY, Mr. BRYANT, Mr. RAVENEL, Mr. JOHNSON of South Dakota, Mr. CALVERT, Mr. EDWARDS of California, Mr. WHITTEN, and Mr. MICHEL.

H.R. 4148: Mr. HILLIARD and Mrs. MORELLA.

H.R. 4248: Mr. SHAYS.

H.R. 4326: Mr. HOAGLAND, Mr. ARCHER, Mr. MCCRERY, Mr. SUNDQUIST, and Mr. JACOBS.

H.R. 4350: Mr. HEFLEY.

H.R. 4365: Mr. PETERSON of Minnesota, Mr. DORNAN, Mr. KINGSTON, Mr. TRAFICANT, and Mr. GOSS.

H.R. 4366: Mr. FILNER, Miss. COLLINS of Michigan, Mr. EVANS, Mr. JEFFERSON, Mr. OWENS, and Ms. VELÁZQUEZ.

H.R. 4374: Mr. FRANKS of New Jersey, Mr. BACCHUS of Florida, and Mr. CLEMENT.

H.R. 4392: Mr. FISH.

H.R. 4399: Mrs. MORELLA, Mr. JOHNSON of South Dakota, and Mr. POMEROY.

H.R. 4400: Mr. MCCLOSKEY, Mr. DELLUMS, Mr. FOGLIETTA, and Mr. BILBRAY.

H.R. 4403: Mr. WHEAT.

H.R. 4414: Mrs. LLOYD and Mr. BILBRAY.

H.R. 4473: Mr. LINDER.

H.J. Res. 189: Mr. ROEMER, Mr. CLYBURN, Mr. HUGHES, Mr. BARRETT of Wisconsin, Mr. KING, and Mr. LEVY.

H.J. Res. 327: Mr. HOAGLAND, and Ms. ROYBAL-ALLARD.

H.J. Res. 346: Mr. DELLUMS, Mr. NEAL of Massachusetts, Mr. BEVILL, Mr. BLUTE, Mrs. LLOYD, Mr. RAVENEL, Mr. APPLEGATE, Mr. ENGEL, Mrs. MORELLA, Mr. FROST, Mr. MYERS of Indiana, Mr. BATEMAN, Mr. RAHALL, Mr. KING, Mr. JOHNSON of South Dakota, Mr. WALSH, Mr. KASICH, Mr. UNDERWOOD, Mr. BILIRAKIS, Mr. REYNOLDS, Mr. ORTIZ, Mrs. BYRNE, Mr. EVANS, Mr. WAXMAN, Mr. MCDERMOTT, Mr. GENE GREEN of Texas, Mr. HORN, Mr. FALEOMAVAEGA, Mr. WASHINGTON, Mr. BARRETT of Wisconsin, Mr. MCNULTY, and Mr. LANCASTER.

H. Con. Res. 103: Mr. RICHARDSON.

H. Con. Res. 166: Mr. BAKER of California.

H. Con. Res. 210: Mr. FAWELL.

H. Res. 291: Mr. GOODLATTE and Mr. MCCRERY.

H. Res. 403: Mr. MILLER of Florida, Mr. MOORHEAD, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. MOAKLEY, Mr. SERRANO, Mr. SARPALIUS, Mr. SPRATT, Mr. WASHINGTON, Mr. FLAKE, Mr. EDWARDS of Texas, Mr. MORAN, Mr. MEEHAN, Mr. LANCASTER, Mr. EMERSON, Mr. RAVENEL, Mr. MARTINEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MINETA, Mr. POMEROY, and Ms. SLAUGHTER.

H. Res. 437: Mr. LIGHTFOOT and Mr. EMERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 306: Mr. BOEHNER.

H.R. 3755: Mr. BOEHNER.

H.R. 3790: Mr. GRANDY, Mr. BARRETT of Nebraska, Mrs. MEYERS of Kansas, and Mr. STRICKLAND.

H.J. Res. 327: Mr. BOEHNER.

EXTENSION OF REMARKS

THE INTRODUCTION OF THE NASA AUTHORIZATION ACT FOR FISCAL YEARS 1995 AND 1996

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. BROWN of California. Mr. Speaker, today I am introducing the NASA Authorization Act for fiscal years 1995 and 1996. Over the coming weeks, I hope to move this bill expeditiously through the committee legislative process.

Mr. Speaker, as you know, this is perhaps the most critical year NASA has faced since the cancellation of the Apollo Program. This is the first time since then that the administration has requested a decrease in funding of our Nation's space and aeronautics activities. In addition, within this lower funding envelope, NASA is seeking to continue major programs such as the space shuttle, the space telescope, and the space station.

Since this situation became clear to me, I have worked hard to help ensure that the allocations within the Appropriations Subcommittees provided enough funding to provide an adequate and balanced space program while retaining enough money for the space station. Despite the efforts of many, it is still unclear whether the allocations provide for this.

Therefore I am introducing this bill today to help clarify the true needs of the space program this year. Mindful that some reductions will eventually need to be made, this bill identifies nearly $290 million in program cuts. It also, however, identifies some offsetting actions that cannot only reduce the adverse effects of these reductions, but also provide a path toward a more sustainable space program.

The bottom line is contained in the bill. Any funding level below $14.150 billion will begin to have serious consequences for the space program. Although I will remain open to any proposals, I will need to weigh very carefully whether to continue to support the space station in its present form if the NASA budget falls below that level.

I have made clear that some review of the long-term needs of the space budget will be absolutely necessary during the budget preparations for the fiscal year 1996 budget. I have met with OMB director Leon Panetta and he has agreed to consider this matter seriously.

Whether or not NASA is provided with a more favorable 5-year budget projection, it will be necessary to fundamentally reduce the cost of the space program in future years. I have welcomed many of the actions that have been proposed by NASA Administrator Daniel Goldin in this regard and I am confident that these management reforms will have the desired effect in the future.

However, a recent Congressional Budget Office study entitled "Reinventing NASA" has pointed out that these reforms provide no instant gratification and will take sustained effort to ensure that they achieve cost savings. In the interim, I envision that there may be some real need to restructure NASA's programs along the lines I have suggested in order to provide a bridge to the future.

I would like to include with this statement a description of the bill and its principal provisions. I hope to bring this bill before the House as soon as possible.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEARS 1995, 1996

BACKGROUND

The "Augustine Report" issued in 1990 has generally been acknowledged as the most thorough review of space policy since the Apollo period. One key recommendation of that report is that the budget for the space program should achieve a greater stability and should increase in real terms. Since the issuance of that report, the NASA budget appropriated by Congress has decreased in real terms.

Moreover, the five year budget runout has decreased substantially due to a combination of overall budgetary stress and shifting Administration priorities. For the period 1994–1998, the fiscal year 1994 budget request for NASA required a reduction of $15.7 billion and the fiscal year 1995 request required an additional reduction of $8.1 billion. In short, the NASA budget has enjoyed neither the stability nor the real growth envisioned by the Augustine report.

This authorization bill is intended to define a path for maintaining balance within the space program within the budgetary restraints that have been imposed over the next 2 years. The objective of the bill is to sustain all of the investments that have been made in the space and aeronautics program over the past decade including programs such as the Space Telescope, the Earth Observing System, and the Space Station.

This bill does not, however, provide a long-term solution. Continued decline in Administration budget requests and Congressional Appropriations will result in the need for major programmatic realignment or cancellations in future years.

OVERALL APPROACH

This bill identifies specific areas where budgetary reductions are possible other than the Space Station. It also identifies specific actions that can be taken to offset the adverse effects of such reductions and maintain a healthy and balanced space and aeronautics program.

For fiscal year 1995, the bill identifies $288.6 million in programmatic reductions relative to the request level of $14.3 billion. It also provides for $139 million in offsetting additions. Thus, although a funding level of $14.01 billion may be minimally adequate to maintain the fiscal year 1995 space and aeronautics program without impacting the Space Station, program disruptions and lost investments will occur. A funding level of $14.150 billion will provide for a healthy and balanced space program and more effectively capitalize on past investments.

For fiscal year 1996, the bill provides $14.4 billion, the overall request level. This funding level is still several hundred million below an inflationary increase over the 1995 level. In order to sustain the space and aeronautics program over the long term, the Administration and Congress will need to undertake an in-depth review of NASA's funding requirements during the budget preparation cycle for fiscal year 1996. Specifically, there is a need for an objective assessment of the true savings obtained from the management reforms undertaken as part of the National Performance Review and an assessment of the actual budgetary needs of the ongoing and anticipated programs.

SUMMARY OF MAJOR PROVISIONS OF THE BILL

Some of the major reductions identified in the bill are as follows:

The bill provides for a reduction in the Shuttle flight rate of one mission per year. Continued erosion of NASA's budget in the out years may necessitate an additional reduction in flight rate.

The bill assumes a deletion of one Spacelab mission, MSL–1. It is possible to recover some of the science lost by this action on a series of Spacelab missions and joint activities with the Russians.

The bill eliminates the Mars Surveyor new start. It is anticipated, however, that increased cooperation with the Russian science community may provide for a restructured joint mission.

The bill defers work on an Ocean Color Imager and Altimeter now part of the Earth Observing System. Other potential flight options and mission phasing is possible to counter this deferral.

The Techsat program is held to 1994 levels pending a clearer demonstration of industry cofunding as originally proposed.

The bill provides for a moderate delay in the TDRSS procurement.

The bill provides for a reduction in personnel funding due to the better than anticipated success of the buyout program.

The bill also provides for certain program augmentations and new initiatives as follows:

The bill provides for additional funding for the Global Geospace Science program in order to accommodate the launch delays now anticipated.

The bill provides for a moderate new start on a technology development program directed at advanced launch technologies including SSTO and reusable technologies.

The bill maintains funding for the University Space Engineering Centers which have been proposed for termination.

The bill establishes a new line item for Russian cooperation in science to complement the Russian cooperation in human spaceflight. It is anticipated that the initial focus of this cooperative program will be in Mars exploration and recovery of the science lost with the Mars Observer.

USAID'S PLANS FOR STRENGTHENING WID EFFORTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. HAMILTON. Mr. Speaker, in December 1993, the General Accounting Office released its report on the Agency for International Development's and the Department of State's compliance with the 1973 Percy amendment, section 113 of the Foreign Assistance Act of 1961, as amended. The Percy amendment directed that U.S. foreign assistance efforts focus on integrating women into the economies of developing countries.

On March 16, 1994, I wrote to Administrator Atwood to request that AID report to the committee on how the issues raised in the GAO report were being addressed.

On April 1 and May 16, 1994, Mr. Atwood provided letters responding to my inquiry. In Mr. Atwood's response, he expresses his personal commitment to addressing the issues raised in the GAO report and outlines specific steps which the agency is taking to insure consistent compliance with the Percy amendment.

The correspondence follows:

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, DC, April 1, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 16, 1994 requesting that the Agency for International Development (USAID) report to the Committee on Foreign Affairs on how the issues raised by the General Accounting Office (GAO) on women in development are being addressed.

In my response to findings in the report on USAID's and the Department of State's compliance with the 1973 "Percy Amendment," (Section 113 of the Foreign Assistance Act as amended), I outlined some steps that I will take to strengthen and accelerate the Agency's women-in-development program. These steps are summarized below.

By June 1, 1994, USAID Bureau Assistant Administrators will submit to me plans of action delineating steps to be taken by their Bureaus to address gender issues. The plans for both geographic and central Bureaus will be based on Bureau assessments of gender issues.

USAID will require our overseas missions to integrate gender concerns into country strategies and action plans. I have directed that the geographic Bureaus take the lead in establishing plans by July 1, 1994 for negotiating with Missions deadlines for reaching gender integration benchmarks.

Further, USAID will enhance coordination between the Office of Women in Development and USAID Bureaus to better monitor the integration of gender concerns in Bureau and Mission development strategies. To assist in this process we will assure the timely completion of our program performance monitoring system and will continue to explore ways to strengthen the capacity of this system to monitor women-in-development program performance.

I am taking steps to integrate women-in-development policy objectives into non-project assistance programming by directing that guidance be appropriately incorporated into Agency guidance documents, including USAID Handbook 4.

Finally, USAID will continue to explore and implement ways of providing our program managers with information to monitor women-in-development program performance.

I greatly appreciate your enclosing a copy of the letter of March 1, 1994, which you received from Congresswoman Schroeder and your March 16 response to her. As you state to Congresswoman Schroeder, we are taking steps at USAID to ensure that integration of women-in-development concerns in development assistance is a top priority. I believe our response to GAO reflects this effort.

Sincerely,

J. BRIAN ATWOOD.

TRIBUTE TO HELEN LUSTIG: OUTSTANDING TEACHER AND CITIZEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. LANTOS. Mr. Speaker, I rise today to bring my colleagues' attention to the outstanding achievements of Helen Lustig on the occasion of her retirement from the teaching profession on June 3. Mrs. Lustig has distinguished herself in the city of San Francisco as outstanding teacher and active community member for over 40 years.

A mother of three and a grandmother to be in July, Mrs. Lustig has touched the lives of hundreds of young people as a teacher, as a friend, and as a mentor. She has been an outstanding, positive influence on the children who have been lucky enough to attend her classes. Her impact has been all the more significant given her dedication to working among San Francisco's most disadvantaged children.

Her tireless devotion to educating the children of San Francisco will be sorely missed. We can find comfort, however, in her continued contributions to the good of the community.

Helen Lustig's dedication to education extends beyond the classroom. She is currently a docent with the San Francisco Zoo and active with its special events council. Additionally, she has always found time to help the fundraising efforts of the City of Hope Hospital and the Peninsula Humane Society.

I extend my most sincere gratitude and admiration to Helen Lustig and wish her a full and happy retirement. We all are grateful for her contribution to the future of those young people and the country. Helen Lustig has spent a full life giving the most valuable gift of all—education.

Mr. Speaker, I invite my colleagues to join me in honoring the teaching profession and one of its greatest practitioners, Mrs. Helen Lustig.

THE ABOLITION OF BANKRUPTCY HAVENS AMENDMENTS OF 1994

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. MANN. Mr. Speaker, today I am introducing legislation to address an inequity in our bankruptcy laws that allows wealthy individuals to wipe away all of their debts and at the same time keep their mansions, expensive jewelry, and thoroughbred horse collections.

The problem with our Bankruptcy Code is that a small number of States abuse the power of States to set the value of the homestead exemption for individuals who file for bankruptcy. The homestead exemption is the value in home equity that a debtor may exclude from bankruptcy proceedings. In the State of Florida a person can exclude his or her residence including up to 160 acres of realty no matter what the value. In Texas up to 200 acres plus a dwelling on the land is placed beyond the reach of creditors, again even if the property is worth millions. In Ohio, by contrast, the limit is $5,000.

The unlimited exclusions in Florida and Texas make these two States havens for debtors. Debtors can buy million dollar estates and get absolution for all their other debts. A favorite trick of wealthy debtors is to establish residency in Florida or Texas and then declare bankruptcy. Meanwhile, middle-class Americans work hard to pay their bills and pay higher prices for merchandise in order to make up for the debts not paid by the millionaires living in their mansions in the few States that make a mockery of our bankruptcy system.

In November, the program "60 Minutes" reported on three cases in Florida. One involved Marvin Warner, a former Cincinnati resident, who was convicted and served time in jail because of his involvement in the savings and loan debacle in the 1980's. Warner established his residency in Florida in 1985, paid $3½ million in cash for a 400-acre horse farm and a collection of thoroughbred horses, and then filed for bankruptcy in 1987. Because he was in Florida he was able to keep his farm and his horses and be absolved from more than $70 million in debt.

The same "60 Minutes" episode interviewed a Florida bankruptcy attorney who said he gets five calls a week from lawyers around the country who are forum shopping for their clients with money they want to shelter. And they can shelter the money by pouring it into a residence in a State with an absurdly high homestead exemption and filing for bankruptcy there.

Mr. Speaker, the bill I am introducing today adds a fair but necessary provision to the Federal Bankruptcy Code. The Abolition of Bankruptcy Havens Amendments of 1994 establishes a cap on the State homestead exemption. The cap is a reasonable $50,000. This is more than is allowable under current law in more than two-thirds of our States. This is not a bill meant to benefit creditors alone. This is a bill that is meant to provide a fair playing field for all Americans so that the machine tool builder in Cincinnati and the executive who gets rich on Wall Street and then moves to

Florida are both expected to pay their bills. This is an anti-deadbeat bill. I encourage your support for the legislation.

THE TIDE IS CHANGING

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. PACKARD. Mr. Speaker, soon we will welcome a new Republican Member from Kentucky into the House.

The election of RON LEWIS signals a sea change that is taking place in this country. His election to the House from a district held by Democrats since the Civil War sends an unmistakable message to President Clinton and the Democrats in the House: The people are not buying it.

They don't buy that big Government, and big Government spending are the solutions to the problems we face in this country.

The people are not buying the ultraliberal policies cloaked in moderate rhetoric that the President sells in his constant campaign mode.

And in particular, in the Second Congressional District of Kentucky, the people didn't buy into the idea that they should send another Democrat to Washington to be a foot soldier for the Clinton agenda.

The people voted for energized leadership and for change, and they voted Republican. The election of RON LEWIS is the beginning of the 1994 thaw of the ice age of Democrats who have controlled Congress since 1954. November 1994 will be a Republican avalanche.

TRIBUTE TO FRANCES LOUISE "LU" PARKER, MISS U.S.A. 1994

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. SPENCE. Mr. Speaker, it is a pleasure for me to recognize Frances Louise "Lu" Parker, Miss U.S.A. 1994, who represented the United States in the Miss Universe Pageant, in Manila, on May 20. Lu grew up in Estill, SC, in the Second Congressional District, which I have the honor to represent. She is the third South Carolinian to win the Miss U.S.A. title.

A graduate of the college of Charleston, Lu received a master of arts degree in teaching English from The Citadel. She is a ninth grade English literature teacher at North Charleston High School.

As an educator, Lu possesses a keen awareness of the needs of students and teachers. She plans to focus on education policy during her reign as Miss U.S.A. Also,. due to her involvement with teenagers in crisis, Lu has established a nonprofit organization, Helping All Teens Survive [HATS] International, to promote self-esteem and self-responsibility in teenagers.

Lu Parker is an outstanding young lady, who exemplifies the best that our country has to offer. It is a privilege for me to pay tribute to this fine South Carolinian. She has my best wishes for a reign that is filled with joy and marked by achievement.

U.S. COURT OF APPEALS DECISION—BLILEY VERSUS KELLY

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. BLILEY. Mr. Speaker, on May 20, the U.S. Court of Appeals in Bliley versus Kelly concluded that Congress must have a full 30-day review period within which to consider legislation passed by the District of Columbia government or voters.

In February 1992, Congressmen LARRY COMBEST, DANA ROHRABACHER, Bill Lowery, and I, sued the ranking officials of the District of Columbia city government regarding the legal status of the Assault Weapon Manufacturing Strict Liability Act of 1990. We have always maintained that the lawsuit was not about guns, but about the relationship between the District of Columbia and the U.S. Congress. I am pleased to announce that our position has been vindicated.

Without reciting the entire history of this case, allow me to summarize by stating that in October 1991, the D.C. Corporation Counsel advised me that "Congress no longer has authority under the Self-Government Act to prevent the Strict Liability Act from becoming law by passing a joint resolution of disapproval." My colleagues and I could not accept the implications of this opinion which, if upheld, would have allowed the District to avoid full congressional review. In February 1992, we sued the District of Columbia.

In court, the D.C. Corporation Counsel subsequently argued that the law went into effect on or about December 26, 1991 upon the expiration of the temporary repealer or, alternatively, on March 6, 1991 as the D.C. Court of Appeals held in the Atkinson decision. The U.S. Court of Appeals rejected all of these arguments and found that it was the congressional review period, not the act, which has been suspended. The court has affirmed our fundamental argument in the case that Congress must have a full 30-legislative-day review period after the local legislative process is exhausted.

While Congress may be able to follow this marker in the future, at the time, the Republican members faced the opposition of the erroneous Corporation Counsel opinion. Ironically, as the new 30-day review period ticked away, we had to seek outside legal assistance to vindicate our rights as Members of Congress. We filed suit against the District on February 19, 1992, not knowing that the U.S. Court of Appeals would determine that the new 30-day review period in which Congress may have passed a resolution of disapproval, had not yet expired.

It is also important for Members to know that the court also upheld our right to review an act before it becomes law and to use the government of the District of Columbia.

In time, this lawsuit may prove to be an important footnote to the history of the Nation's Capital. But I believe, it is important to the history of the House of Representatives as well. Before any lawsuit was filed, the chairman of the Committee on the District of Columbia and I wrote to the Speaker, requesting a review of the Corporation Counsel's opinion and support for protecting the rights of Congress which was the real issue at stake. A bipartisan group of House Members, including the chairman of the Committee on Energy, also wrote to the Speaker with a similar request. But we did not receive the support we needed.

It is popular to talk about reforming Congress. Here is a real example of one important matter which should be addressed. When the rights of Congress are at stake, it should not be left to just a few individuals to protect those institutional rights. Without our lawsuit and appeal, Congress would have given up its future right to review simply through default. That would not have been right. That would not have been good for this institution. The executive branch obviously has tremendous resources to draw upon when its authority is threatened. Even the District of Columbia has substantial resources to call upon when its interests are at stake. This lawsuit presents an opportunity to ask ourselves, how will the interests of the House of Representatives be protected in the future?

IN HONOR OF VIRGINIA STEINEL JACOBSEN, KAREN BRAVERMAN, AND ANTONIA BAUMANDER FOR THEIR WORK AS EDUCATORS AND ROLE MODELS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Virginia Steinel Jacobsen, Karen Braverman, and Antonia Baumander on the day of their retirement from the staff of Emerson High School in Union City, NJ. As educators they have worked long and hard to prepare our young adults for the professional and personal challenges that lie ahead.

Educators are like sculptors, but rather than molding a piece of clay, they handcraft the future of our Nation. They instill respect, confidence, and a love of learning in our children. Today I wish to take note of three exceptional individuals who have each made contributions to Emerson High School in unique ways.

Karen Braverman has served as a teacher for 26 years—the last 23 years at Emerson. As a science teacher, she has distinguished herself. In 1980, she won teacher of the year honors. Her area of special interest is microbiology and I need tell no one here the challenge that sort of curriculum presents to a teacher. Mrs. Braverman has a talent for bringing the wonder of science to life for young adults. In the midst of her hectic teaching schedule, she still found time to coach the varsity tennis team from 1973 through 1979.

Virginia Steinel Jacobsen has spent the last 20 years in the Union City school system, the last 10 years as Assistant Administrator of the Federal lunch program and as a clerk. I take particular pride in Virginia's accomplishments,

because of my close relationship to her. She is my mother-in-law. Virginia raised four wonderful children, including my wife, and has been a wonderful role model for my two children. I can personally attest to her love for and dedication to children.

Antonia "Toni" Baumander has dedicated the last 10 years of her life to working as Emerson's nurse. Any time a student became ill they went to see Mrs. Baumander, who was always there to dole out sound medical advice. She diligently oversaw the health of Emerson's students. Prior to her work at Emerson, she served at a variety of hospitals and even served at Lackland Air Force Base in San Antonio, TX, during the Korean war.

The residents of Union City owe a great debt to Mrs. Virginia Steinel Jacobsen, Mrs. Antonia Baumander, and Mrs. Karen Braverman for their years of service to the community. These three women have made significant contributions to our educational system and they deserve our praise and our special thanks on the day of their retirement.

A BASEBALL HERO FROM MARCUS HOOK, PA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. WELDON. Mr. Speaker, I rise today to honor Mickey Vernon, one of the favorite sons of my hometown of Marcus Hook, PA. Mickey was one of the baseball's greatest first basemen of all-time, and this week he will serve as the grand marshal of the Marcus Hook Memorial Day Parade.

Mickey played 21 years in the big leagues, 13 of those right here in our Nation's Capital where he played at Griffith Stadium for the Washington Senators. He was a slick-fielding lefthanded first baseman with a short, compact lefty swing, and he was a fixture in the middle of the Senators' lineup throughout the forties and early fifties.

In 1946, Mickey won the first of his two American League batting titles, hitting 0.353 while banging out a league-leading 51 doubles and knocking in 85 runs. He won a second Silver Bat in 1953, when he again lead the league with a 0.337 average and 43 doubles. That year, he also swatted 15 home runs and drove in a career-best 115 runs.

For his career, Mickey batted 0.286, drove in 1,311 runs, and hit 490 doubles. He played in seven All-Star games, and held career records for first basemen in assists, put-outs, chances, and games played, 2,237. He was durable and consistent, playing 115 or more games for 14 straight years.

This kind of day-in, day-out production is all the more remarkable when one considers how baseball of the 1940's and 1950's differed from the baseball of today. Mickey Vernon and his teammates rode for hours on end in cramped trains, not in luxury charter airplanes. They played games in the white heat of the scorching summer sun, not under the cool evening skies. They wore heavy wool uniforms, not light double knits.

When Mickey played, there were only 16 teams in 2 leagues. There were few slots open for major leaguers, and each player no matter how good had to prove himself every spring. Few ballplayers in those days had the luxury of rich multiyear contracts.

Typical of many ballplayers of his era, Mickey lost 2 years of his career, 1944–45, because he answered his country's call to service during World War II. We can only imagine what Mickey's lifetime totals would have been had he played those two seasons in the prime of his career.

Through it all, Mickey Vernon was a dogged competitor and a true gentleman. When his playing and managing days were over, after he had plied his trade for the Senators and the Red Sox and the Indians, Mickey Vernon came home to his roots. He came back to Delaware County, PA. Today he is 76 years old, and he still lives in Nether Providence, just a few miles from Marcus Hook.

It is fitting that this Memorial Day marks the beginning of a new push to have Mickey Vernon inducted into the Baseball Hall of Fame in Cooperstown, NY. Local baseball fans have organized a "Mickey Vernon for the Hall of Fame Committee." The committee has organized a petition drive to have the Hall of Fame Veterans Committee give Mickey his rightful place among the all-time greats of the game. I will do all I can to assist in this worthy effort.

Mickey Vernon is a hero in my hometown. Marcus Hook is a close-knit, working-class town on the Delaware River. The people of Marcus Hook have community spirit and family pride, and many bonds still tie us together. One of those bonds is our great pride in the career and achievements of our friend Mickey Vernon. Even today, more than 30 years after his retirement, kids in Marcus Hook still play ball in the Mickey Vernon Little League.

Thanks to Mickey Vernon, our hometown has a cherished place in the grand history of America's game. Few towns in America can claim to be birthplace of a genuine baseball hero, and the people of Marcus Hook are very proud to call Mickey Vernon one of our own.

TRIBUTE TO SAM B. HALL, JR.

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. HUGHES. Mr. Speaker, today we pay tribute to our former colleague, Representative Sam B. Hall, Jr., who served in this House from 1977 until 1985.

Sam was a man of integrity who well represented his constituents from the First District of Texas. As my seat-mate on the Judiciary Committee, Sam and I worked closely on many issues. Sam always worked with a smile and was very pleasant to everyone who came in contact with him. Indeed, he was a fine lawyer, an outstanding legislator, and a good friend.

In addition to serving this House, and his district, Sam well served this country. After his service in Congress, he was appointed as a U.S. district judge for the eastern district of Texas where he served with distinction. His dedication to the bench earned him deep respect and admiration from many of his colleagues.

As we take this moment to remember our former colleague, Sam Hall, I would like to extend my deepest sympathy to his wife, Madeline, and the rest of his family. Sam's death is a loss to all of us and we will miss him.

INTRODUCTION OF A RESOLUTION EXPRESSING THE SENSE OF CONGRESS THAT THE U.S. POSTAL SERVICE SHOULD ISSUE A STAMP COMMEMORATING LEWIS HOWARD LATIMER

HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FLAKE. Mr. Speaker, today I am introducing, along with many of my colleagues in the Congressional Black Caucus, and with the support of the New York congressional delegation, a resolution expressing the sense of Congress that the U.S. Postal Service should issue a stamp commemorating Lewis Howard Latimer. The time has come to recognize the contributions of Lewis Howard Latimer—(1848–1928)—a leading black inventor, a scientist, a civic leader, and a resident of New York City. A U.S. postage stamp issued to honor this very distinguished individual would draw attention to one whose life embodied the spirit and essence of America and offer a role model to people of all backgrounds.

Latimer's scientific accomplishments include a long-lasting carbon filament for Thomas Edison's light bulb which made commercial lighting feasible, drawings for Alexander Bell's telephone patent, and the installation of some of the earliest outdoor electrical lighting systems in such cities as Philadelphia, New York, and Montreal. In addition, he wrote the first book concerning the revolutionary electric lighting of Thomas Edison to be published in America.

Latimer was an artist, poet, and humanist who believed in the value of intellectual improvement, hard work, and in the opportunities America offered to everyone. As the child of former slaves, Latimer believed in civil liberties for all and had a long friendship with such notable civil rights leaders as Frederick Douglas.

A stamp issued to honor Lewis Latimer would commemorate the achievement of this pioneering African-American inventor and humanist who was a pivotal figure in the race to develop electric lighting and overcome racial intolerance. A U.S. postage stamp would stimulate interest in this multitalented individual and offer his achievements as a role model to today's youth.

HONORING DR. DAVID COCKCROFT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. ENGEL. Mr. Speaker, I would like to take this opportunity to recognize the service to his neighbors that has been made by Dr. David Cockcroft, who is being honored this

week as Riverdalian of the Year by the Riverdale Community Council.

Later this year, Dr. Cockcroft will retire from the pastorate at the Riverdale Presbyterian Church after serving for 26 years. During that time, he has performed countless good deeds on behalf of all the people of the community. The support and dedication he has given to individuals and to neighborhood associations has endeared him to the community. Whether he is working to maintain clean parks, comforting people with AIDS, or performing his religious duties, David Cockcroft is fully committed to the task at hand.

As he describes it, David Cockcroft is retiring from the pastorage but not from life. That is why I am sure he will continue to be a positive force in the Riverdale community, where he has already touched so many lives. I thank him on behalf of my constituents and extend my personal best wishes.

PLAYING FAST AND LOOSE WITH BUILDING HEIGHTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. STARK. Mr. Speaker, as chairman of the House Committee on the District of Columbia, I am responsible for protecting the Federal interest in the city. That responsibility includes safeguarding Washington's unique skyline by ensuring that the letter and intent of Congress' Height of Buildings Act of 1910 is not circumvented.

Last month, Representative BILEY, the committee's ranking member, and I introduced legislation—H.R. 4242—to block a proposed GW/WETA building at 21st and H Streets, NW., because it would violate the Height Act. We felt compelled to act after it became apparent that city officials and developers are playing fast and loose with the height limits. Creeping administrative actions—in the form of zoning decisions, regulatory interpretations, and minor violations ignored by enforcing authorities—are chipping away, inch by inch, at the Federal height restrictions.

Mr. Speaker, I do not take lightly Federal intervention in local matters. Such action should occur only when there is a clear conflict with the U.S. Constitution, the Home Rule Act, or the Federal interest. However, when the grounds for involvement are evident, the substance of the issue should be explored rigorously. I have no interest in intervening with the District's zoning decisions, but they must stay within the clearly defined Federal interest protected by the Height Act.

The purpose, language, and intent of the Height Act are clear. However, as the case history illustrates, there are some who feel compelled to create ambiguities where none exist and loopholes where none were intended.

On April 26, the committee held a day-long hearing on the subject. Fifteen witnesses appeared, representing the National Capital Planning Commission, the D.C. government, opponents of Height Act manipulation, and GW/WETA representatives.

The history of this project reads like a primer in how to manipulate the system. Unfortunately, it is indicative of a pattern of abusing and weakening the Height Act. The facts and chronology are clear; the conclusions are obvious. This is about more than just a specific building; it is about a pattern of abuse and the co-opting of a public trust. A brief summary for context is helpful.

In June 1993, GW/WETA applied to construct a building 116.5 feet tall in a location with a Height Act limit of 110 feet. The building's proponents thought it would fit into a loophole their attorneys had recently devised and sold to complacent District zoning officials.

The District government acknowledges that they didn't know the building violated the statute until the matter was raised by the building's opponents—20 months after the applicant's first meeting with the District. Whether it was the opponent's disclosures, or just too big a loophole to accept, on the Wednesday before Thanksgiving, the District's zoning administrator advised the Zoning Commission that the GW/WETA building was in violation of the Height Act and should not be approved as submitted.

The proponents did to change the height, design, or look of the building.

Over that Thanksgiving weekend, the proponents met privately with various District zoning officials and on Monday submitted the identical building with new lines on the old plans. There was now a solid studio roof in place of the effective ceiling. The space above the new roof was relabeled "mechanical penthouse."

No details about the new roof or penthouse were required or requested. The revised plans were accepted by the Zoning Commission even though the building's height remained unchanged, and the newly designated penthouse raised several issues under both the Height Act and District's zoning regulations. Furthermore, the Zoning Commission denied the opponents' repeated requests for further cross-examination about the revised plan, a clear denial of due process.

Earlier this year the NCPC reviewed this project and advised the city that the proposed building was not adverse to the Federal interest. Subsequent to that meeting, I discovered that there was significant and material information relative to this case that was not presented to the NCPC prior to its deliberation and vote.

At the committee's hearing on the building, the proponents argued that the building was always 110 feet tall—"116.5 feet" was a mistake, a typographical error. The documents and architectural drawings that contained and repeated that "typo" included: the applicant's "Notice of Intent to File," (June 3, 1993) and "Filing;" (June 16, 1993), the DC. Zoning Commission's Notice of Receipt of Filing (July 20, 1993) and "Notice of Public Hearing" (September 1, 1993), and the DC Office of Planning's "Preliminary Report" (July 23, 1993), "Final Report" (October 14, 1993), and "Summary Abstract" (December 9, 1993). This incredulous "typo" argument raises to absurdity the parties' contention that everyone was always sensitive to the Height Act and constantly checked and rechecked for compliance.

It is clear from the committee's hearing that city officials are confused about their responsibilities and authority under the Height Act. For example, even though the law has no waiver provision, city zoning regulators routinely authorize waivers of the Height Act requirement that penthouses be set back from exterior walls. They explain that the same term "exterior wall", means one thing under the Height Act and something quite different under DC regulations. When the corporation counsel's office was asked why they had deferred to the zoning administrator on a matter of legal interpretation and precedent under the Height Act, an assistant corporation counsel flatly and wrongly stated that his office was not responsible for enforcing the act. When District officials were asked for citations for the authority and precedents they were using in reaching these decisions, they could not come up with any.

Regrettably, Mr. Speaker, the GW/WETA building is not an isolated case. It is but one example in a pattern of inattention to enforcement of the height limits enacted by Congress. Here are some recent shenanigans.

Under the Height Act, a building's height is determined from the widest street on which it fronts. Sounds simple enough, but creative contrivances have violated horizontal as well as vertical planes. The building at 1200 G Street, NW. only fronts on G Street, yet it takes its height from the Homer Building on the wider 13th Street because of a flimsy composition board walkway connecting the back of these two buildings. The city accepted the walkway as making the two structures one. 1615 L Street, NW. takes its height from 1125 16th Street. What makes these two buildings count as one? They abut, but the only connection between the two are four sealed windows on the sixth floor.

The city will even accept a razed building as the basis for exceeding the height limit. 1310 G Street, NW. fronts only on G Street, but was authorized to the higher 13th Street limit because it was to connect to the Columbia Savings and Loan Building at the corner of G and 13th Streets. Before the construction could occur, the Columbia Savings and Loan Building was torn down—all there is now is a parking lot. No problem for 1310 G, it can still build to the height and would have been allowed if the building were still standing. But that is not the best part, Mr. Speaker. The owner of what would become 1328 G Street has joined as one tax lot with the owner of 1310; and because they will be "connected," 1328 G is asserting that it, too, is entitled to the same height as the nonexistent building. The saddest part of all, Mr. Speaker, as evidenced by a 1991 memorandum from the City's director of planning, is that the District has bought into this nonsense and abuse of the Federal interest.

The Height Act clearly states that a building's height is to be measured from the street, but zoning officials agreed to Station Place, 2d and H, NW., developer's request to measure from an overpass. Only after the Fine Arts Commission objected and the recent congressional attention to the GW/WETA proposal did the zoning administrator decide to put a hold on the approval.

These are not all the examples, just a sampling which clearly indicates there are some

real problems with developers, lawyers, and District officials who are willing collaborators in efforts to circumvent the Federal Height Act. Just this week, NCPC staff discovered that George Washington University and their zoning pit bulls, Wilkes, Artis, Hedrick & Lane, are at it again. They are proposing a new building which violates the Height Act limit and support their request to the District for an exemption with such arguments as: A penthouse over an elevator is not an elevator penthouse; a penthouse containing mechanical equipment is not subject to the restrictions on a mechanical equipment penthouse; and a stairway tower, although not exempt from the Height Act limit, should be.

I have introduced legislation, H.R. 4243, which would confirm the intent of Congress regarding the application of the Height Limits Act to buildings in the District of Columbia, and I intend to pursue it vigorously through to enactment. The bill defines exterior walls, streets, and roofs in plain English. It is simple enough that even lawyers, developers, and zoning officials will understand what is legal and what is not.

But the fact that aspects of the law need to be changed does not excuse the failure to abide by current law. I oppose the GW/WETA building because it violates the 1910 Height Act. It is too tall! My intent is not to reinterpret the rules retroactively; I am not modifying my total commitment to home rule, and I enthusiastically support the goal of WETA moving into the District. I want more businesses to move into the city. No one, however, is above the law. Unfortunately, local law firms and the District have abused a Federal statute with clear language and intent. My objective is to see that such abuse stops immediately.

The GW/WETA case is likely to end up in court. I believe that when the dust settles, both the judicial and legislative bodies with authority on this matter will decide that this building, and the process by which it was approved, are flawed.

TRIBUTE TO JONATHAN ROBERTS AND RITA KULL

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. DARDEN. Mr. Speaker, I rise today to recognize two of my fellow citizens from Cobb County, GA, who helped save the life of another human being recently.

One of them, 15-year-old Jonathan Roberts, used the training he learned in the Boy Scouts to save the life of an injured motorist. The other concerned citizen, Mrs. Rita Kull, came to his aid.

Jonathan was riding his bicycle to visit a friend last month when he witnessed an automobile accident. Rushing to the scene quickly, Jonathan found the driver, Matthew Lee Ruff, lying nearby with blood pouring from his forehead. In a report in the Marietta Daily Journal, Mr. Ruff said he thought he was going to die.

Jonathan, remembering the training he had gotten in the Boy Scouts, immediately applied pressure with his bare hands to Mr. Ruff's forehead to help slow down the bleeding. And just as importantly, Mr. Ruff said, his young rescuer calmed him when he thought his life was over.

Mrs. Kull, who saw the accident, also stopped to help Mr. Ruff while Jonathan rode his bike to a nearby house to ask someone to call 911.

Cobb County firefighters arrived on the scene quickly and took Mr. Ruff to Kennestone Hospital in Marietta. I am very pleased to report that Mr. Ruff was later released and is recovering from his injuries.

Mr. Speaker, I am sure all of my colleagues in this body join me in saluting Jonathan Roberts and Rita Kull for their unselfish regard for others. This kind of action demonstrates that caring for the well-being of others, even perfect strangers, is what makes a community worth living in.

TRIBUTE TO BOB PASTOR

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. VISCLOSKY. Mr. Speaker, I rise today to call your attention to Mr. Bob Pastor, a distinguished resident of the First Congressional District in Indiana. Following a 45-year contribution to the steel industry, Bob will be celebrating his retirement from National Steel, Midwest Division on Friday, May 27, 1994, at McBride Hall, in Gary, IN.

Bob began his career with the steel industry in 1949 at U.S. Steel in Donora, PA. He interrupted his employment in 1953 to serve in the U.S. Army, and after an honorable discharge in 1955, returned to U.S. Steel in Donora to work as a bricklayer.

The 1959 shut down of the U.S. Steel plant in Donora prompted Bob to relocate to Northwest Indiana. In 1961, Bob embarked on what turned out to be an illustrious 33-year commitment to the Midwest Division of National Steel in Portage, IN. Upon his arrival at Midwest, Bob became active in the United Steelworkers of America, serving on various local union committees, administrative offices, and finally as local union president. Bob served six consecutive terms as president of local union 6103, before retiring on April 22, 1994.

Bob's dedication to the Northwest Indiana community, and to the labor movement in general, is evidenced by his continued involvement in local organizations. He currently holds the position of vice president with the Indiana State AFL–CIO, and serves as an officer of the Northwest Indiana Federation of Labor AFL–CIO.

Mr. Speaker, I ask you and my colleagues to join me in saluting this man who has proven to be an outstanding citizen and exceptional role model for young men and women who aspire to similar greatness.

COMMEMORATING THE RESTORATION OF THE CLOVER SCHOOL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FAZIO. Mr. Speaker, I rise today to commemorate the restoration of the Clover School in Esparto, CA.

According to Gregory's History Book, published in 1913, the Clover School dates back to 1868 when it was built on the land donated by the Knight family of Yolo. The school is believed to be named after the burr clover—a wild grass that grew in great abundance throughout the area. Apparently the clover was so thick that cows were brought in to graze and thin out the clover before plowing could take place.

The one-room schoolhouse operated from 1870 until 1962. Class sizes generally ranged from 12 to 30 students and included all 8 grades supervised by 1 teacher. It is interesting, to note that Anne Ehrhardt Rominger, the mother of Richard Rominger, U.S. Deputy Director of Agriculture, taught at Clover School in 1921 and 1922.

In 1917, during World War I, the first outdoor flag pole was erected on the grounds in front of the school by school trustees to increase patriotism. Today a flag that has flown over the U.S. Capitol flys proudly over the newly restored school.

The school was abandoned in the early 1960's and was absorbed by the Esparto School District. The property reverted back to the Knight family heirs and is owned by Joel and Tom Diaz. Mrs. Diaz's grandmother, Edith Heidrick, attended Clover School and has been responsible for its restoration.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in commemorating the restoration of the Clover School in Esparto, CA.

THE 50TH ANNIVERSARY OF THE ILLINOIS MARINE CORPS LEAGUE

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. EVANS. Mr. Speaker, this year marks the 50th anniversary of the State of Illinois Marine Corps League.

As a former marine, I fully support the league's mission of promoting a lifelong interest in the Marine Corps. One of the reasons for the corps' 400 year old success story has been the undiminished support of marines of all ages. The Illinois chapter has ably sustained this tradition, counting over 1,700 marines statewide as members.

I can speak from my own experiences, as a member of East Moline's Lincoln Detachment, that the Illinois League performs the kinds of services that strengthen our Nation's support for the Marine Corps. The detachment runs a number of programs that reach every part of the community. Through its Veterans Volunteer Program, Lincoln Detachment members

donate their time at veterans hospitals and nursing homes in the area. The detachment also promotes citizenship, running its Americanism Resume Program in area junior high schools. And every December, its Toys-for-Tots Program ensures that the needy children of our area have a Christmas. The Lincoln Detachment was founded in 1986, but it has already made its mark on the community.

From the level of activity and the proud traditions being carried on by its members, I know that 50 years from now we will be celebrating the 100th anniversary of the Illinois league. So to my fellow marines in the Lincoln Detachment, and to the marines in the Illinois Marine Corps League, happy anniversary, and, as always, Semper Fi.

HONORING LARRY WILTSE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise before my esteemed colleagues in the U.S. House of Representatives to pay tribute to a remarkable educator and outstanding athlete and coach, Larry Wiltse, who is retiring after 30 years of exemplary service to the Kearsley School District. The students of Kearsley High School will show their admiration and gratitude for Mr. Wiltse by designating May 25, 1994 as "Larry Wiltse Day."

Mr. Wiltse graduated from Kearsley High School in 1959, where he was captain of both the cross country and track teams as well as the senior class treasurer. His highly successful coaching career began in 1961 when he lead the Flint Junior College cross-country team to the National Championships in New York. He also led St. John Vianney to the Parochial Track Championship in 1962. Mr. Wiltse continued coaching junior high track and basketball in Marquette, MI, while obtaining his Bachelor's degree from Northern Michigan University. He went on to receive his Master's degree from Central Michigan University, after which he returned to his high school alma mater to begin his long and distinguished career teaching and coaching.

Mr. Wiltse has been an assistant and head coach to both the track and cross-country team at Kearsley High School. From 1965–1984, Kearsley High School's cross-country record has been remarkable thanks to the outstanding effort and devotion of Mr. Wiltse. Under his guidance, the teams have garnered 10 conference championships, 9 regional championships, 4 State Class A championships, and 10 All-State runners. In fact, 14 out of the past 17 years Mr. Wiltse's teams have finished in the top 10 at the State Class A Track Meet.

Mr. Wiltse has worn a number of hats in his career as an educator. At different times, he has served the Kearsley School District as an elementary, junior high, and high school teacher. He was also the community school director at Paro Educational Center. Mr. Wiltse is capping his long and distinguished career with 8 years of service as the principal of Kearsley High School. Throughout his career, Mr. Wiltse has earned the respect and admiration of students, parents, and fellow educators alike.

Mr. Wiltse's commitment to his students and his community has been recognized by numerous organizations. In 1972, he received the "All Sports" Flint Area Coach of the Year. He has also been a recipient of the Bruin Club Award. In addition, he has been nominated the Michigan Cross-Country Coach of the Year five times and has won the award a remarkable three times. Mr. Wiltse is also a dedicated volunteer, who for over 20 years has been a Special Olympics advocate. In 1988, he was selected to be the State of Michigan Special Olympics track coach in Lake Placid, NY and at the International Special Olympics in Baton Rouge, LA. His contributions to the community also include organizing Kearsley's Christmas charity auction.

As a respected community leader and educator, Mr. Wiltse has been the guest speaker at the State Conference of North Central and the Michigan Association of Secondary School Principals. He has also been the keynote speaker at numerous sports banquets around the State. Despite his busy schedule, Mr. Wiltse is a member of many professional organizations, including the Kearsley, MI, and National Education Associations and the Michigan and National Associations of Secondary School Principals. He is also an associate member of the Fraternal Order of Police.

Mr. Speaker, as a former schoolteacher, it is indeed an honor and a pleasure for me to rise before you today to pay tribute to a man that has given so much of himself for the past 30 years. Although Larry Wiltse is retiring from the Kearsley Schools, I know he will continue to remain a force for positive influence in our community. I urge my colleagues to join me in wishing Mr. Wiltse a fruitful and prosperous retirement.

TRIBUTE TO NATIONAL TAP DANCE DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. CONYERS. Mr. Speaker, tap dancing is widely recognized as America's only original form of dance, yet for years it has been in danger of becoming a lost art. I introduced a resolution that established May 25, 1989, as National Tap Dance Day. As a result, people all over the country are coming together to celebrate National Tap Dance Day. On May 25, we celebrate tap through both performance and study and examine the incredible contributions made by legendary dancers such as Howard "Sandman" Sims, the Nicholas Brothers and contemporary dancers such as Gregory Hines.

I chose May 25 as National Tap Dance Day because it was the birthday of Bill "Bojangles" Robinson. Bojangles is credited with bringing this unique art form to perfection. Moreover, Bojangles was genuinely talented and well know worldwide for his work in movies and contributions to tap. National Tap Dance Day is a great way of recognizing Bojangles' outstanding contributions to the art of tap dancing on both stage and film.

Tap dancing has had an influence on other types of American art, including music, vaudeville, Broadway musical theater, and film, as well as other dance forms. However, if tap is not encouraged, the form will become extinct. Unless we continue to undertake the task of preserving tap we are in danger of losing an art form that is uniquely an American creation.

By passing the resolution designating May 25 as National Tap Dance Day, we have focused national attention on this great art form. Moreover, people around the country have come to better appreciate tap as an important part of our cultural heritage. I am happy to know that the enactment of National Tap Dance Day has served to increase public recognition and support along with causing National Tap Dance Day to be celebrated across this country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 26, 1994, may be found in the Daily Digest of today's RECORD.

TRIBUTE TO REV. D.L. WELCH

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. HUTTO. Mr. Speaker, I rise today to pay tribute to the contributions of Rev. D.L. Welch. Reverend Welch is celebrating his 89th birthday this week. For over 60 years, Reverend Welch has contributed to the spiritual development of Escambia County through the First Pentecostal Church of Pensacola.

For more than 70 years, the Reverend Welch has preached the Gospel to all. He began the local phase of his career in the late 1920's with massive tent revivals drawing as many as 5,000 attendees in one night. Before long, the people of this community insisted he establish a church and pastor it. Today it is one of the largest in our worldwide denomination. At the present time, it is being expanded into a 2,000-seat sanctuary on a nearly 9-acre site

The Reverend Welch's accomplishments could take up a volume, but yet he is a hum-

ble man. Despite the fact that literally tens of thousands of people have come to salvation through his preaching, Reverend Welch has not sought nor received public acclaim. He believes his reward will come in Heaven; true enough—but obviously we wish to remember his record of helping all who came to him by instilling these values in others with something tangible today.

The Reverend Welch has authored two widely read books. The first, "Contending for the Faith," is hailed as a concise theological primer on the true nature of God, His Spirit and His incarnation as Jesus. His second, "D.L. Welch, A Man of War," chronicles—and preserves—the earliest foundations of Pentecostal theology and evangelism. Both are considered must reading for those who seek the truth of God's revelation to humanity.

Florida Governor Fuller Warren recognized his abilities. With the concurrent advice and consent of the President of the Florida Senate and the Senate as a whole, the Reverend Welch served as Chaplain of the Senate, becoming a trusted source of spiritual advice and comfort to the State's lawmakers.

The totality of his career's accomplishments are recognized by his denomination as well. He was unanimously elected to the general board of the United Pentecostal Church and still serves today, representing the membership at-large. This honor ranks the Reverend Welch among the Nation's top religious leadership, a point of pride for Escambia County.

But Reverend Welch's most significant accomplishment is changed lives. These are thousands of stories. But the Reverend Welch is not a self-seeker; the job of accomplishing such acts of life-saving renewal is sufficient recognition.

I am pleased to pay tribute to Reverend Welch. We wish him a happy birthday, and many more years of service.

IN APPRECIATION OF THE INTERNATIONAL ECONOMIC DEVELOPMENT PROGRAM SPONSORED BY CENTRAL CONNECTICUT STATE UNIVERSITY AND THE TECHNICAL UNIVERSITY OF WROCLAW

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and appreciation that I rise to commend the cooperative efforts of Central Connecticut State University in New Britain and the Technical University of Wroclaw who, throughout the past 3 years, have combined university and community resources and leaders to develop a partnership to promote Poland's historic transformation to a market economy. I have enjoyed the opportunity to work closely with this program in its qualification process for U.S. Agency for International Development grant funds and I am pleased to recognize the excellence of its work.

In 1991, with the aid of the Gen. Jozef Haller Post in New Britain, leaders at Central Connecticut State University undertook a tremendous initiative which resulted in more than $3.2 million being raised in private and public funds to support a broad variety of technical assistance projects for the people and major institutions of southwest Poland. New Britain, CT, is proud of its significant Polish community and their strong ties to their homeland. New Britain's "Polonia" was integral to the development and success of the AID grant-funded programs.

It has been an exciting period in New Britain and Central Connecticut State University's history, with this inaugural outreach effort reaching such a remarkable degree of respect and success in Poland. Strong bonds have developed between the academic teams and the participants in the program—bonds which will serve both communities in the years to come. All those involved have benefitted beyond the original scope of the program, and I would like to thank President John Shumaker and Vice President Zdzislaw Kremens for their initiative, leadership, courage, and perseverance in realizing the full potential of this worthy endeavor.

HONORING PATRICK O'DONNELL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. ENGEL. Mr. Speaker, this weekend in my district, an outstanding citizen is being honored as Riverdalian of the Year by the Riverdale Community Council. A local businessman and community activist, Patrick O'Donnell richly deserves this recognition.

Mr. O'Donnell has been active in a wide range of community activities. His efforts have assisted children in local youth programs, neighborhood residents, and charitable organizations. He was a member of the North Riverdale Taxpayers Association, a predecessor to the Riverdale Community Association. His other affiliations include St. Margaret's Church, the Riverdale Irish Society, and the Knights of Columbus.

I am sure Mr. O'Donnell's wife and three children are proud of his accomplishments, and the community is grateful for his contributions. Mr. Speaker, it is people like Patrick O'Donnell who help maintain viable communities. I congratulate him on behalf of my constituents and extend my personal best wishes.

A POLICY THAT COSTS ME OVER $2,900 A YEAR, AND HAS A LIFETIME CAP OF $20,000 IN BENEFITS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. STARK. Mr. Speaker, I rise today to stress once again the importance of health care reform. The American people continue to face high insurance premiums, a lack of benefits, and excessive medical costs. I speak in reference to a letter I received from a man in Florida, who lost his job, and consequently his medical and life insurance.

Here is an excerpt from his letter:

> For more than ten years, I worked for [a large corporation]. I was told by human resources people that should I ever be terminated or laid off, I could continue my medical coverage. "Don't worry," they said, "nothing can happen."
>
> Then I got my HIV-positive test result.
>
> Then I was laid off.
>
> Then my medical and life insurance went away.
>
> What was a one-million dollar major medical and hospitalization policy is now a policy that costs me over $2,900 a year, and has a lifetime cap of $20,000 in benefits. I am delighted to report I may be able to survive this disease—but am less happy to report that my lifetime benefits will be exhausted in less than three years. At that point, I will need to pay the $800 per month cost of my drugs and lab tests. As I am now [self-employed], I can only hope that business is good when that happens.

This letter demonstrates the needs of the American people and emphasizes the necessity of a plan which guarantees universal health coverage and controls on health care costs.

"Please get something done," this man writes, "I do not want to plan my own funeral just because I could not afford to continue my medication."

A TRIBUTE TO ROBERT E. LEHNHART

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Robert E. Lehnhart of Orange, CA. Bob, who has demonstrated a remarkable dedication to the needs of the international community, will be honored on June 10, 1994, as he retires from his position as founder, president, and CEO of Air Serv International, a nonprofit, humanitarian aviation organization based in Redlands, CA.

In 1984 Bob founded Air Serv International and began operations a year later during one of Africa's worst crises. Since that time, over 100,000 flights have been successfully completed in remote and often war-torn areas of developing nations. Under Bob's leadership, Air Serv has provided safe and reliable air transport to agencies involved in relief and development, U.N. agencies, embassy aid missions, and multilateral and national government agencies. Because of Bob's dedicated service, Air Serv has earned a solid, well-deserved reputation among the international community.

Using his experience gained through years of work with Air Serv and other charitable efforts, Bob plans on pursuing an advanced degree in international studies and hopes to teach. Despite Bob's retirement from Air Serv, he will continue to make a significant impact on the international community as he prepares others for careers in the international and humanitarian fields.

Mr. Speaker, I ask that you join me, our colleagues, Bob's family and many friends in

honoring this unique individual for his extensive and dedicated service. Over the years, Bob has touched the lives of many people in our community and abroad and it is only fitting that the House recognize him today.

THE DISTRICT OF COLUMBIA'S FISCAL AND POLITICAL HOUSE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. STARK. Mr. Speaker, the District of Columbia government is struggling to bring its house in order. There are serious fiscal and management problems confronting this city's elected officials. The District is in a financial mess because it did not realistically cut spending to meet declining revenues in recent years. Instead, it relied on congressional bailouts, short-term borrowing, and budgeting contrivances.

The District faces the problems, challenges, and opportunities common to many American cities today. But it also has the unique role of being the Nation's Capital, too. Congress must share responsibility with local officials for creating and solving these problems. My colleague from California, Mr. DIXON, is addressing these issues as his subcommittee considers the fiscal year 1995 appropriation for the District. The House District Committee will address them next month when we hold hearings on the District's Federal payment.

However, the ultimate judgment for selecting solutions will rest where it should, with the District's voters. I believe that District voters, like voters everywhere, will surprise many when they demonstrate their understanding of complex issues and competing candidates.

Twenty years ago, District voters passed the Home Rule Charter. Twenty years later, I am sure they will again speak with conviction. The answer to the city's problems will be found in the relationship between the residents and their elected leaders. I will only support congressional involvement which is built on that foundation.

I commend a recent Post column to my colleagues. It raises several interesting ideas about the District's government and elected officials. While I don't necessarily agree with everything proposed, this is the type of dialog the city needs. The article was written by two local journalists, Harry Jaffe and Tom Sherwood, whose recent book, "Dream City: Race, Power and the Decline of Washington, DC," charts the course of District politics since Home Rule. The article and the book should be required reading for everyone concerned about how the District came to be in this situation and what to do next.

[From the Washington Post, May 22, 1994]

GETTING REAL ABOUT D.C.: THE CASE FOR CITY MANAGEMENT

(By Harry Jaffe and Tom Sherwood)

Twenty years ago this month the democracy-starved voters of the District of Columbia went to the polls and ratified the Home Rule Act, a limited and in many ways begrudging form of government crafted by congressional overseers. It was the best the city could get at the time.

Now, after two decades in operation, that system of semi-independent self-government is in desperate need of reform. Debilitating social and fiscal problems spur flight by both white and black middle-class families who should be the heart of the city's stability and tax base. Yet more time is spent in Congress, the city government and the media spreading blame rather than working for change.

For those who stay in the District, and for those who live nearby but understand the need to keep the central city healthy, it is time to focus on the future of the nation's capital as hometown to (at last count) more than 575,000 Americans. This urgent undertaking will require a cold-eyed evaluation of the past 20 years, the strength to recognize home rule's shortcomings, and the courage to chart a new course.

There is no better place to begin the process than in Room 2400 of the Rayburn House Office Building, the offices of Rep. Julian Dixon of California. Advocates of more rights for District citizens may balk at beginning on Capitol Hill, but consider Dixon's unique perspective. He was born in the District and spent his childhood here in a stable, black middle-class neighborhood. Like thousands of other middleclass African Americans who grew up here, he remembers summer afternoons in a community where neighbors looked out for the kids on the block. In 1979, Dixon returned as the representative from the 32nd District of California, and he's kept a home in the District ever since. A year after he arrived he became chairman of the House appropriations subcommittee on the District of Columbia—a job with little prestige, but Dixon keeps it because he cares for his hometown. Dixon knows the city's finances, and he's confused.

"Where's the money?" he asked recently, referring to the half a billion dollars that the District government has either borrowed or received from Congress in the last two years, over and above the federal payment and tax revenues. "How can the government be $300 million in the hole? If the government stopped here tomorrow, how much would it owe its creditors?"

Dixon hopes to answer these questions in congressional hearings he will begin this week but he knows that the solutions to the government's shortcomings lie beyond the next budget cycle. "Without retrenching from home rule," he says, "we have to rethink its structure."

Dixon has the right idea, especially in two main areas in need of reform: political structure and management.

Politics first. Let's start by facing up to the fact that the District is not like Philadelphia, Boston, New York or any other city with similar urban problems. The city is unique, if only because its budget is controlled by a Congress where it has no voting representation. But that obvious difference masks a more fundamental disparity. From 1874, when Congress abolished local self-government, until 1974 when the Home Rule Act took effect, the citizens of Washington had no local political culture, no patronage system other than one controlled by congressional overseers, no power over how their city was run. Every other major American city developed a political establishment that is now at least 100 years in the making. Our local political system has been growing for just over two decades. It's young, it's unruly and it's taken some bad turns.

For instance, it is effectively a one-party system; Democrats out-register fumbling and reclusive Republicans by 9 to 1. The Statehood Party is minuscule, and there are no solid, independent political organizations that can groom candidates for the ballot. In such a small political community, where's the public debate? Democracy is a participation sport. Solutions and a sense of community arise from vigorous political competition.

To invigorate local elections, Dixon suggests runoffs among the two top vote-getters in the mayoral race. A majority of voters would then elect the truly strongest candidate, rather than the current system of one more vote than the next candidate and you win.

Our next suggestion may come as a shock: There aren't enough elected offices in the current political system. An aspiring politician can dream of being an advisory neighborhood commissioner representing just 2,000 people, a school board member, a council member, the mayor or the non-voting delegate to Congress. With so few opportunities—and sporadic media coverage that fails to create the sense of a true hometown—the city hasn't developed a viable political farm system. Five months from the mayoral primary, here are the three choices so far: an unpopular incumbent, City Council member who's been rejected by the voters three times in past mayoral bids and a former three-term mayor who's trying to resurrect himself. More seasoned politicians could grow out of a system with more opportunities.

Why not make the corporation counsel, or city attorney, an elective office instead of a mayoral appointee? How about establishing a local district attorney and having voters choose the person who prosecutes local criminals rather than the current system in which the presidentially appointed U.S. attorney serves as chief prosecutor. The city could elect a comptroller, a treasure, an independent auditor. Each would develop a political base with roots in the community, and from those roots could grow a truly committed and connected electorate.

The City Council needs revamping too. Dixon suggests the council elect its own chairman, rather than having voters decide who can best run the council. Why not also halve the salaries—now over $70,000 a year—and make the council a truly part-time job as it was conceived to be? Then double the number of members, to make it more like a legislature? We would get debate, diversity and coalitions of power.

And why should we have a year-round legislature? Maybe it should meet in legislative session for only two or three months, as in Virginia and Maryland, rather than its nearly nonstop churning of legislation. Who can keep track except staff members and lobbyists? The council could meet in monthly sessions the rest of the year to take care of routine municipal affairs. A defined legislative session would allow citizens to focus on and participate in the making of city laws.

Political reform is well and good, but in Dixon's eyes, nothing comes before good management, something the city is obviously lacking.

It's painfully clear that management of key city agencies has been marred by political considerations, low pay and lack of experience. Mayor Kelly's best hire in her first year was Jack Bond, a manager with a proven track record in Durham, N.C., and other cities. Although Bond officially resigned, in fact the mayor forced him out for reasons that remain unclear.

The worst case of horrendous management is in the public housing department, which has had more than a dozen directors in as

many years. Thanks in part to inept management, the city's public housing complexes are breeding grounds for drug dependency, gunplay and poverty. Just as important, the spillover effect undermines what otherwise would be more stable working poor, middle and upper-income black neighborhoods.

Dixon suggests that the day-to-day operations of the city be placed in the hands of a professional city manager. That person could be nominated by the mayor and confirmed by the council. "The manager could then be more immune to the day-to-day politics of the city," says Dixon.

Identifying flaws in the way the District has developed under 20 years of the Home Rule Act is not difficult. The tough part is charting the course toward a healthy social, political and financial future. How do we make the second 20 years of the city's growth a success story?

The first step is to acknowledge our current dependence on Congress, and in return demand that Congress fulfill its part of the relationship. In this phase, the District gets its financial house in order. In some measure, this has already begun, with the recent request—by Dixon and Rep. Pete Stark (D-Calif.)—that two federal agencies conduct a thorough examination of the city's books.

But the District could play a leading rather than trailing role by embracing a financial oversight commission to review the nuts and bolts of many city agencies. The commission would be made up of local and federal officials whose mandate would be more than advisory. Such a preemptive strike could forestall the installation of a mandatory board like the one that was given power to oversee New York City's government in the 1970s.

To the most zealous statehood advocates, this could seem a serious retreat from home rule. But look around. The federal government is already involved in a host of local government functions: Federal agents police the streets; federal officials are now part of an executive commission assigned to fix city public housing; courts dictate foster care and prison health; federal auditors are examining every item of local spending.

An oversight commission might need as many as five years to do its work. But in the process, city residents would take control of more government functions, such as local criminal prosecution, while Congress relinquished power to review the city's budget. Such a slow but steady march toward full independence is the path Del. Eleanor Holmes Norton believes has the best chance of success.

Dixon and Norton aren't alone in their vision of restructuring and reform. The consensus to reevaluate home rule is spreading from the Greater Washington Board of Trade to the Democratic State Committee to the streets, where frustration with the status quo runs higher every day. All people of good will want safe streets, better housing, decent schools, steady jobs and a local government that works. Only a fresh look at home rule will get them what they want.

TRIBUTE TO MARTIN BARBER

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to honor and pay tribute to Mr. Martin Barber of Livingston, NJ. A longtime friend, Marty has most recently earned distinction as the chair of the Stamp Out Hate Coalition, an organization dedicated to promoting tolerance and understanding in my home State of New Jersey.

Marty has a lengthy and dedicated history of public service, balancing responsibilities to his family and profession with the demanding obligations of helping to lead his community. As vice president of the Metropolitan Chapter of the American Jewish Committee, as a member of the executive committee of the Jewish Federation of MetroWest, and as past president of Temple Beth Shalom in Livingston, Marty has consistently battled the bigotry and hate seemingly on the rise in our society. I commend Marty's resolute and steadfast opposition to these forces of discord, and his advancement of policies and practices that benefit all peoples.

Mr. Speaker, Marty Barber's courage and perseverance are a tremendous example of public service for us all. I am, therefore, pleased to announce that Marty will be honored at the American Jewish Committee Annual Dinner Meeting on June 1, 1994, and I commend him and his many outstanding accomplishments.

AIRLINER CABIN AIR QUALITY ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. OBERSTAR. Mr. Speaker, today I have introduced the Airliner Cabin Air Quality Act of 1994, to prohibit smoking on international flights to and from the United States. Congress banned smoking on all domestic flights of 6 hours or less in 1990. However, smoking remained permitted on U.S. carriers on international flights, and most foreign carriers serving the United States permit smoking as well.

On May 18, 1994, the Subcommittee on Aviation, which I chair, held a full day of hearings on airliner cabin air quality. While there are many concerns about the overall quality of the air, the single most effective—and cost-free—action that we can take is to ban smoking on international flights.

Most persuasive to the subcommittee at this hearing, as at our previous one, was the testimony of flight attendants, who are forced to spend their working lives aboard aircraft. Our flight attendant witnesses detailed ailments which they and their colleagues incur in the small, enclosed, smoke-filled cabin environment. They described health problems ranging from eye, nose and throat irritation, headache, nausea, dizziness, blurred vision, shortness of breath, and heart palpitations to permanent disability and even death from the occupational hazards of their jobs in airplanes. Nonsmoking flight attendants are suffering and dying from diseases common to smokers—simply from working in the smoking section.

There is also a safety issue involved. Flight attendant witnesses showed us photographs of cigarette butts all over the floor of the airplane—a potential fire hazard. They testified to passengers falling asleep in their seats, dropping lighted cigarettes on the floor—a clear fire risk.

Equally outrageous is the plight of children stuck in the smoking section with their parents. And businessmen who must be at their peak when they arrive at their destination, but stagger off, jet-lagged and debilitated by smoke-caused allergies and sensitivities. And pleasure travellers whose vacations are ruined by smoke-induced illnesses. And the millions of nonsmoking passengers who cannot really get away from the smoke, no matter where they sit in the airplane.

Mr. Speaker, the International Civil Aviation Organization [ICAO] has proposed that nations end smoking on aircraft in 1996. This is a proposal only, and unless all countries agree, passengers and flight attendants will continue to suffer, and airlines forced to go nonsmoking will maintain that they are at a competitive disadvantage.

Airlines serving the United States, whether carrying the U.S. flag or some other, would under my bill be smoke-free. There would thus be no competitive disadvantage between U.S. and foreign airlines, and I believe that the airlines themselves as well as the vast majority of their employees and passengers will welcome enactment of this bill.

REMEMBER THEM WITH FLOWERS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. MOORHEAD. Mr. Speaker, yesterday I received a call from a constituent who told me a story and gave me an idea that is especially appropriate to Memorial Day and the 50th anniversary of D-Day.

Doris Winkler, who syndicates the television show, "The Senior Report," lost her brother, Capt. John M. Hennessy, Jr., during World War II.

Captain Hennessy was killed in Italy near the Arno River a few days after participating in the liberation of Rome. He was a forward observer with the 88th Infantry Division, 337th Field Artillery Battalion. He died almost exactly 50 years ago on July 14, 1944, ironically his parent's wedding anniversary.

John Hennessy, who graduated summa cum laude from Notre Dame University, is buried in a U.S. military cemetery 7 miles outside of Florence, Italy.

Each Memorial Day his grave site, plot C, row 5, grave 38, is graced with a bouquet of flowers, a symbol of remembrance and affection from his sister.

Mrs. Winkler accomplishes this loving task with the assistance of the American Battle Monuments Commission. "The American Battle Monuments Commission is extremely sensitive to its ministry of caring for these sanctified graves and always sends me a picture of the decorated grave," she said. "The pictures from the Memorial Day placements always sadden me because the background reveals long rows of crosses with no flowers, save my brothers."

"It occurred to me," she continued, "that survivors of these men do not realize that for

very little money the commission, which oversees all foreign U.S. military cemeteries, will contact the appropriate cemetery and in very short order, get flowers to the grave site. All they need is the soldier's name and where he is buried."

Doris Winkler called the commission yesterday to check about the arrival of her check for her brother's flowers. In passing she asked if the commission had received many requests. "Oh, yes," came the reply, "We've had 12 already."

Doris Winkler would love to see more than 12 heroes honored especially since the ABMC is the steward of more than 100,000 graves and names on tablets of the missing.

She said she was certain there would be more flowers if more Americans were aware of the "fine service of the American Battle Monuments Commission." She asked if I might help spread the word among my colleagues in the Congress.

Mr. Speaker, I'm honored to do so. For further information concerning these services call the ABMC at 202–272–0537. The commission also notes that flowers for all foreign military cemeteries can be ordered through any local florist who is a member of the "Florist Telegraph Delivery Association."

Again, Mr. Speaker, I hope this information allows more people to pay special homage to those that made the ultimate sacrifice for our country.

TRIBUTE TO REV. SPENCER JONES

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Spencer Jones of the Southside Tabernacle Church. Attached is a proclamation I issued Rev. Jones commending him for his work.

PROCLAMATION

Whereas Rev. Spencer Jones was born and raised on a farm in Poplar Bluff, Missouri and felt the call of God on his life when he was three years old and confessed Christ as his personal Saviour at age nine, and in 1966 he was drafted into the United States Army, and was shipped to Viet Nam, and leaving Viet Nam, he enrolled in Central Bible College, and was elected Vice President of the Student Government and a member of Who's Who Among Students and graduated in 1972 with a B.A. in Religion; and

Whereas in November of 1972, Rev. Jones followed the leading of the Lord to come to Chicago and pastor the Southside Tabernacle Church and during the early ministry would knock on doors and present the plan of salvation to many, and trained and encouraged his congregation to do the same; and

Whereas the "Southside Vision" is to win souls, it is "Expanded Vision" is to train young men and women in pastoral care so they can effectively pioneer full gospel churches in every major inner-city in America, and in July of 1980, Brother Jones was led by the Lord to organize the first Inner City Workers Conference and Pastors and laymen came from all over America to encourage and motivate one another. They also came together to devise strategies on how to effectively reach inner city dwellers, and under his leadership, 15 churches have been started in various inner city neighborhoods throughout America: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Pastor Spencer Jones.

PROVIDING TPS FOR HAITIANS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mrs. MEEK of Florida. Mr. Speaker, just a few days ago, Haiti's military regime announced plans to enforce a 14-year-old law which would make "all irregular trips toward foreign lands illegal." This means that any Haitian returned to Haiti will be subjected to imprisonment, torture, and or death. It is imperative now more than ever that we provide temporary protected status to Haitian nationals, both those in custody at sea as well as those who currently reside in the United States.

It is incumbent that the United States immediately stop the repatriation of Haitians intercepted on the high seas and grant them temporary protected status. Temporary protected status is a status that has been granted to nationals from other nations such as Kuwait, Somalia, Bosnia, and El Salvador during conflict in their countries. By granting Haitians TPS, we would be doing no more for them than we have done for other refugees.

By granting Haitians TPS we achieve two objectives: undocumented Haitians can live and work in safety without fear or being deported, and the INS would know where they reside so that it can facilitate their return once conditions in Haiti are safe. Meanwhile, they would be granted work authorization, but would remain ineligible for any Federal benefit programs.

As a nation, we refused to protect desperate Jews seeking refuge from Nazi Germany. If we fail to protect Haitians, we will be setting a dangerous precedent for the future and risk repeating the mistakes of the past.

TRIBUTE TO REV. HOLLIS LEWIS, SR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Hollis Lewis, Sr., of the Greater Pleasant Green Baptist Church of Chicago, IL. Attached is a proclamation I issued Reverend Lewis commending him for his work.

PROCLAMATION

Whereas the Reverend Hollis Lewis Sr. was born in Summit, Mississippi, he came to Chicago in 1934, he married Miss Josephine Jeanette White in 1937, they have been blessed with five sons, Hollis, Jr., Clarence E., Sr., Robert E., Raymond L., and Juan H. Lewis; and

Whereas Reverend Lewis joined the New Hope Baptist Church of Chicago and was Baptized under the pastorate of The Reverend William Dixon, he served as a Sunday School Teacher, Superintendent of the Sunday School, sang in the Choir, served as Church Treasurer, and as a Deacon, he was called to the Gospel Ministry in 1944, he was Ordained in 1946 at the New Hope Baptist Church under the pastorate of the late Reverend Calwell W. Jones; and

Whereas Reverend Lewis matriculated at the Morgan Park High School in Chicago, The Moody Bible Institute, and the Chicago Baptist Institute, receiving a Christian Leadership Degree, and the Bachelor of Arts Degree in Theology, in 1985 The Chicago Baptist Institute awarded Reverend Lewis the Honorary Doctor of Divinity Degree, he is on the Faculty of the Chicago Baptist Institute, and an Instructor in the Christian Education Congress of the National Baptist Convention, Dean of the Seminar for the Baptist Ministerial Alliance, and President of the Morgan Park/Maple Park Ministerial Alliance; and

Whereas Reverend Lewis organized The Rose of Sharon Baptist Church at 7039 S. Wentworth Avenue in Chicago, where he served as Pastor for eight years, later he served as an Evangelist for two years, in 1964 he was called to pastor The Greater Pleasant Green Baptist Church, in 1974 the Lord led Reverend Lewis to build a new Church, the land was purchased at 115th and Ashland Avenue, today this vision is a reality, Reverend Lewis is a father, a shepherd, a builder, a teacher, a servant and a true role model in our community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Hollis Lewis, Sr. and The Greater Pleasant Green Baptist Church, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO HIRAIR HOVNANIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute a man who epitomizes the American Dream. Mr. Hirair Hovnanian, chairman of the board of trustees of the Armenian Assembly of America, will receive the assembly's Distinguished Service Award at a gala in New York City on June 4, 1994. This is a richly deserved award for a man who has contributed immensely to two great nations, the United States and Armenia.

Hirair Hovnanian came to this country on a freighter in 1951 with only $25 in his pocket and the address of some relatives in Philadelphia who took him into their home. He enrolled at Villanova University in 1952, graduating 4 years later with a bachelor of science in civil engineering. That same year, he married Anna Hamparian, to whom he has been married for the past 38 years. He began his career as a civil engineer with a consulting firm making $90 a week, saving every penny he could. As chance or fate would have it, a dis-

tant cousin of his was building a home in Toms River, NJ, and Hirair went to see how it was done. It occurred to him that he could build a hundred homes just like it in a year's time. In 1958, he moved to Toms River, with $3,500 in his savings account, and he and his brothers bought 23 acres of land. With a secondhand Jeep and chainsaw, and working round the clock, the Hovnanian brothers created their first housing development. After several years of successful work together, the brothers formed separate building companies in 1963.

In 1963, Hirair formed Hovsons, Inc., and within a year he had built 72 homes. Since the majority of his home buyers were retirees, Hirair decided to build adult communities, but in a new way—creating single-family homes with their own individual lots. What better example could there be of realizing the American dream?

In 1965, Mr. Hovnanian started the first Holiday City adult community. This concept has expanded into a total community, including recreation, medical, and shopping facilities, and more than 15,000 housing units. His development business is complemented by his building materials and prefab manufacturing subsidiaries. He has also diversified into the development and construction of health care facilities, retail centers, office complexes, and mining operations in New Jersey, Florida, and California.

Mr. Hovnanian has always maintained that his hard-work ethic comes from his parents. His father fled the genocide perpetrated against the Armenian people by the Turkish Ottoman Empire, which began in 1915. The senior Hovnanian fled to Iraq where he succeeded in business until unrest in that nation forced the family to seek refuge in the United States. Hirair has said of his father, "He was a self-taught man. I think his drive to succeed became a family trait. My brothers and I were all competitive, but not to out-do one another, just to do our best and be successful at what we set out to accomplish. It's true with my children as well." Hirair and Anna have five children: four daughters, Siran, Edele, Leela and Tanya, and a son, Armen, all of whom are well on the way to successful careers. Edele and Armen work alongside their father at H. Hovnanian Industries.

While Mr. Hovnanian could very easily have devoted all of his energies to his business and enjoyed the fruits of his success, he has chosen instead to get involved with a diverse array of civic, charitable, educational, and philanthropic activities. He was a founding benefactor of the Armenian Assembly, organized in 1972 here in Washington. He has been the assembly's driving force, serving as president and chairman of its board of trustees.

In 1988, tragedy struck the Hovnanians' ancestral homeland of Armenia when a devastating earthquake tore apart the country, devastating cities and towns, and leaving thousands homeless. Hirair was one of the first Armenian-Americans on the scene, opening an Armenian Assembly office in the capital of Yerevan with a satellite phone to communicate with the rest of the world. He helped to raise $4 million which, with a $2 million grant from the U.S. Agency for International Development, established housing component manufacturing facilities under his direct management. Currently, he serves on the Hayastan All Armenia Fund, which is involved in humanitarian projects in Armenia.

In the past year, working with the Government of the Republic of Armenia, Hirair established the Armenia Oil and Gas Development Fund [ArmOil] for oil and gas exploration, contributing his own funds and working to secure a sea outlet for the landlocked country.

Back home in New Jersey, Hirair Hovnanian has been active in a variety of community activities and organizations, has donated some $20 million to charitable, religious, cultural, and educational entities, and has received numerous high awards and decorations for his years of work and dedication to the community. In recognition of his devotion to the Armenian Church, he has been bestowed many decorations. He has dedicated a 465-acre bird sanctuary to the Audubon Society, a 175-acre sanctuary park to the New Jersey Natural Lands Trust, and provided for the preservation of a site containing late nineteenth century gunpowder works and Indian burial grounds.

Not bad for a young man who came to this country 43 years ago with $25 in his pocket.

Mr. Speaker, Hirair Hovnanian is a man who represents the fulfillment of the great American immigrant story that makes our country so unique. He has worked to make a difference, both in his homeland and his adopted home. It is an honor to share some of his accomplishments with the Members of this body.

TRIBUTE TO REV. WILLIAM JENKINS, JR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend William Jenkins, Jr., of the First Union Missionary Baptist Church of Ford Heights, IL. Attached is a proclamation I issued Reverend Jenkins commending him for his work:

PROCLAMATION

Whereas the Reverend William Jenkins, Jr. entered into the Ministry in 1978 and served as Associated Minister of the Lively Stone Missionary Baptist Church of Chicago under the pastoral leadership of his esteemed father The Reverend William Jenkins, Sr.; and

Whereas Reverend Jenkins has matriculated at the following schools: George Westinghouse High School, Chicago, Malcolm X College, Chicago, Moody Bible Institute, Chicago, Selma University, Selma, Alabama, earning the Bachelor of Theology degree in 1985, Garrett-Evangelical Theological Seminary, Evanston, Illinois, Master of Theology, currently Reverend Jenkins is a candidate for the Masters in Theological Studies at McCormick Theological Seminary, Chicago; and

Whereas Reverend Jenkins is an experienced pastor, serving as Pastor of New Hope #2 Missionary Baptist Church of Demopolis, Alabama, for six years, in 1988 installed as Pastor of First Union Missionary Baptist Church of Ford Heights, Illinois, where God has prospered the congregation under his ministry; and

Whereas Reverend Jenkins has served as President of the Ministerial Union of Selma University, Chairman of the Selma Nursing Home Mission, member of the N.A.A.C.P. Selma and Chicago Chapters, Fairview Lodge #26 F & AM, the Chicago Westside Ministers Conference, Garrett-Evangelical Black Seminarians, currently President of the Ford Heights Ministers Fellowship: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend William Jenkins, Jr. by entering these accomplishments into the Congressional Record and archives of the one hundred and third Congress.

TRIBUTE TO MRS. ANNE MACK

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. DARDEN. Mr. Speaker, one of the most important issues facing our Nation today is the education of our young people. Today I rise to honor a good friend of the young people, and all the people, of Marietta, GA, who has dedicated her adult life to teaching children. Mr. Speaker, her name is Anne Mack, and today she is retiring from a 30-year teaching career. During those entire 30 years, she taught first-graders in Marietta, first at Lemon Street Elementary School and then at Hickory Hills School. It is a fitting time to pause and reflect on the immeasurable contributions she has made to our community.

The success of Mrs. Mack's 30 years as a first-grade teacher is evidenced by the hundreds of children whose lives she influenced and enriched. Two of those hundreds of children, Mr. Speaker, are my children. They still remember Mrs. Mack vividly and fondly.

Also, her success as a teacher and community leader can be seen through her selection as one of the Outstanding Young Women of America, an honor she received in 1971. And on two occasions, she was selected as Hickory Hills School's Teacher of the Year.

From what I have learned, Mrs. Mack will now have more time to spend in her garden, which she greatly enjoys. Her retirement will also free her to expand her role as paster to her flock. Mrs. Mack and her husband Edgar (Johnny) Mack are copastors of the Sword of the Word Evangelistic Ministry in East Point, GA. And just as importantly, Mrs. Mack will have more time for her grandson, Austin Christopher McClendon.

We in Marietta are proud of Mrs. Mack's work over three decades. She has helped in a large way to make our community an exceptionally good place to live. On behalf of the U.S. House of Representatives, I acknowledge her accomplishments by entering these remarks into the CONGRESSIONAL RECORD and Archives of the 103d Congress and declare today "Anne Mack Day" at Hickory Hills School in Marietta.

TRIBUTE TO REV. FERLANDER N. LEWIS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Rev. Ferlander N. Lewis of the New Mount Olive Missionary Baptist Church of Harvey, IL. Attached is a proclamation I issued Reverend Lewis commending him for his work.

PROCLAMATION

Whereas the Reverend Ferlander N. Lewis is a native of Clarksville, Mississippi, he is a graduate of Alan B. Shepherd High School 1978, where he was an All Area and All State Basketball Player, a graduate of Beloit College, Beloit, Wisconsin, 1982 earning the Bachelor of Arts Degree in economics; and

Whereas Reverend Lewis is an accomplished musician, he was the musician for the first Black Gospel Choir of Thornridge High School, he has served numerous churches as the Minister of Music for twelve years, teaching music and choir throughout Chicago and the south suburbs, he has recording credits playing for Serenity, a Christian singing group, and the Christian Fellowship Choir, he is an active member of the Progressive National Baptist Convention, preaching, lecturing, and teaching in its National Congress of Christian Education; and

Whereas Reverend Lewis responded to the call into the Gospel Ministry, he was Licensed to preach, August, 1979, ordained, October, 1981, in True Vine Missionary Baptist Church, Dixmoor, Illinois under the pastoral leadership of The Reverend Steven D. Lewis; and

Whereas Reverend Lewis was installed as Pastor of the New Mount Olive Missionary Baptist Church, Harvey, Illinois February, 1986, New Mount Olive was the first Senior Citizen Nutritional site in the State of Illinois, established the Christian Help Center, serving the poor with food and clothing care packages for homeless men, and many other programs to help people in need, Reverend Lewis is a family man married to Janice Lewis and they are blessed with three children, he is a shepherd, a community leader, a humanitarian, and a true role model in our community. Now, therefore, be it

Resolved, That the Congress of the United State wishes to acknowledge the accomplishments of The Reverend Ferlander N. Lewis, and the New Mount Olive Missionary Baptist Church, Harvey, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

ANTHONY R. LENTINI RETIRES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. MONTGOMERY. Mr. Speaker, on May 2, Anthony R. Lentini retired as Director of the VA Regional Office in New Orleans, LA, following many years of distinguished public service. In fact, Tony has spent all of his adult years serving his country, first as an officer in the Army and later as Director of the VA Regional Office in New Orleans.

Colonel Lentini, a native of Kenner, LA, is a combat veteran of World War II, Korea, and Vietnam. Prior to retirement from the Army in 1967, Tony served in the Office of the Secretary of the Army as a legislative liaison officer and advisor to Members of Congress who were reserve officers in the U.S. Army.

His first assignment in the Veterans Administration started in September 1967 when he was assigned as Staff Assistant to the Administrator of Veterans Affairs in Washington, DC. In 1969, he was transferred to the New Orleans Regional Office as a management analyst on the Director's staff, and in August 1973, he was appointed Assistant Director of the New Orleans Regional Office. He was Acting Director from September 9, 1973, to May 19, 1974, when he was appointed Director.

Tony has been recognized many times for his outstanding work in the State and local community where he has worked and lived. He received the 12th Annual Rabbi Emil W. Leipziger Award—outstanding United Way volunteer. He received awards for outstanding service to veterans from the Disabled American Veterans, the American Legion, Veterans of Foreign Wars, AMVETS, and the Paralyzed Veterans of America.

Tony served in various ways to support the business community. For his leadership and work, he received awards from the National Alliance of Businessmen.

He served as chairman of the New Orleans Federal Executive Board in 1977–78 and 1991–92.

Tony attended Louisiana State University in Baton Rouge. He received his degree from Loyola University in New Orleans and pursued additional studies at Pennsylvania State University.

Tony and his wife Ellen have enjoyed 46 years together and are the parents of four sons and one daughter.

Mr. Speaker, I and members of the committee staff have known Tony for many years. He has served the Nation well. He loves his country and has devoted his entire life to defending his country and helping those who went to war receive the benefits and services to which they are entitled.

Although Tony deserves to be free of the demanding schedule he has had to keep as Director of the VA Regional Office in New Orleans, he will be greatly missed by those of us who worked closely with him for so many years and by his fellow veterans. We wish Tony and his wife Ellen continued success and much happiness during the years ahead.

TRIBUTE TO ELDER MILTON OLIVER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Elder Milton Oliver of the Ambassadors for Christ Church of God In Christ. Attached is a proclamation I issued Elder Oliver commending him for his work.

PROCLAMATION

Whereas Elder Milton Oliver is a native of Chicago, Illinois, a life-long resident of the Morgan Park Community, he is a family man, married to Augustine Walker-Oliver for thirty-seven years, God has blessed them with two children; and

Whereas Elder Oliver matriculated at the Moody Bible Institute, Chicago, Illinois receiving a professional certificate in Evangelism and Pastoral Care, in secular training he holds two certificates of Completion of Apprenticeship, United States Department of Labor in Iron Work and in Construction; and

Whereas Elder Oliver is the Founder and Pastor of the Ambassadors For Christ Church of God In Christ, established in 1977, in the sixth Jurisdiction of Illinois, he is a national denominational leader, Vice President of the International Department of Evangelism, Church of God In Christ, Inc., Administrative Assistant to the Bishop of the sixth Jurisdiction of Illinois, District Superintendent of the H.W. Goldsberry District, Area Director of Evangelism Region eight, Assistant Finance Chairman, sixth Jurisdiction of Illinois, Church of God In Christ, Inc.; and

Whereas Elder Oliver is very active in his community, a member of the Roseland Clergy Association, the Roseland Hospital Clergy, the Maple Park, Morgan Park, Beverly Clergy Association, District 22, Chicago Police Department Beat Representative Program, Board of Directors of the Butler Career Academy, he is always ready and willing to help people, his personal motto is "I love you, and you can't do anything about it": Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Elder Milton Oliver, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

THE NORTH AMERICAN COMMUNITY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. RICHARDSON. Mr. Speaker, I would like to direct my colleague's attention to the attached excerpts from an article by Alan K. Henrikson on the North American Free-Trade Agreement. In matters of trade and North America, Mr. Henrikson is a visionary. Mr. Henrikson's "A North American Community: 'From the Yukon to the Yucatan'" transcends the domestic squabbles, the trinational deal making, and the heated politics associated with NAFTA's inception, negotiation, and passage of this historic agreement. Henrikson appropriately concludes that trade agreements are meaningless if there is not a corresponding sense of common purpose and community among the signatory countries. NAFTA like agreements will meet with tremendous success if the commitment of nations participating in that pact fully develop the ties that bring us together. I urge my colleagues to examine the important work that follows.

A NORTH AMERICAN COMMUNITY: "FROM THE YUKON TO THE YUCATAN"

(By Alan K. Henrikson)

During 1991, President George Bush joined the president of Mexico, Carlos Salinas de Gortari, and the prime minister of Canada, Brian Mulroney, in initiating a complex process designed to bring about a North American Free Trade Agreement (NAFTA) on the continent. The idea was described variously by commentators as leading to a worldwide "strategic alliance" among the three partners, a business-based "North America Inc." to compete with the European Community and Japan, and even an economic "Fortress North America."

That the NAFTA scheme did implicitly threaten a new regional trade bloc, on the basis of which the United States, Mexico, and Canada could bargain collectively with Europe and Japan, is unmistakable. It clearly had coercive connotations as well as more constructive intent. US State Department Counselor Robert Zoellick, while denying that NAFTA would contribute to "the promotion of regional blocks," stressed that a NAFTA arrangement would "strengthen the hand" of the country's foreign economic policy. "The signal the United States wants to send the world," he stated, "is that we are committed to opening markets and that we will extend a hand to others who share that commitment"—and not, he seemed to imply, to others.

In August 1992, the continental free-trade negotiations were successfully concluded with congressional action expected in 1993. By negotiating a free market with both Canada and Mexico, the US government demonstrated that it had not abandoned "its leadership role" in the field of trade, thus answering critics who wondered if the "new world order" outlined by President Bush had a place for economics.

Apart from international power connotations, the NAFTA project, though focused on economics, seemed to prefigure what could be characterized as a "North American community"—that is, a new and positive identity shared by the peoples of the three North American countries. For the first time in their histories, Mexicans, Americans, and Canadians could come to feel that they had more in common with each other, despite cultural and other differences, than with any nonneighbor outside the hemisphere—notably their parent societies in Europe where a new identity also is rapidly forming. A NAFTA particularly could contribute to overcoming the estrangement between the Hispanic and norteamericano peoples in the New World. A greater inclusion of the continent's widespread, increasingly self-aware native groups—the continent's "first nations"—into a feeling of North American community, or family of peoples, also might result.

The notion of a North American community implicitly challenges the politically established concept of a "North Atlantic community," informally built around the North Atlantic Treaty Organization (NATO). It is not today widely remembered that the first suggestion of a "NAFTA," dating from the early 1960s, was for a North Atlantic Free Trade Agreement. This transatlantic NAFTA would have joined Canada and the United States with the United Kingdom, and perhaps other members of the European Free Trade Association (EFTA), formed in 1960 in part in reaction to the 1957 Treaty of Rome establishing the European Community (EC) on the European continent. Today's concept of a westward-oriented NAFTA is similarly, though less intentionally, an alternative to the larger "Pacific Basin community" concept. Some thought was given during the 1980s in the United States to concluding a free-trade pact with Japan.

Today's North American Free Trade Agreement is premised on the formal fact and the economic "success" of the 1988 bilateral US-Canada Free Trade Agreement (USCFTA), which went into effect at the beginning of 1989. A further, trilateral pact, to include Mexico, could have competed with the USCFTA, complemented it, or completed it. The Canadian government had to decide what position to adopt toward, and what part to play in, trade talks between the United States and Mexico. Whatever the form of a new continentwide trading relationship, a NAFTA was sure to do more than merely include a further economic partner with its own resources and needs. A three-way North American continental trade bond has ideological and even geopolitical significance.

"Right now," as President Bush stated in April 1991 to a group of Hispanic-American businesspeople at a meeting in Houston, "we have the chance to expand opportunity and economic growth from the Yukon to the Yucatan. Think of it: The North American Free Trade Agreement would link us with our largest trading partner, Canada, and our third-largest partner, Mexico. It would create the largest, richest trade zone on earth—360 million consumers in a market that generates $6 trillion in output a year." Observing that there are some doubters who seem to "oppose letting our neighbors enjoy the benefits of progress," the president said pointedly: "Ask them what is wrong with increased productivity throughout the continent. And ask them what's wrong with a more stable Mexico."

The NAFTA will be good for the entire neighborhood. "A unified North American market would let each of our countries build on our strengths," the president said. "It would provide more and better jobs for US workers. It would stimulate price competition, lower consumer prices, improve product quality. The agreement would make necessities such as food and clothing more affordable and more available to our poorest citizens. It would raise productivity and produce a higher standard of living throughout the continent." Both America's neighbors, Mexico perhaps even more than Canada, would share in this overall progress. "A free trade pact would encourage investment, create jobs, lift wages, and give talented Mexican citizens opportunities they don't enjoy today." The development would have much larger, international importance: "A strong Mexico, in turn, means a stronger United States and a stronger North American alliance."

One can see in President Bush's concept of a Mexican-American-Canadian "alliance," though ostensibly a political concept, a broader community ideal—a notion of bringing together North American's nations on a basis of moral parity. The differences between the United States and both Canada and Mexico are, of course, vast. A decade ago, these were cited as reasons, among others, why a tripartite commonwealth would never work.

Indeed, the disparity between the United States and the others in economic strength and demographic size cannot be ignored. The Canadian economy, heavily resource-dependent though its industry is fairly modern, is one-tenth the size of the US economy. Canada's population of 26.6 million is about the same fraction of that of the United States with its 250 million people. The Mexican economy, although its population is sizable and growing (86.2 million and soon to reach 100 million), is barely more than one twenty-fifth the size of that of the United States.

Besides the obvious problem of finding a way to balance these three unequally weighted countries in a North American negotiation, there is the related problem, hardly less difficult, of overcoming the deep-seated alienation between Americans and their neighbors, especially those to the south. Historical tensions that have existed between US citizens and their culturally nearer cousins to the north must also be overcome. And between Mexicans and Canadians (viewed from a southern perspective as "gringos from the far north"), a lack of mutual knowledge—a veritable cultural void—has long prevailed. A bond must be formed where virtually none has ever existed, either positive or negative. The long-term success or failure of even a limited free-trade agreement among the three may well depend on whether the process engenders a harmonious feeling of a shared social identify.

CONCLUSION

Despite opposition that has slowed the development of a North American political consensus on NAFTA, if no necessarily the actual NAFTA negotiations, an agreement has been concluded and must now be signed, drafted into legal form, and submitted to the legislatures in the three countries. So great are the historic forces moving these three economies toward some form of integration that it is difficult to imagine the NAFTA process ending in failure. The momentum began in 1979 and 1980, gained in 1983 and 1985, accelerated with the USCFTA in 1988, shifted direction with Mexico's decision to negotiate in 1990, and broadened in force with Canada's entry into trilateral talks in 1991. Enthusiasm seemed to decline somewhat in early 1992, but officials pressed ahead and were able to announce the conclusion of negotiations in August 1992.

After formal submission, Congress has ninety working days—which could stretch out as long as eight months—in which to approve the agreement, without amending it. Assuming that the necessary implementing legislation is promptly submitted, one could imagine fairly expeditious consideration by Congress. Approval, however, will not take place without committee hearings and a full debate. The upshot could be a delay of congressional consent until sometime in 1993. By that point, a change of government in both Canada and the United States might have occurred, complicating but probably not wholly confusing the transnational politics of NAFTA approval.

The attitude of Canada's Parliaments as well as the Mexican Congress toward trilateral North American trade, though the agreement surely will be criticized in those bodies, should follow the policies of Canada's and Mexico's leaders. Opposition in both countries—in the business community and labor unions as well as political circles—should be reduced somewhat by the North American dispute-settlement mechanism, including the Trade Commission. Experience with the USCFTA, however, has shown that providing adjudicative measures for trade relations does not end the task of diplomacy, which now involves peoples as well as governments. Both old and new diplomacy are needed to form a trinational consensus, such as Governors Reagan and Brown and others imagined in 1979 and 1980. A sense of North American community must be engendered.

Without it, a North American market, no matter how well negotiated, cannot truly thrive.

TRIBUTE TO REV. RONALD WEBB

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader of my congressional district, the Reverend Ronald Webb of the Shiloah Baptist Church. Attached is a proclamation I issued Reverend Webb commending him for his work.

PROCLAMATION

Whereas the Shiloah Baptist Church was established November 15, 1923, celebrating seventy years of service to God and humanity in the City of Chicago; and

Whereas Shiloah Baptist Church has been blessed with eight dynamic pastoral leaders in the past seventy years, including Pastor Ronald Webb; and

Whereas the Reverend Ronald Webb was elected Pastor of Shiloah in 1990. Pastor Webb is a graduate of Bishop College, Dallas, Texas, Bachelor's degree, Howard University, Washington, D.C., Master of Divinity, and he is presently a candidate for the Doctor of the Ministry degree, at United Theological Seminary in Ohio; and

Whereas under the dynamic and anointed leadership of Pastor Webb, God continues to prosper Shiloah Church to grow spiritually, numerically, and financially, touching the lives of many people through the love of Christ: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge and congratulate The Reverend Ronald Webb and the Shiloah Baptist Church, Chicago, Illinois, on the occasion of the Church's 70th Anniversary, by entering this worthy Milestone into the Congressional Record and Archives of the One Hundred and Third Congress.

SALUTE TO JOYCE ERLINDA GAMBRELL DRAYTON

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Joyce Erlinda Gambrell Drayton, who this weekend will be honored by the Baptist Ministers Conferences and Associations, in conjunction with the Martin Luther King, Jr. Mass Choir for her stellar service as a church musician in the Philadelphia church community. This service will be convened by the Reverend Anthony Floyd at the Hickman Temple AME Church on Baltimore Avenue in Philadelphia where Rev. Joseph Patterson is pastor.

Mrs. Drayton's musical career was born at the age of 9 when she studied piano under the late Vernon White, and organ under the late Helen Gatling. At the age of 10, Joyce joined the Sunday school choir at the Nazarene Baptist Church, under the direction of her mother, Georgia Gregory. Her musical studies continued, learning the violin and bass fiddle, as well as receiving a scholarship to the settlement music camp where she studied piano and bass with members of the Philadelphia Orchestra. While attending the Kensington High School for Girls, Joyce accompanied the Kensington High School concert choir under the direction of William Felton, and was a member of the All City Orchestra. While attending Cheyney State College, now Cheyney University, she accompanied the concert choir under the direction of D. Jack Moses.

Mrs. Drayton received an A.B.S. in elementary education from Cheyney, and a masters degree in social work at Temple University, where she was vice president of her class. Additionally, she has furthered her musical studies in organ under Dr. J. Edward Hoy and Rosemarie Coleman of the Combs College of Music.

Mrs. Drayton's 36 years of church music service reads like an encyclopedia of Philadelphia religious institutions, having served Ward AME Church, Second Macedonia Baptist Church, First Corinthian Baptist Church, and First Baptist Church of Cresmont. She was also a member of the Music Executive Board and accompanist for the Billy Graham Crusade in June 1992, and in 1985 was director of the City Wide Revival Choir where she has also served as a musician. Mrs. Drayton was the first director appointed by the Missionary Baptist Pastor's Conference, now under the presidency of Rev. Anthony Floyd, to organize the Martin Luther King, Jr. Massed Choir, which performed for the first Martin Luther King, Jr., celebration hosted by the Baptist Minister's Conferences and associations of Philadelphia and vicinity.

Mrs. Drayton is the founder and president of Church Musicians Services, Inc., a minority-owned business dedicated to the enhancement of religious music in Philadelphia, providing a referral system for church musician as well as training and education, and a quarterly newsletter, Hallelujah.

Mrs. Drayton's latest project is the publication of "Distinguished Church Musicians in the United States," a book to recognize all musicians who have and are serving in congregations across the country.

Mr. Speaker, Joyce Erlinda Gambrell Drayton is a pillar of the Philadelphia religious community. I am proud to stand with her friends, family, and congregation in thanking her for her many years of great service to God.

TRIBUTE TO BISHOP REESE PRICE, JR.

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Bishop Reese Price, Jr., of the Victory Apostolic Faith Church. Attached is a proclamation I issued Bishop Price commending him for his work.

PROCLAMATION

Whereas Bishop Reese Price, Jr. was the seventh son, the last of twelve children born to Reese and Hannah Price in Lee County, in the hills of Haynes, Arkansas. Bishop Price and his late wife Dovetta Marie Sloan are the proud parents of twelve children. God blessed him to find love again after the untimely death of his late wife and to marry the former Ruth Shaw; and

Whereas Bishop Price was Called by God to the Ministry November 4, 1957, he received the Bachelor of Religious Education from the International Bible Institute and Seminary, he is the Founder and Pastor of the Victory Apostolic Faith Church established July 10, 1961 growing spiritually, in numbers, and in its facilities. The church moved to May street in 1971, and added the "Dovetta Annex" in 1990 to accommodate the growth in membership; and

Whereas Bishop Price is a Churchman he was elevated to District Elder of the Pentecostal Churches of The Apostolic Faith, and was Ordained Bishop in August 1987, he is a former Chairman of the Illinois Council and Vice President of the Pentecostal Churches of the Apostolic Faith Board of Directors, Vice President of the Midwest Apostolic Bible College, member of the Ordination Committee, Overseer and Treasurer of Foreign Missions, Diocesan Bishop of Oklahoma and Arkansas; and

Whereas Bishop Price is a dedicated man of God and a Humanitarian, committed to serving the whole person, he provides free counseling, food pantry and the Victory Christian Centers providing a thrift store, free clothing for foreign missions, free school supplies, free tutoring. He is the overseer for mission work in Liberia West Africa and Haiti, with a trade school, an Orphanage, and three grade schools, including medical care for the children, transportation, clothing, and agricultural projects to feed the people and provide income. Bishop Price is the author of a book entitled, "We Are Fixed": Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Bishop Reese Price, Jr. and the Victory Apostolic Faith Church, Chicago, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

CRIMINALIZING JENNIFER CAPRIATI

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, the recent arrest of Jennifer Capriati, essentially for the crime of being troubled, is further evidence of the pressing need to change our approach to drugs. Treating Ms. Capriati as a criminal because she had a small amount of marijuana for personal use is an example of counterproductive law enforcement, a waste of scarce government resources, and an act of cruelty toward a young woman who deserves help and not punishment.

I believe the time has come for us to stop wasting billions of dollars on a fruitless effort to interdict drugs; to stop treating users of marijuana and other substances as criminals; and to put the resources we will save thereby into a well-funded treatment program. The time has come for us to engage in a fundamental debate about our failed effort to deal

with the social problems caused by drugs, and to work together to come up with a new one. Treating Jennifer Capriati as a criminal is a strong example of the wrong way to go.

In Tuesday's Washington Post, Richard Cohen expressed this viewpoint in a thoughtful and persuasive way. In the interest of furthering a much needed national debate on drug policy, I ask that Mr. Cohen's cogent article be printed here.

CRIMINALIZING JENNIFER CAPRIATI

(By Richard Cohen)

NEW YORK—Those who are cynical about the erstwhile War on Drugs (a term abandoned by the Clinton administration) had their case bolstered recently. Jennifer, Capriati, the extremely dangerous 18-year-old tennis star, was arrested in Florida for possessing a small amount (about 20 grams) of marijuana. A terrified nation—she had killer ground strokes—undoubtedly breathed a sigh of relief.

The cynics, of whom I am one, might have noted that if Capriati were 21 and had possessed a gallon of vodka and, like every other Floridian, a legal handgun, the law would have left her alone. Throw in a carton of cigarettes—as addictive as chocolate, according to the cigarette companies—and no lawman would or could have taken an interest in her. Guns, booze and cigarettes are either mentioned in the Constitution or have strong lobbies in Washington—I forget which.

Enough cynicism—even from a cynic. The fact is that the arrest of Capriati points up the silliness of our drug laws. The former tennis star—she hasn't played for almost a year—has since entered the Mount Sinai Medical Center in Miami for rehab, although from what is not exactly clear. Above all, she seems to be suffering from an acute case of teenage madness. The symptoms include estrangement from her parents, consorting with "the wrong people" and, possibly, abuse of drugs. In her case, it probably matters that she became a professional tennis player at the age of 13. Women's tennis and child abuse sometimes amount to the same thing.

But for all Capriati's fame and wealth ($1.5 million in "lifetime" earnings), she is depressingly typical. Whatever her problems, they are hardly criminal in nature. Yet, she was arrested for allegedly possessing an insignificant amount of marijuana. This is a drug of such power that it has made the entire government crazy. During the Reagan years, for instance, the discovery of a single seed prompted the Feds to seize a luxury yacht. Yet for some reason, of all the millions of people who have partaken of the weed, not a single one is known to have died as a result. Would that cigarettes could make the same claim.

Let me pause at this point to declare my steadfast opposition to drug use. I do so without reservation. But eschewing the stuff myself and recommending it to no one, I still have to wonder why we continue to treat drugs mostly as a criminal matter, waging a war not against drugs themselves but against our own people.

At the moment, some 330,000 people are in jail for drug violations. In the federal prison system, more than 60 percent of the inmates are there for violating drug laws—most relating to harder drugs than marijuana. But even when it comes to pot, the numbers are appalling. The FBI reports that in 1992, 535,000 people were arrested for possession, sale or manufacture of marijuana—this in a nation that doesn't have enough cops to start with. In six cases, reports Rolling Stone magazine in a special report about drugs, life sentences were imposed. As for harder drugs, mandatory minimum sentences are clogging the jails with small-time "mules" who are quickly and easily replaced. The money's very good.

The folly, not to mention the tragedy, of this policy ought to be apparent. For some reason, the United States persists in treating drugs as a criminal, not a health, problem. Certainly, the importation and selling of hard drugs is a criminal enterprise and ought to be dealt with accordingly. But that lucrative business—so lucrative it persists despite Draconian penalties for lawbreakers—would soon wither if the government decriminalized the use of drugs. That was the experience when Prohibition ended and there's no reason to think things would be different now.

To that suggestion—advanced to one degree or another by Baltimore Mayor Kurt Schmoke and former secretary of state George Shultz among others, and contingent on much study—certain politicians cry bloody murder. Congressmen who represent inner-city districts see drugs as such a scourge that they label decriminalization as nothing short of capitulation. Decriminalization does seem like capitulation—capitulation not to drug pushers or to the substance itself but to human nature. We have been fighting this fight for a long time, spending $20 billion a year, and have nothing to show for it. The true winners of the war on drugs are drug pushers and companies engaged in the construction of prisons. The rest of us are losers.

Whatever Jennifer Capriati's problems, they are not criminal. If she indeed has a problem with drugs, particularly marijuana, she will probably be more easily cured than if she were a habitual cigarette smoker (tougher to quit for a lot of people than heroin) or a serious boozer. The whole idea that she was arrested—rehab was her own idea—for possessing a small amount of marijuana is preposterous. She's not a criminal, but a kid with some problems—one of them now being a bust on a drug charge.

TRIBUTE TO REV. WILLARD PAYTON

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Willard Payton of the New Birth Church of God in Christ. Attached is a proclamation I issued Reverend Payton commending him for his work.

PROCLAMATION

Whereas the Reverend Willard Payton is a native of Chicago, Illinois born to Glen and Mary Payton (both deceased), he was reared in the Englewood Community by Elder Johnie Wheeler and his wife, Missionary Ethel Wheeler. Reverend Payton is a family man Married to Gloria Lynne Payton for twenty-seven years, God has blessed them with five sons, three daughters, and three grandchildren; and

Whereas Reverend Payton matriculated at Lindblom High School, Wilson Junior College, Chicago City Colleges, the University of Illinois (Navy Pier), and the Charles Harrison Mason Bible College. A dedicated employee he worked eleven years for LTV Steel in production management, thirteen years for National Retractories and Minerals Corporation as Senior Sales Representative, a past member of the American Institute of Metallurgical Engineers and American Ceramic Society; and

Whereas, Reverend Payton has been a member of New Birth Church since 1968, he was Ordained an Elder in 1981, served as Assistant Pastor 1986–1991, he was appointed Pastor in October 1991. Reverend Payton is a denominational leader serving the First Jurisdiction of Illinois as Secretary of the Sunday School Department, Assistant Superintendent, Trustee, Assistant Secretary, Treasurer, President of the Youth Department, Vice President of the International Youth Department, a member of several standing committees serving Bishop Louis H. Ford, Presiding Bishop, Church of God In Christ, Reverend Payton is a dedicated shepherd, a humanitarian and a true role model in our community; and

Whereas the New Birth Church of God in Christ was founded in November, 1964 by the late Elder Johnie B. Wheeler with six members, today New Birth Church is an established congregation in the Englewood Community, building the present edifice in 1976, there is a monthly food basket program, Headstart program ages 3 to 6, a Nursing home visitation ministry, and monthly financial support for homeless children in Haiti for over ten years: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Willard Payton, and the New Birth Church Of God In Christ, Chicago, Illinois by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress.

TRIBUTE TO RABBI SIDNEY AKSELRAD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Ms. ESHOO. Mr. Speaker, I rise today to salute Rabbi Sidney Akselrad, a dedicated community leader from California's 14th Congressional District who was recently honored by the Palo Alto Senior Coordinating Council with its prestigious Lifetimes of Achievement Award.

Rabbi Sidney Akselrad has practiced the art of coalition-building throughout his life—with his congregations, youth, fellow rabbis, other denominations, and the civil rights movement. His cochairmanship in 1960 of the Bay Area Committee for Freedom Riders led to his becoming extensively involved with civil rights activities in the South and his association with Dr. Martin Luther King, Jr. Rabbi Akselrad also provided extraordinary leadership for 20 years as senior rabbi for Congregation Beth Am in Los Altos Hills. His community service includes working as a chaplain at Stanford Hospital, a founding board member of Opportunities Industrialization Center West [OICW], a

board member of the United Way of Santa Clara County, and president of the Northern California Board of Rabbis. His numerous honors include the Palo Alto B'nai B'rith Brotherhood Award and the Israel Medal of Freedom, both received in 1968, and the South Peninsula Jewish Community Center Community Service Award in 1980.

Mr. Speaker, it has been written, "blessed be the peacemakers: for they shall be called the children of God." The 14th Congressional District of California and our Nation have been bettered because of this extraordinary man. I ask my colleagues to join me in congratulating him on receiving a Lifetimes of Achievement Award.

TRIBUTE TO REV. STEPHEN LEWIS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Stephen Lewis of the True Vine Missionary Baptist Church of Dixmoor, IL. Attached is a proclamation I issued Reverend Lewis commending him for his work.

PROCLAMATION

Whereas the Reverend Stephen D. Lewis is a native of Chicago, Illinois, he matriculated at Moraine Valley Community College, completed Chicago Baptist Institute, entered the Bachelor of Theology from the International Bible Seminary; and

Whereas Reverend Lewis is a role model and a family man, serving as Minister of Music and Church Organist throughout Chicago for many years; he is married to Miss Hellen Freeman for fifteen years, they are blessed with four children; and

Whereas Reverend Lewis acknowledged his Call to the Ministry and was Ordained in 1977, he was elected Pastor of The True Vine Missionary Baptist Church, Dixmoor, Illinois over fourteen years ago in 1979, we thank God for a summer feeding program, the AWANA Bible Class (Workman that are not ashamed), the Midnight Musical, and the Stephen D. Lewis youth coral; and

Whereas Reverend Lewis is respected among his peers, he serves as the First Vice President of the State Progressive National Baptist Convention and Vice President of the South Suburban Ministers Fellowship, he is an outstanding Gospel Preacher and humanitarian: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Stephen D. Lewis, by entering these accomplishments into the Record and Archives of the One Hundred and Third Congress.

FOREIGN OPERATIONS GAG RULE DEMONSTRATES NEED FOR A TO Z SPENDING CUTS PLAN

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. ZELIFF. Mr. Speaker, this House has been shut out of the process again.

Legislation considered today, the foreign operations appropriations, has been brought up under a closed rule. That prohibits real debate and real votes on real spending cuts from A to Z. This House has not be allowed by its leadership to have any real input on spending priorities for America.

This is precisely why we need the A to Z spending cuts plan. Members would be able to offer spending cuts, have them fully debated, and receive a rollcall vote on each spending cut.

Under A to Z we could have real votes on real spending cuts that the Rules Committee bottled up. The Rules Committee has refused to allow us to debate or vote on the following amendments:

A Solomon amendment to cut aid to the International Development Association by $211 million. Mr. SOLOMON represents 582,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Traficant amendment to cut overall funding by 10 percent, $880 million. Mr. TRAFICANT represents 571,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Klug amendment to cut the International Fund for Ireland by $9.6 million. Mr. KLUG represents 544,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Burton amendment to cut Agency for International Development overhead expenses by $5 million. Mr. BURTON represents 554,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Crane amendment to cut our voluntary U.N. contribution. Mr. CRANE represents 572,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Hoyer amendment to ensure no funds are used to enforce the embargo on Bosnia. Mr. HOYER represents 598,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

A Goodling amendment to cut overall funding by $42 million. Mr. GOODLING represents 566,000 people whose voices cannot be heard because the leadership's gag rule turned down their Representative's amendment.

These spending cuts were worthy of consideration, but the Rules Committee chose to ignore them. The Rules Committee has chosen to ignore elected Members of this House, and the millions of Americans they represent. This is unacceptable.

The A to Z spending cuts plan would allow us to trim the fat from the budget.

It is painfully obvious that, in this case, the Foreign Operations Subcommittee and the Rules Committee have refused to let us have debate, and up and down votes, on these spending cuts.

Those of you who are opposed to these types of business-as-usual gag rules should sign the A to Z discharge petition today.

TRIBUTE TO DR. KWAME PORTER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. Kwame Porter of the Christ United Methodist Church. Attached is a proclamation I issued Dr. Porter commending him for his work.

PROCLAMATION

Whereas Dr. Kwame Porter was born in Mineral Springs, Arkansas as John Porter, due to the transformations brought about in his life today he is identified as Kwame which means, "one born on a Saturday with a commitment to keeping his peoples' history." He is a family man married to June C. Porter, and God has blessed them with six children, John T., Joseph D., Julia M., Jessica R., Jorja A., and Jerrianne C. Porter; and

Whereas Dr. Porter is a Pastor, Scholar, Prophet, and Community Leader, serving Christ United Methodist Church, Chicago, Illinois since the 1960's, he is a graduate of Kansas Community College, Kansas City, Kansas, Associate Arts Degree 1953, Iowa Wesleyan College, Mount Pleasant, Iowa, Bachelor of Arts Degree 1959, Garrett Evangelical Theological Seminary/Northwestern University, Evanston, Illinois, Master of Divinity Degree 1962, Union Institute, Cincinnati, Ohio, earning the Ph.D. Degree 1975, he is a prolific writer, the author of the Dating Habits of Young Black Americans "And All Most Everybody Else Too" and over eight other books and numerous articles; and

Whereas Dr. Porter has always been in the vanguard in the struggle for Black Liberation, he was the first minister in Chicago to invite Dr. Martin Luther King, Jr. to Chicago and organized the first official Southern Christian Leadership Conference Chapter in Chicago in 1964, Dr. Porter is mentioned in Dempsey Travis' books on the history of Chicago, a Harvard University Study of the Civil Rights Movement, a University of Chicago Study on Chicago and the Civil Rights Movement, and the Oral History Project of Chicago's Civil Rights Movement by the Art Institute and Columbia College, Chicago, Illinois; and

Whereas Dr. Porter is a builder of men, women, and Institutions he has enabled thirty-one men and women enter the Christian Ministry from various denominational backgrounds, he has created several institutions, the Talented Tenth African American College Prep Project, The Successful Employment Preparation Project, The Winners Circle Business, The Englewood Cluster Umoja-Shalom Village, and the Englewood Alternative Policing Community Organizers cadre: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of Dr. Kwame Porter, and the Christ United Methodist Church, Chicago, Illinois on the occasion of Dr. Porter's thirty-three years in the Ministry, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

THE HAITIAN EMBARGO: NOT A GOOD SOLUTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. BEREUTER. Mr. Speaker, the Clinton administration's continuing effort to return Jean Bertrand Aristide to the Presidency in Haiti has proven to be frustratingly ineffective. Unable to force the military junta to accept Mr. Aristide's return, the Clinton administration has resorted to tightening the embargo and easing the restrictions on asylum seekers. This Member is gravely concerned that our current Haiti policy will continue to bring nothing but additional suffering.

A recent editorial in the May 24, 1994, edition of the Lincoln Star entitled "No good solutions, including an embargo," outlined the difficulties with our current Haiti policy. As the editorial correctly notes, General Cedras and the other junta leaders "have been emboldened by the Clinton administration penchant for tough, but ultimately empty, talk. American credibility has been damaged."

This Member would ask to place this editorial in the RECORD, and commend it to his colleagues.

[From the Lincoln Star, May 24, 1994]

NO GOOD SOLUTIONS, INCLUDING AN EMBARGO

Just as Haiti may have no good guys in political residence, President Clinton faces no good solutions for that country's problems and our country's unfortunate tangle in it.

Our tortured past with Haiti, recent policy missteps and a heinously cruel economic embargo morally bind the United States to resolve the Haitian crisis.

Clinton's announcement to grant political asylum hearings to fleeing Haitians is a humane if problematic decision, but no solution.

To continue to treat Haitians differently than other refugees gives credence to charges of racism.

Cubans, for one, have been welcomed by the boatload into Miami. The difference may reflect the United States' longstanding sympathy to anti-communist Cubans more than racism. But for whatever reason, it is clear that Haitians are treated one way, refugees from other nations another.

However, this runs the risk of encouraging more Haitians to flee and creating a nightmare of a refugee crisis as we scramble to care for an onslaught of poor, illiterate people.

The larger problem, of course, is what to do about Haitians in Haiti.

The exiled, democratically elected president, Jean Bertrand Aristide, is ensconced in the United States, nixing U.S.-proposed compromises to return him to Haiti. He makes a troubling democrat who will never be mistaken for George Washington. But he was elected by a majority of Haitians and illegally removed from office.

Its people are being slaughtered by military thugs and starved by an embargo intended to pry the military from power, but with the actual effect of inflicting incredible suffering on an already destitute population. The border is porous, but the goods that make it into Haiti go to the military and the black market, not to the poor—the Aristide supporters.

Its military leaders have been emboldened by the Clinton administration penchant for tough, but ultimately empty, talk. American credibility has been damaged.

Haiti sits on our doorsteps, clearly in our sphere of interest. Yet history taints the perception of our motives. U.S. Marines stormed onto Haiti's shore because of virtual anarchy in the country in 1915. We stayed until 1934.

Our shameful relationship with Haiti's dictators since then make us a suspect savior. As in Somalia, U.S. forces are likely to be first welcomed, but in any extended stay our welcome would quickly wear out.

We cannot sit idly while the embargo does its dirty work. We have a moral obligation to Haiti, to revisit diplomatic solutions with our allies in the region or through United Nations mediation.

The rebuilding of Haiti must be up to Haitians. But first we must remove the boot from its jugular.

Many innocents would die if the United States and allies launch an invasionary force to oust the military. But many will die also as a result of this embargo. The search for a resolution to this mess must continue.

[From the Lincoln Star, May 24, 1994]

AMERICA CHANGES FACE

"The offer was sweeter than a bushel of Iowa roasting ears: $25 million in incentives to a Maryland biotechnology company if it would leave the nerve-rattling East Coast and settle here in America's heartland—fresh air, quiet streets, smiling faces," read the news story about a company considering relocating to Des Moines.

"But after a closer look at Iowa, the company noticed that almost all of those faces, smiling or not were white." The offer was ultimately rejected—because Des Moines was not racially diverse enough.

Just as America's face is changing, the needs of companies are also changing.

Companies today have offices all over the country, all over the world. It's a good chance that some of their best people will be other than white. How is that company going to feel about sending someone to work in Iowa if they're going to lose them in a year, asks Max Phillips, an executive with U.S. West.

[From the Lincoln Star, May 24, 1994]

CZECH, SLOVAK REPUBLICS FACE CHALLENGES

(By Ann Toner)

The Czech and Slovak republics, formerly Czechoslovakia, are adapting at different rates to free enterprise, according to two Farmers National Co. officers who have been assisting the effort.

Speaking Monday to the Omaha Agri-Business Club, Max Evans of Des Moines, chief real estate appraiser, and Craig Harris of Shenandoah, Iowa, real estate associate, said in the more populous and industrialized Czech republic, unemployment is 3 percent and business is improving.

In the less populous Slovak republic, more rural and less industrialized, unemployment is 20 percent and likely to climb.

The two men have been helping through a grant to Iowa State University from the U.S. International Development Agency.

"A lot of people have changed on paper but not at heart," said Evans. One collective farm was divided into 90 smaller enterprises, turning the tractor driver under the former system into a custom tractor driver who still has to go to a central committee to get his tractor fixed when it breaks down.

Slovak farmers can't believe that a U.S. farmer could farm 1,200 acres with just his immediate family or possibly one hired hand. A Slovak farm that size might have 150 employees with a hands-off manager who directs them.

The collectives have reduced employment by about 30 percent and need to pare their worker force by another 65 percent in order to become efficient, Evans said.

Crop farms in the republics are a mix of modern and ancient with tractors, horse teams and hand labor all engaged in production, the two men said. Tillage is extensive, with no effort to terrace or save soil.

Many livestock farms are antiquated and in need of better genetics and animal nutrition, Harris said. Dairies milk dual-purpose animals that don't do a good job of either milk or meat production.

Feeds are hay, grass and silage with little effort to balance rations or protein content for optimum production.

Collectivization and confiscation of properties under communism have complicated land reform, Harris said. A lack of records makes it difficult to establish past ownership.

TRIBUTE TO REV. JOHN H. RICE

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Rev. John H. Rice of the Bethel Baptist Church. Attached is a proclamation I issued Reverend Rice commending him for his work.

PROCLAMATION

Wherease the Reverend John H. Rice was born in Starksville, Mississippi, reared in Chicago Heights, Illinois since the age of four matriculating at Dr. Charles Gavin Elementary, Washington Junior High, and Bloom High School; graduate of Moody Bible Institute, Prairie State College, Associate of Arts Degree, Governors State University, Bachelors Degree Majoring in Communication Science, currently a candidate for the Masters Degree in Communication Science; and

Whereas Reverend Rice as elected Pastor of St. Bethel Baptist Church in 1970, where he has had life long member, the church has been blessed with an increase of over six hundred (600) new families involved in many christian ministries; and

Whereas under the dynamic leadership of Pastor Rice the Bethel Community Facility also known as "the miracle on Portland Avenue" was constructed, today this one million dollar debt-free multipurpose facility serves the community with day care, a medical clinic, alternative high school for at risk youth, adolescent basketball, computer classes, a pharmacy, and fellowship hall; and

Whereas Reverend Rice is a family man, married thirty-three years to the former Movita Tate, and God has blessed them with one son and three daughters: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend John H. Rice by entering these accomplishments into the Congressional record and archives of the one hundred and third Congress.

TRIBUTE TO THE BIBERMANS

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I rise to pay tribute to two life long residents of Pennsylvania who are celebrating the 50th anniversary of their wedding on June 4, 1994.

Fifty years ago, 2 days before D-Day, David and Annette Biberman were married in Philadelphia. Dave, then an artillery expert in the U.S. Army, was shipped to the Philippines where he served his country training GI's in the new munitions technologies. During the war, Annette worked for the Budd Co. where she wrote a monthly letter to American servicemen describing the equipment Budd was manufacturing to assist in the war effort.

At the end of the war, Dave and Annette started a family and raised two daughters. Dave and Annette have been lifelong supporters of liberal social causes. Since their retirements from careers in business and education, they have been active volunteers for cultural organizations in Philadelphia. They have also been devoted grandparents to two grandsons and two granddaughters.

It is a privilege to wish them many more years together on this great occasion.

TRIBUTE TO DR. WILLIAM T. RUCKER

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, Dr. William T. Rucker of the Soul Reviving Missionary Baptist Church. Attached is a proclamation I issued Dr. Rucker commending him for his work.

PROCLAMATION

Whereas Dr. William T. Rucker is a learned man, holding five earned academic degrees and one honorary degree. Dr. Rucker matriculated at City College of Chicago (Wilson Junior College), Associate of Arts degree in humanities, Alma College, Alma, Michigan, Bachelor Science degree in Physical Education, McKinley Theological Seminary, Bachelor of Theology, Governors State University, University Park, Illinois, Bachelor of Arts and Masters of Arts in Cultural Studies, Northern Baptist Theological Seminary, candidate for the Doctor of Ministry Degree, McKinley Theological Seminary, Honorary Doctor of Divinity; and

Whereas Dr. Rucker has been an outstanding athlete and role model to his peers and others since the days of his youth. He was Captain of his High School Football and Track teams, earning twelve Varsity Letters in Football, Basketball, Track and Baseball, State Champion in the One Hundred Yard Dash, receiving thirty medals and thirty-five trophies, earning six Varsity Letters in College Football and Track, in 1986 he earned the Yudanshu Black Belt through the Wolfpack Karate Studio; and

Whereas Dr. Rucker was Licensed to preach and Ordained into the Gospel Ministry in 1974, since that time he has served as Pastor of Soul Reviving Missionary Baptist Church of Chicago, he is a member of the Southern Baptist Convention; and

Whereas Dr. Rucker is among the most dedicated and exceptional Child Welfare advocates in America, President of One Church One Child, State of Illinois, President of the Reverend Henry Rucker Memorial Services Organization a full service Foster Care and Adoption Agency, Member, Department of Children and Family Services Advisory Council, Co-Chairman, Adoption Reform Panel, Member, Governor's Advisory Board—Adoption Project Heart, Board Member, Olive Harvey City College, Board Member, Roseland Community Hospital, Chairman, South Area Social Services Coalition, and Chairman, South Area Planning Board: Now, therefore, be it

Resolved, That the Congress of The United States wishes to acknowledge the accomplishments of Dr. William T. Rucker by entering these accomplishments into the CONGRESSIONAL RECORD and Archives of the One Hundred and Third Congress of the United States.

OUTRAGE IN BOSTON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. LANTOS. Mr. Speaker, I invite my colleagues to read the following OP–ED by Bob Herbert from today's New York Times. It describes a flagrant violation of antidiscrimination laws and a violation of the principles upon which our society prospers. We cannot let incidents such as this be swept under the rug and explained away as mistakes. I am outraged that, at the request of a visitor to our country, the management of the Four Seasons Hotel decided to ignore a hundred years of progress in racial relations. Mr. Speaker, this travesty speaks for itself and I urge my colleagues to take note of it.

OUTRAGE IN BOSTON

It was the kind of ugliness you expected from the South in the 1950's, but it happened last week in one of the great hotels of Boston.

The Prime Minister of India, P.V. Narasimha Rao, and his entourage checked into the Four Seasons Hotel late on the night of May 16. Thirty-six rooms were booked for Mr. Rao and the approximately 50 aides who accompanied him. There was also a contingent of U.S. Secret Service personnel assigned to the Prime Minister, who was to speak at Harvard the next day.

Now in a great hotel like the Four Seasons, there is a surge of excitement and activity when important guests arrive. A variety of tasks have to be carried out by parking attendants, bellhops, clerks, maids, waiters and the like.

Last week at the Four Seasons, any of those tasks done for the Prime Minister of India had to be done by white people. No African-Americans could carry his bags, no Asians could clean his room, no Latinos could serve him his food. At the direction of a hotel official, the Prime Minister had to be served by whites only, American or European.

The offense was so blatant and egregious that the head of the Massachusetts Commission Against Discrimination could not at first believe it. The initial reaction of the commission chairman, Michael T. Duffy, was that the allegation, made by hotel employees, was "too outrageous to be true." He ordered an investigation.

It turned out that the Four Seasons official, who has not been publicly named, had notified hotel supervisors in a memorandum that nonwhites were not to serve the Prime Minister. This was confirmed by the hotel's general manager, Robin Brown, who said, "There was a memo that went out to a number of employees saying that only certain nationalities should service the Prime Minister's room."

Mr. Brown has made extensive public apologies on behalf of the hotel and has described the memo and its aftermath as "very, very stupid and unforgivable and painful."

But how could the flap have happened? To carry out the directive, some nonwhite employees had to be shifted from their normal duties. How could anyone at the hotel have thought that was all right? Last week marked the 40th anniversary of the Brown v. Board of Education Supreme Court ruling that led to the dismantling of legal segregation in the United States. Clearly there are many who remain untouched by the spirit of that ruling.

Two African-American bellhops, Harrison Lilly and Jose Abad, were among those told by Four Seasons supervisors that they couldn't assist the Prime Minister or his party. Mr. Lilly, the night bellman, said he was given paperwork to do. He was quoted in The Boston Globe as saying, "I felt when it happened that they had traded my eight years of service for one night of revenue."

Four Seasons officials, while acknowledging that what happened was wrong, contend that hotel employees were carrying out a request made by the Prime Minister's security people, who felt that Mr. Rao would be safer if only white waited on him. The security people, according to hotel officials, were worried about the possibility of an assassination attempt or some other terrorist act.

The Indian Government has denied that any request was made that pertained to the racial or ethnic background of hotel staff members.

The Four Seasons is doing its best to make the controversy disappear. Hotel officials have apologized to Mr. Lilly and Mr. Abad, and have reimbursed them a total of $179 for lost gratuities. The two bellhops, who had filed charges with the Commission Against Discrimination, have withdrawn their complaint. Mr. Brown, the general manager, has said he would like the "healing" to begin.

But hold on. What happened at the Four Seasons last week was a moral outrage. Mr. Duffy said yesterday that the commission's investigation was continuing. Additionally, the United States Government has an interest in knowing whether a foreign head of state has been fostering racial discrimination here. That should be thoroughly investigated. And the hotel, which insists that it will not tolerate discrimination, needs to show that it's serious. There are times when heads should roll and this is one of them.

TRIBUTE TO REV. J.C. SMITH

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend J.C. Smith of the Bethlehem Temple Baptist Church. Attached is a proclamation I issued Reverend Smith commending him for his work.

PROCLAMATION

Whereas the Reverend J. C. Smith is a native of Montgomery, Alabama, he is a family man, married to Miss Willie Myricks for thirty-seven years and God has blessed them with nine children, all completing college and the eldest son is a candidate for the Ph. D. Degree; and

Whereas Reverend Smith is a community leader and a churchman, serving on the School Board of District 147 for twenty-one years, a member of the South Suburban Ministries Fellowship serving as chairman of the political affairs committee, Vice President of the state Progressive National Baptist Convention, and Moderator of the South Suburban District; and

Whereas Reverend Smith was Ordained in 1964, organized Bethlehem Temple Baptist Church in 1969 with five members, today the congregation numbers over one thousand souls with over fifteen ministries, including a Mens Mentor Ministry, a dynamic youth and young adult ministry, and a women's ministry who volunteer at Oak Forrest Hospital; and

Whereas under the leadership of Rev. Smith the congregation out grew its facilities, in 1990 a new church was completed located at Sibley & Ashland, a shining beacon of light in difficult times: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend J. C. Smith, by entering these accomplishments in the Record and Archives of the One Hundred and Third Congress of the United States.

TRIBUTE TO OFFICER MARTIN GANZ

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Ms. HARMAN. Mr. Speaker, tomorrow is a solemn occasion for my district because we are honoring one of our own who gave his life in the line of duty. The death of Manhattan Beach police officer Martin Ganz, who was gunned down while making a routine traffic stop on December 27, 1993, was a tragic reminder of the world around us.

Whether on the streets, in our cars, or in our homes, the fear of violence is one we all share. And with Officer Ganz's death we no longer feel that even those who are there to protect us are completely safe from the dangers of urban life.

The challenge is to overcome our fear with action. It is my goal to see that we do learn from the senseless act that has stolen from us a bright, promising, and caring young man who so selflessly committed himself to his family, his friends, and his profession. To paraphrase a comment made by Martin Ganz's fiance, Pamela Ham, at a recent forum I held to discuss gun violence, "we cannot let Martin's death be in vain."

Martin Ganz was a kind son and brother who offered support to his mother and five sisters, and a loving fiance to Pamela—planning to formally propose marriage to her on Valentine's Day. He was a model police officer who earned the respect of both his colleagues and the residents of his community. Let us keep these memories clear, and continue to work together to keep our community safe and strong.

TRIBUTE TO REV. BARNEY SHELTON SAULSBY

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work done by a great leader in my congressional district, the Reverend Barney Shelton Saulsby of the Messiah Temple Missionary Baptist Church. Attached is a proclamation I issued Reverend Saulsby commending him for his work.

PROCLAMATION

Whereas the Reverend Barney Shelton Saulsby is a native of Columbia County Florida, he is a graduate of Richardson High School, Lake County Florida, Chicago Technical College with a degree in Engineering, Chicago Baptist Institute, earning the Bachelor of Theology Degree, Southern Bible Seminary, earning the Master of Theology, and the International Bible Institute earning the Doctor of Theology; and

Whereas Reverend Saulsby is the Founder and Pastor of the Messiah Temple Missionary Baptist Church, established in 1965, serving as its faithful under-shepherd for over twenty-eight years, on Easter Sunday, April 19, 1980 the congregation moved to its new home a new edifice seating over one thousand, a fellowship hall, and educational facility; and

Whereas Reverend Saulsby believes in a Ministry to the total man and community outreach, in 1992 he was appointed Protestant Chaplain of the Chicago Fire Department, serving the spiritual needs of the Firemen and their families; and

Whereas Reverend Saulsby organized the Messiah Evangelistic Association with an outreach ministry reaching over thirty States, the God Squad Youth Ministry that includes the far south side of Chicago, and a weekly radio broadcast that covers the Chicago Metropolitan Area: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Barney Shelton Saulsby and the Messiah Temple Missionary Baptist Church, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO REV. RICHARD McCREARY II

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Richard McCreary II, of the New Covenant Missionary Baptist Church of Phoenix, IL. Attached is a proclamation I issued Reverend McCreary commending him for his work.

PROCLAMATION

Whereas the Reverend Richard D. McCreary, II, Ph.D. is a native of Evergreen, Alabama, the son of the late Richard D. McCreary, Sr., and Mrs. Leodia P. McCreary. He is a family man, married to Barbara J. P. McCreary, M.D., they are the proud parents of two daughters, and two grandchildren; and

Whereas Reverend McCreary matriculated at Florida A & M University, Tallahassee, Florida, earning the Bachelor of Science Degree, Southern Illinois University at Carbondale, Illinois, earning the Master of Science Degree, the University of Iowa, Iowa City, Iowa, earning the Doctor of Philosophy Degree, Northern Baptist Theological Seminary, earning the Master of Divinity Degree, and Northern Theological Seminary, earning the Doctor of Ministry; and

Whereas Reverend McCreary was Licensed to preach May 14, 1967 by the First Baptist Church of Evergreen, Alabama, under the pastoral leadership of The Reverend H. J. Hawkins, and Ordained March 1, 1970, by the Rock Hill Baptist Church of Carbondale, Illinois, Reverend McCreary is a Professor of Composition at Governors State University, University Park, Illinois; and

Whereas Reverend McCreary is the Pastor of the New Covenant Missionary Baptist Church, Phoenix, Illinois, he is an active member of the Greater New Era District Association, he is a staff writer for the "Worker" Missionary Magazine, the Founder and Director of the New Covenant Christian Academy, New Covenant Church provides leadership development classes, and has many outreach programs to meet the needs of the community: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of The Reverend Richard D. McCreary, II, Ph.D. and the New Covenant Missionary Baptist Church, Phoenix, Illinois, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO REV. ALBERT LOVE

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Albert Love of the First Lilydale Baptist Church of Chicago, IL. Attached is a proclamation I issued Reverend Love commending him for his work.

PROCLAMATION

Whereas the Reverend Albert Love is a native of Chicago, Illinois, he matriculated at Lindblom Technical High School, graduating with honors, University of Illinois, Chicago, Illinois, Trinity Christian College, Palos Heights, Illinois earning the Bachelor of Arts degree in Psychology and Theology, graduating Cum Laude, he is a family man, married to Miss Carolyn Knowlton of Chicago, Illinois since 1976, God has blessed them with a son, Brandon Alexander Love; and

Whereas Reverend Love responded to the Call to the Gospel Ministry, he was licensed to Preach in August, 1976, Ordained in April, 1980, in October, 1983 he became the tenth man to Pastor the historic Lilydale First Baptist Church, Chicago, Illinois, the former Pastors were, Rev. C.D. Trice, Rev. E.W. Lowery, Rev. E.W. White (served twice), Rev. W.W. Franklin, Rev. A.J. Davis, Rev. J.W. Coleman, Rev. W.M. Moore, Rev. C.C. Yates, Rev. L.W. Johnson, all making their contribution in building the Kingdom of God; and

Whereas Reverend Love is a denominational leader, he is Secretary of the Presidents Council of Baptist Conventions in Illinois, Chief Operating Officer of the Baptist General State Convention, Member of the Permanent Organization Board of the National Baptist Convention, U.S.A., Financial Secretary of the Greater New Era District Baptist Association, he is a much sought after teacher in the State and National Congress of Christian Education, and the World Baptist Alliance; and

Whereas under the Pastoral Leadership of Reverend Love the congregation has grown to over one thousand persons and is very active in the community, the Church will send an exchange student to Zimbabwe, a sponsor of the Inner-City Youth Camping Project, sponsor a summer Youth Jobs Program, involved in the Christian Ecumenical Development Corporation, rehabilitating housing for low income families, adopted a shelter for teenage mothers, scholarship programs, Monthly food drive, and Ministry to the Elderly: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the Reverend Albert Love and the First Lilydale Baptist Church, Chicago, Illinois, on the occasion of Reverend Love's Tenth Pastoral Anniversary, by entering these accomplishments into the Congressional Record and Archives of the One Hundred and Third Congress of the United States of America.

TRIBUTE TO REV. ALBERT MOSES SHEARS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 1994

Mr. REYNOLDS. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding work done by a great leader in my congressional district, the Reverend Albert Moses Shears of the Maple Park United Methodist Church. Attached is a proclamation I issued Reverend Shears commending him for his work.

PROCLAMATION

Whereas the Reverend Albert Moses Shears is a native of Marianna, Arkansas, graduating from Anna M.P. Strong High School with honors, matriculated at the University of Arkansas A.M&N at Pine Bluff, Bachelors degree and Garrett Evangelical Theological Seminary, Evanston, Illinois earning the Master of Divinity Degree; and

Whereas Reverend Shears is a member and an Elder in the Northern Illinois Conference of the United Methodist Church, former Pastor of South Deering and Vincent United Methodist Churches, he was appointed Pastor of Maple Park United Methodist in 1988; and

Whereas under the pastoral leadership of Reverend Shears God has Blessed Maple Park Church to grow spiritually, in membership, in ministry to the hungry, to Senior Citizens, to youth, to those in prison, to the community and the promotion of aids awareness, to expand into a beautiful new church facility; and

Whereas Reverend Shears is a humble man, a servant of God, a member of the Board of Ordained Ministry of the Northern Illinois Conference, a former president of the Greater Grand Crossing Organizing Committee, and the president of the Board of the Developing Communities Project; and

Whereas Reverend Shears is a family man, a true role model, married to Carolyn Shears, God has blessed them with three children, Katundra, Derrick and Carlos and one grand daughter: Now, therefore, be it

Resolved, That the Congress of the United States wishes to acknowledge the accomplishments of the The Reverend Albert M. Shears by entering these accomplishments into the Congressional Record and Archives of the one hundred and third Congress of the United States.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 26, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 27

8:00 a.m.
Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security.
SH-216

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine monetary policy.
SD-538

JUNE 7

8:00 a.m.
Labor and Human Resources
Business meeting, to resume markup of proposed legislation to provide for health care security.
SH-216

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-138

Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security.
SH-216

JUNE 8

8:00 a.m.
Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security.
SH-216

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To resume hearings on issues relating to teenage pregnancy.
SD-192

Indian Affairs
To hold hearings on S. 1936, to provide for the integrated management of Indian resources, and S. 2067, to establish an Assistant Secretary for Indian Health, and to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.
S-128, Capitol

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for foreign assistance programs.
SD-419

2:00 p.m.
Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security.
SH-216

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JUNE 9

8:00 a.m.
Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security, and to mark up S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act.
SH-216

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

Rules and Administration
Business meeting, to mark up S. 1824, Legislative Reorganization Act, H.R. 877, Smithsonian National African American Museum, an original bill authorizing appropriations for fiscal year 1995 for the Federal Election Commission, S. Res. 196, printing resolution for Aging Committee, an original resolution authorizing the purchase of 1995 wall calendars, H. Con. Res. 222, authorizing acceptance and placement of a bust in the Capitol, and other legislative business.
SR-301

Indian Affairs
Business meeting, to consider Indian health care provisions of the proposed American Health Security Act.
SR-485

10:00 a.m.
Governmental Affairs
Business meeting, to consider pending legislation and nominations.
SD-342

2:00 p.m.
Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security, and S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act.
SH-216

JUNE 10

8:00 a.m.
Labor and Human Resources
Business meeting, to continue markup of proposed legislation to provide for health care security.
SH-216

9:30 a.m.
Indian Affairs
To hold oversight hearings on activities of off-reservation boarding schools.
SR-485

10:30 a.m.
Commission on Security and Cooperation in Europe Briefing on crime and corruption in Russia.
Room to be announced

JUNE 14

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on weather satellite conversions.
SR-253

Environment and Public Works
Superfund, Recycling, and Solid Waste Management Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for Superfund programs.
SD-406

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

JUNE 15

9:30 a.m.
Indian Affairs
To hold hearings on S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.
SR-485

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration, Department of Commerce.
SR-253

Finance
To hold hearings on S. 1780, to revise the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986, to provide security for workers, to improve pension plan funding, to limit growth in insurance exposure, and to protect the single-employer plan termination insurance program.
SD-215

2:30 p.m.
Indian Affairs
To resume hearings on S. 1021, to protect and preserve the rights of Native Americans to express and exercise their traditional religious beliefs, focusing on an amendment in the nature of a substitute.
SR-485

JUNE 16

9:30 a.m.
Energy and Natural Resources
To hold hearings on implementation of the Department of Energy's alternative fuel vehicle and fleet programs.
SD-366

Rules and Administration
To hold hearings on S. Res. 69, to require that an evaluation of the financial impact that any Federal mandates would have on State and local governments be included in the committee report accompanying each bill or resolution containing such mandates, S. Res. 157, to require a supermajority for committee approval of bills containing unfunded Federal mandates, and S. Res. 158, to require a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.
SR-301

JUNE 23

9:30 a.m.
Rules and Administration
To hold hearings on the nominations of Lee Ann Elliott, of Virginia, and Danny Lee McDonald, of Oklahoma, each to be a Member of the Federal Election Commission.
SR-301

10:30 a.m.
Rules and Administration
To hold oversight hearings on the operations of the Office of the Architect of the Capitol.
SR-301

CANCELLATIONS

MAY 26

9:00 a.m.
Armed Services
Business meeting, to discuss procedures for markup of the proposed National Defense Authorization Act for Fiscal Year 1995.
SR-222