

SENATE—Wednesday, June 8, 1994

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

The PRESIDING OFFICER. Today's prayer will be offered by our guest chaplain, the Reverend Dr. Charles F. Schultz, Jr., of the First Church of Christ Congregational, Glastonbury, CT.

PRAYER

The guest chaplain, the Reverend Charles F. Schultz, Jr., D.D., offered the following prayer:

Let us be together in prayer:

Eternal God, God of all the ages and God of this time and place. God of all people and our God, we pause to praise Your name and to thank You for Your mighty deeds of love and grace, mercy, and redemption.

O God, we thank You for Your presence in the life of nations and in our lives. We thank You for Your promise that whenever women and men seek to be faithful in the midst of unfaithfulness, their own and others, You are with them in joy and sorrow, victory and defeat, life and death.

Everlasting God, we thank You for Your love, which seeks always to empower and not overpower, which is revealed in a rich and amazing variety of ways: Jesus of Nazareth, prophets and apostles, martyrs and saints and also through people, exactly like ourselves, who, inspired by Your spirit, have done extraordinary things for others and to Your great glory.

Holy God, may Your will be done and Your name be honored in church, synagogue, and mosque, in high centers of government, in our homes and places of work. Gracious God, continue to be with Your people in the struggle for justice and peace and to build communities of inclusiveness where all are affirmed.

O God, on this anniversary of D-day, bless America, that America might continue to be a blessing to the world.

Gracious God, to this end may each of us grow into closer touch with what President Lincoln called, "the angels of our better selves." For You have shown us, O God, what is good, and what do You require of us but that we seek mercy and kindness, love, justice, and walk humbly with You and our sisters and brothers. To You be all honor, glory, and power forever, worlds without end. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 8, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

RECOGNITION OF SENATOR FAIRCLOTH

The PRESIDING OFFICER (Mr. AKAKA). The Senator from North Carolina [Mr. FAIRCLOTH] is recognized to speak for up to 15 minutes.

Mr. FAIRCLOTH. Thank you, Mr. President.

FITZ-PEGADO SPEECH II

Mr. FAIRCLOTH. Mr. President, shortly before the Senate adjourned for the Memorial Day recess, I began a series of speeches about Lauri Fitz-Pegado, President Clinton's nominee to be Assistant Secretary and Director General of the U.S. Foreign and Commercial Service.

I talked about how Lauri Fitz-Pegado has orchestrated lies to Congress. I talked about how she has served as a lobbyist for the Communist government in Angola and how she had worked for the bloodthirsty Duvalier regime in Haiti, a regime which has

left us with the tragic legacy we are dealing with today.

Mr. President, Lauri Fitz-Pegado has done much more. She has spent her entire career as a hired gun lobbyist for despicable foreign interests. She has deliberately attempted and succeeded in misleading Senators about her past.

Mr. President, I talked about a reason which by itself should be sufficient to reject the nomination of Lauri Fitz-Pegado: 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 she orchestrated what has come to be known as "The Baby Incubator Fraud," and that truly is what it was.

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—her quote—"on the cold floor to die."

That testimony was quoted and cited by six Members of the Senate as reason to go to war with Iraq.

However, it was later discovered that the girl 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 that has investigated the case have concluded that the baby incubator story was an outright total fabricated lie.

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 Kuwait while it was occupied in order to do a few weeks of volunteer work in a hospital overrun by bloodthirsty Iraqis.

When the perjured testimony was discovered, 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 did not mean to deceive anyone.

But later the firm she worked with said that they did know about Nayira's family ties, they did know she was the Ambassador's daughter, but the cover now was that Congress itself wanted the lie told.

They blamed Congress for their lies. What is more, they put on a repeat performance, this time using phony witnesses using false names and occupations, in front of the U.N. Security Council on November 27, 1990.

Mr. President, Lauri Fitz-Pegado did not inform the Banking Committee of this baby incubator scam. 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.

Later in the morning I made my first speech about her. I told the Banking Committee the story that they had not yet heard. After my colleagues on the Banking Committee heard about the baby incubator fraud, I am proud to say that ranking Republican ALFONSE D'AMATO joined my call for the nomination to be returned to the Banking Committee and I have a meeting planned with Chairman DON RIEGLE to discuss the matter with him. I appreciate his interest and concern.

Lauri Fitz-Pegado's response to this attempt to subject her nomination to the light of day has been to try to set up a series of private lobbying meetings with Capitol Hill staff. Instead of having the charges against her properly investigated, and having witnesses testify under oath, she instead wants to secretly work out accommodations behind closed doors, her usual mode of operation.

Believing that she can lobby the U.S. Senate in the same way that she has lobbied for Third World dictators, Lauri Fitz-Pegado even showed up—unannounced and with a taxpayer financed Department of Commerce lobbyist—at my office last week. In other words, taxpayer's money is now being used to get her confirmed.

Finding that I was not in, she followed up with a letter claiming that she had made multiple attempts to schedule meetings with me—another absolute lie; she never made an attempt to schedule until she showed up at the office and that now she would like a private closed-door meeting to lobby for my support. She will not have it.

Mr. President, that precisely sums up why America can do better than Lauri Fitz-Pegado. President Clinton said in his 1992 campaign that he was going to

shut down the revolving door between lobbyists and Government. This is not the way to shut it down. Mr. President, with the likes of Lauri Fitz-Pegado, he has greased it.

Mr. President, that is wrong. We need an open hearing, with members of the media present, and with witnesses under oath, before we even think of voting to confirm this woman.

Lauri Fitz-Pegado deserves her day in court. I want her to have it, and that is all that I am asking for.

She deserves the chance to explain her involvement with the Marxist Government of Angola. She deserves the chance to explain her ties to the bloody Duvalier regime in Haiti. She deserves the chance to explain her role in the baby incubator fraud.

But Mr. President, more than that, the American people deserve to hear her explanations in the full light of day, on the record, and under oath—not in clandestine sessions in which she tries to lobby her way from congressional office to congressional office, and ultimately Senate confirmation.

Lauri Fitz-Pegado is a professional "image enhancer." She has spent her working life teaching people how to deny rather than explain; how to change the subject and then to counterattack. It works on a lot of people, a lot of the time. But it will not work this time.

The U.S. Senate should not except Lauri Fitz-Pegado's "image enhanced" version of her past. It should demand independent investigation by professionals, and it should demand that witnesses appear under oath.

Apologists for Lauri Fitz-Pegado say that she should be confirmed because the position to which she is being appointed is not of great significance. Great significance? There are 200 trade offices around the world in 70 countries. If it is not of great significance, then, rather than appoint her to it, let us abolish the trade offices.

If confirmed, Lauri Fitz-Pegado would have control over a global network of 200 trade offices around the world. Mr. President, I have said that 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. There are few people who are less qualified to be in charge of the trade of the United States.

If her nomination is not returned to the Banking Committee for further review, then I intend to expose other aspects of her past associations on the Senate floor. There will be long and protracted debate, and sensitive documents will be read into the RECORD.

I have no desire to publicly implicate any other individual or agency of government. But if this nomination is not subjected to committee scrutiny then facts that are far more embarrassing to

Ms. Fitz-Pegado and others will be made public on the Senate floor.

Mr. President. America can do better than Lauri Fitz-Pegado. It would be hard to do worse.

I yield back the remainder of my time.

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

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO SENATOR THURMOND

Mr. DOLE. Mr. President, from President Clinton to Queen Elizabeth to Lech Walesa, there were many world leaders on the beaches of Normandy this past week. But no doubt about it, the most important people there were not the Presidents and Prime Ministers. Rather, they were the men who had landed on Normandy 50 years ago—the veterans of D-day.

Today, many of them are retired from the workplace. Then, however, they were part of an army that would turn the tide of the war, and, in doing so, would turn the tide of history. It was a true honor for me and other Senators to meet and talk with many of these courageous Americans when we attended the D-day anniversary activities, and before that, the ceremony in Italy.

Today, I want to pay tribute to a soldier who was unable to make the return trip to Normandy last week—a soldier who helped make history then, and who continues to make history today.

As a judge in South Carolina in 1941, STROM THURMOND was exempt from the draft. But, as we all know, STROM THURMOND is not the type of American who likes to sit on the sidelines. And he volunteered for service the day war was declared.

Originally assigned to sit at a desk, STROM THURMOND volunteered to go to the front, and to risk his life for freedom. And on D-day, Major THURMOND had the very dangerous assignment of landing a glider behind enemy lines.

During the landing, Major THURMOND was injured, and was bleeding from the right forehead, his right knee, and his right arm. But he simply told the medic to "put some bandages on me," and he went back to action.

Senator THURMOND would continue with the Allied forces as they fought their way on to Paris, through Belgium and the very bloody Battle of the Bulge, and on to the liberation of the Buchenwald concentration camp.

During his service, Senator THURMOND would be awarded 18 decorations, including 5 Battle Stars, a Purple Heart, and a Bronze Star for valor.

Fifty years after D-day, STROM THURMOND continues to fight for freedom each and every day. And even though his son's high school graduation prevented him from returning to Normandy, the courage and patriotism he has exhibited throughout his life will always be remembered.

TRIBUTE TO DANIEL INOUYE

Mr. DOLE. Mr. President, another of my colleagues did attend the activities in Italy.

Winston Churchill once said that "courage is the first of qualities, because it guarantees all others."

There can be no doubt that our colleague, Senator DANIEL INOUYE is a man of many qualities—because there can be no doubt that DANIEL INOUYE is a man of remarkable courage.

Senator INOUYE and I were part of the Senate delegation that traveled to Europe last week to mark the 50th anniversary of D-day. It was a very memorable experience. But what is far more memorable was the courage exhibited in World War II by soldiers like DANIEL INOUYE.

As a teenager, DANIEL INOUYE was in Honolulu on December 7, 1941. And when the bombs hit, he was pressed into service as head of a first-aid team, not returning to his home for a week.

He would leave his home for a longer period of time beginning in March 1943, when he enlisted, and was assigned to the 442d Regimental Combat Team of the Fifth Army—a team that would fight in some of the bloodiest battles of the European front.

In the closing months of the war in 1945, the 442d was assaulting a heavily defended hill, and Lieutenant INOUYE was hit in his abdomen by a bullet which came out his back, barely missing his spine.

He continued to lead the platoon and advanced alone against a machinegun nest which had his men pinned down. Lieutenant INOUYE tossed two handgrenades with devastating effect before his right arm was shattered by a German rifle grenade at close range.

Still, he threw another grenade with his left hand, and continued the attack with submachinegun. He did not stop until he was knocked down the hill by a bullet in his leg.

For his courage, DAN INOUYE was awarded the Distinguished Service Cross, the Bronze Star, the Purple Heart, and 12 other medals and decorations.

DAN INOUYE spent 20 months in Army hospitals after losing his right arm. In fact, for a period of time, he and I were in different wards at Percy Jones Hospital in Battle Creek, MI.

And I can tell you he was probably the best bridge player in the entire

hospital. I remember watching him at wee hours of the morning. He was fantastic.

As we all know, DAN INOUYE's record of service to his country did not end in Italy. It continued to the Hawaii Territorial Legislature, to the U.S. House of Representatives as Hawaii's first Congressman, and to the U.S. Senate for the past 31 years.

Mr. President, four decades ago, then-Senator John Kennedy wrote in his book, "Profiles in Courage," that, "The stories of past courage can * * * teach, they can offer hope, they can provide inspiration. But they cannot supply courage itself. For this, each man must look into his own soul."

It is a high privilege to serve alongside a man who, when freedom was at stake, looked into his own soul and found an unlimited supply of courage.

THE DEATH OF RUTH CAREY

Mr. SASSER. Mr. President, I rise today to pay tribute to Mrs. Ruth Carey, a long-time resident of Oak Ridge, TN. Mrs. Carey passed away on April 22 of this year at the age of 74.

Mrs. Carey was an accomplished photographer, a writer, a patron of the arts, an active member of her community, and loving wife, mother, and grandmother. The Oak Ridger published a front page article on the day of Mrs. Carey's death which, I believe, offers a full and fitting testimonial to her rich and productive life. I ask unanimous consent that it be printed in the RECORD following my remarks.

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

RUTH CAREY—PHOTOGRAPHER, WRITER, ARTS PATRON, OAK RIDGE BOOSTER—DIES TODAY

Ruth Carey, resident of Oak Ridge since its earliest years, photographer, writer and one of the community's most involved citizens, died at 2:30 this morning at Methodist Medical Center of Oak Ridge. She was 74.

Mrs. Carey had not been feeling well a week ago but attended and took pictures of a friend's wedding on Saturday afternoon. Saturday evening, as her condition worsened, she was admitted to the hospital and emergency exploratory surgery was performed Sunday afternoon. She rallied briefly after the surgery but a serious infection and a heart attack that occurred sometime during the illness ultimately caused her death.

Mrs. Carey had been a secretary with the Department of Energy and its predecessor agencies from 1948 until her retirement in 1982. She worked first in the original isotopes division of the U.S. Atomic Energy Commission and then later was secretary to the director of the personnel division.

Mrs. Carey's community roles were many and varied. Most recently she had served as official photographer and publicist for the city's 50th Anniversary celebration, which began in September 1922 and ended Dec. 31 of last year. In this capacity she attended, photographed and in many instances wrote reports of virtually all of the anniversary events. She also wrote a weekly column, "Reminiscing," for The Oak Ridger during the anniversary period.

As a photographer she served scores of local civic and cultural organizations, chief among them Oak Ridge Playhouse, the Oak Ridge Civic Music Association and the Oak Ridge Community Art Center. She had served as a member of the original organizing committee for the Art Center.

She also almost daily took pictures of important personal events—weddings, birthdays, bar and bat mitzvahs, new babies—for her scores of personal friends and acquaintances. Equally, she would write poems and song parodies for personal occasions, often performing them with her husband and other friends.

Mrs. Carey was born Feb. 15, 1920, in Poland and came to this country as a babe in arms with her parents, Albert and Pearl Goodstein, when they immigrated to the United States in late 1920. They came to Knoxville, where her father was a grocer for many years.

She met her husband, Milton, by whom she is survived, after he had come to Knoxville from New York in the 1930s. He worked first for the Tennessee Valley Authority and then in 1943 joined Ford, Bacon and Davis, early construction contractors on the Oak Ridge project. Milton soon joined Union Carbide, first at K-25, the Oak Ridge Gaseous Diffusion Plant, in production scheduling and then later at the Y-12 Plant in uranium inventory. He retired in 1974.

Mrs. Carey was an original member of the Beth El Jewish Congregation. She served as the first president of the Oak Ridge Hadasah and was also active in the sisterhood since its inception. She and her husband were active in many programs and events related to support for Israel, which they had visited several times.

The Careys lived first in a flat on Hillside Road and then later on South Purdue Avenue and most recently at 26 Brookside Drive. They were original residents of these Briarcliff townhouses and she served as secretary of the Briarcliff Condominium Homeowners Association since its inception.

Mrs. Carey's photography began as a hobby in the early 1950s but soon developed virtually into her second occupation, although the great bulk of her work with her camera was as a volunteer. She did do free-lance photography for The Oak Ridger for many years, one of her regular assignments being to visit local churches on Easter morning and photograph church goers in their Easter finery. Often as many as 20 to 30 pictures would appear in subsequent issues of The Oak Ridger. She also regularly photographed the annual Jaycee Easter Egg Hunt on Easter afternoon, including this year's in a heavy downpour.

Others of her regular assignments were pictures for The Oak Ridger's annual June Bride edition and the annual WATTEC scientific conference held each late February in Knoxville.

Most recently she had been writing a bi-weekly column, "Around Our Town," for The Oak Ridger.

While employed at the AEC, the Energy Research and Development Administration and the DOE, she wrote a regularly published employee publication, "ORBITS," the name derived from the Oak Ridge Operations Office title. On her retirement she received a special award of affection and appreciation from her fellow workers for this publication, which highlighted not just news of the federal agency workplace, but also many personal items about the employees there. She also received several official awards of commendation for her work with that succession of federal agencies.

"We're going to miss Ruth greatly," said Oak Ridger editor Jim Campbell this morning. "In the past year she has helped us in so many ways. She gave a talk on taking pictures for the newspaper at our Spreading the News seminar. She worked with businesses, arts groups—anyone who needed help preserving a moment or an accomplishment in the newspaper.

"She was a delight to work with—professional, caring, committed to quality. Our thoughts and prayers go out to her family and friends today."

Mrs. Carey was working with Ellen Woodside on The Oak Ridger's annual progress edition shortly before her illness and some of her work will appear in it. It will be published next Thursday.

Also, Campbell said The Oak Ridger will be putting together a special page or pages of Mrs. Carey's photography showing Oak Ridge from her unique perspective.

In addition to her husband of more than 50 years, she is survived by a daughter, Ellen Appel, and her husband, Bernie, of Fort Worth, Texas; two granddaughters, Ann Liebert of Atlanta and Sharon Goldman, a student at Colorado State University; and two sisters, Marion Katzman of Cincinnati and Ida Jervis of Washington, D.C. A brother, Sam Good, well-known architect of Knoxville, died in the late 1960s. His widow, Bess Hazelwood, lives in Dothan, Ala.

Also surviving is a cousin, Joseph Goodstein, also a well-known architect of Knoxville, and his wife, Marion. The Goodstein family has maintained closest family ties and each Thanksgiving holds a reunion that attracts more than 100 relatives. Ruth and Milton Carey hosted two of these reunions here in Oak Ridge.

The funeral will be at 3 p.m. Sunday at Martin Oak Ridge Funeral Home on Oak Ridge Turnpike. Rabbi Victor Rashkovsky, of the Beth El Congregation, will officiate. Burial will follow at the Jewish Cemetery at Oak Ridge Memorial Park.

The family requests that memorials be in the form of donations to the Jewish Congregation of Oak Ridge, 101 W. Madison Lane, Oak Ridge, Tenn. 37830; Hadassah, in care of Eleanor Agron, 102 Wilderness Lane, Oak Ridge, Tenn. 37830; or the Oak Ridge Playhouse, P.O. Box 5705, Oak Ridge, Tenn. 37831.

A DEDICATION TO THE VETERANS OF OPERATION OVERLORD

Mr. KOHL. Mr. President, this year, we honor the heroes of June 6, 1944—D-day—brave young men who looked into the muzzles of Hitler's guns and walked away victorious. After fighting the Great War against tyranny, the participants in Operation Overlord became America's leadership base for the next 40 years. In the private sector, they built an industrial giant. In government, they finished the work begun on D-day, building our great Nation into an unrivaled superpower and cold war victor.

Beginning in late 1941, the United States began to build the largest war machine in history. Millions served in uniform; millions more men and women dedicated themselves to war industry and agriculture. They worked with a unity of purpose, their total commitment to victory coming from

the realization that they were not just fighting for democracy but for every ideal that Americans hold in common.

By the time the first American soldier landed on the beaches at Normandy, American morale was as high as any fighting force in history. Generals planned the assault on Fortress Europe to the most minute detail. Southern England had become one massive military encampment containing America's investment for victory.

Navy ships of every tonnage bombarded enemy positions on shore and aided the amphibious invasion. Army Air Corps planes bombed key industries in Germany and positions in France. Elite paratroopers attacked the fascist armies behind their own lines, and brave soldiers stormed the beachheads. No Nazi army, fed on fear and hate, could stop America's juggernaut of ideals, courage, and morale.

Our tremendous success that day, our doormat to victory in Europe, did not come without cost. Today we mourn the 2,132 brave young men who gave their lives to preserve freedom when freedom was about to fall. Humanity owes them a great debt.

The heroes of Operation Overlord are now fading into the sunset, but their deeds and sacrifices will never fade from our memories. We will always remember the lesson learned from that horrible war and the one that preceded it: the free nations of the world may want to lower their guards—it indeed may be just—but they must never do so, for injustice and tyranny lurk in every shadow. That is why it is especially important to recognize this 50th anniversary of D-day, so that today's children realize the sacrifices necessary to preserve freedom.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding \$4½ trillion.

To be exact, as of the close of business yesterday, Tuesday, June 7, the Federal debt stood—down to the penny—at \$4,606,571,769,797.43. This means that every man, woman, and child in America owes \$17,669.27, computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than \$4½ trillion.

NIXON EULOGY

Mr. COVERDELL. Mr. President, I first met Richard Nixon as the director of what was to become his last political

parade in October 1972. The parade just happened to be in Atlanta. Yet, by the time of that first meeting, Richard Nixon had already had a profound affect on my life as an American citizen. While his Presidency will be debated for years to come, any person sharing his time could not escape his reach, from his international efforts in China, Vietnam, and the former Soviet Union, to his national efforts of revenue sharing, rebuilding our cities, and protecting our environment. His reach affected the day-to-day lives of people everywhere like me.

After my election to the U.S. Senate, I joined the new Republican Members, for a long lunch at the former President's home in New Jersey. All those things we had heard about Richard Nixon were true—his grasp of history, foreign policy, and command of language and facts were truly awesome. Not acknowledged by much I had ever read, however, was his warm, polite, and genuine interest in others.

His last appearance at our Capitol on the occasion of the 25th anniversary of his first inaugural reinforced all of these thoughts for me.

We were connected in yet another way. The former President reflected my father's generation and humble beginnings. Richard Nixon believed as does my father that hard work, and individual responsibility are good and rewarding qualities. There's was a generation of optimists, builders, and they certainly stood ready to put all on the line for their country.

I believe history will treat Richard Nixon well and with much interest.

ISRAEL: A MODEL FOR FOREIGN POLICY

Mr. PRESSLER. Mr. President, I rise today to talk about the United States relationship with Israel. When I think about the incoherent tangle that is our Nation's current foreign policy, I often wonder why the administration's foreign policy team does not turn to our relationship with Israel as a model.

Here is a tiny democracy, recognized and supported by the United States since its inception. Israel reflects our democratic ideals and values. For that reason, we have stood by her for the last quarter of a century. Steadfastly, we have provided Israel with moral and political support. We have provided direct economic and security assistance. We have assisted Israel in its self defense. Now the Middle East is bearing the fruits of our policies—Arabs and Israelis seem to be on the path to peace.

Over the years, some have demanded that we extort political and territorial concessions from the Israelis in return for the \$3 billion in assistance we provide each year. I always have opposed that idea. The aid we provide Israel is in our own national interest. If it were not, it would be indefensible. Israel

now is pursuing the peace process because its democratically elected leadership believes it is the right thing to do for the nation. We support Israel in the decisions it makes regarding its essential security interests.

There is much to be said for a global approach to many of the problems faced in today's world. When a large number of nations commit—both politically and economically—to a particular set of policy objectives, the chance for success is enhanced greatly. This is not to say we are backing away from our responsibilities. The United States will continue to support Israel and Egypt to the best of our ability. With the rest of the international community, we will facilitate the Declaration of Principles, signed by the Palestinians and the Israelis last year. Forty-six nations pledged \$2 billion to that end at the World Bank donors' conference. Peace benefits the world. The world must help implement that peace. Ideally, peace in the Middle East would mean an end to the arms race between the Arabs and the Israelis, an end to the region's terrorism, a chance for democracy in some of the Arab world, enhanced regional stability and increased economic growth.

To be sure, there are nations wholly uninterested in peace with Israel, Iran, Iraq, Libya, and other rogue states continue to threaten our friends, allies and, indeed, the world. Terrorists who oppose the peace process will continue to murder innocents.

The negotiations and public ceremonies surrounding this peace process are not a panacea. The process is not finished simply because names have been signed to paper. A successful conclusion to this process will require countries like Syria to stop trafficking in drugs and supporting terrorists. Tyranny must be replaced by democracy. Unfortunately, there is no certainty that we are moving in that direction. Much remains to be done.

Finally, I reiterate that the future is in the hands of Israel and its Arab partners. The United States cannot buy the compliance of Syria with offers to remove it from the terrorist and drug lists, for instance. This plainly would be wrong—and clearly counter to American and world interests.

We should not pretend that the Palestinians are ideal peace partners. Yasser Arafat has the leanings of a dictator. That cannot stand. Events appear to be off to a good start in Jericho and Gaza, but we must remain vigilant.

The United States must ensure its own security and its own national interests. We must abide by our traditional standards: support the democracies of the region, ensure their ability to defend themselves, and allow the democratically elected leadership of the State of Israel to determine what constitutes its essential security interests.

NORTH KOREA

Mr. PRESSLER. Mr. President, during my public career I have tried to abide by the bipartisan foreign policy guidelines established by the late chairman of the Foreign Relations Committee, Senator Arthur Vandenberg. However, lately I have come to share the view of a more recent chairman of that committee, the distinguished Senator from Indiana [Mr. LUGAR]. He was quoted recently in the Washington Times regarding the obvious drift in American foreign policy.

The distinguished gentleman from Indiana is correct—whether it is Bosnia, Haiti, Somalia, or the Indian subcontinent, missteps and confusion reign supreme. Nowhere is this more obvious than the chaos surrounding the administration's efforts to halt North Korea's nuclear weapons program.

Mr. President, the administration's point person on North Korea, Undersecretary of State Lynn Davis, gave a news conference last January 5. The next day the following headlines appeared: "North Korea, U.S. Reach Agreement Opening Nuclear Sites to Inspection." That was the Wall Street Journal. The Washington Post headline was similar—"U.S. Aide Upbeat on North Korea Talks." USA Today was even more positive: "North Korea Yields on Nukes."

It is not my intention to embarrass Ms. Davis. Over the past 16 months, other members of the administration at even higher levels, have been equally optimistic about North Korea. And equally wrong.

In my judgment, Mr. President, time is running out on our policy toward North Korea. If the North Koreans are to be believed, they are removing the fuel rods from their research reactor with IAEA inspectors present. This is directly contrary to North Korea's solemn obligations under the nuclear non-proliferation treaty. If the North can get away with ignoring its obligations under the NPT, it sets a dangerous precedent for other nations, such as Iran.

It is also my judgment that what is going on here is a very real issue. First, North Korea has exported every modern weapons system it has produced. Second, the country is destitute. Therefore, there is every likelihood that a North Korean nuclear weapon could be put up for sale to the highest bidder.

Mr. President, I happen to agree with President Clinton on the importance that should be paid to the economy. That does not mean, however, that matters of vital national security should be ignored or mishandled, as they surely are today.

PEACE IN CENTRAL ASIA: PLEDGING TO END CONFLICT AMONG ARMENIANS AND AZERIS

Mr. PRESSLER. Mr. President, today I call attention to the continuing conflict between Armenians and Azeris over the Nagorno-Karabakh region in central Asia. This is not the first time I have brought this issue to the U.S. Senate floor. I repeatedly have urged my colleagues and the current and past Presidents to help ease suffering in Armenia. Yet, the fighting continues.

Together with several of my colleagues, I recently sent a letter to President Clinton imploring him to continue efforts to end the fighting in the Transcaucasia region of central Asia. In this letter, we urged the President to remain vigilant in providing humanitarian aid and technical assistance to help improve living conditions for war-ravaged Armenians. After a long winter of conflict and resource-depletion, Armenians have a pressing need for assistance if they are to move forward in their struggle for democratic and economic reforms.

Since 1988, Armenians and Azeris have battled violently for control of the Nagorno-Karabakh region. The majority Armenians of Nagorno-Karabakh have fought for independence from the minority Azeris who, in turn, have battled to retain control of that region. The fighting rages on as these two ethnic factions remain unable to reach agreement over Nagorno-Karabakh.

Even as animosities among the superpowers have dissipated, our world remains unstable and troubled. Citizens in the Transcaucasia region are praying for peace. We should do all we can to help them achieve this goal.

Mr. President, I remain committed to helping the Armenians find lasting peace. Members of Congress and the President must not ignore the suffering of these people. We must pledge our humanitarian support and help achieve an end to the bloodshed.

THE NEW B-1 BOMBER

Mr. PRESSLER. Mr. President, I wish to take a moment to address the future of the B-1 bomber and the role it can play in as our heavy bomber force becomes more strategically important. Because the United States is in the process of closing overseas bases, the ability to project American air power worldwide—and project it in a timely manner—is becoming an increasingly important part of our Nation's security.

The B-1 originally was designed as a multirole bomber. However, the world situation dictated an emphasis on its nuclear capabilities when it entered operational service in the mid-1980's. In response to recent and dramatic world changes, the emphasis must now be shifted to the B-1's conventional capabilities. With some modification to its

inherent conventional capabilities, the B-1 will be an outstanding conventional weapons system. In fact, the B-1 holds 44 world records in combined speed, payload, and range—the very categories which will serve it well as the workhorse of the future conventional bomber force.

The Air Force has deemed the B-1 “the backbone of the bomber force.” In the Bottom-Up Review released last year, the Clinton administration made it clear that it plans to continue investing in the future conventional capabilities of the B-1 bomber.

Although I have been a long-time supporter of the B-1 bomber, not all of my colleagues feel the same way. The plane often has been unjustly faulted for not performing up to its full potential. The B-1 must be funded fully in order to attain its full potential and achieve established readiness goals. The reality is, as my colleagues are well aware, that the B-1 has never been funded fully and therefore has been prevented from living up to its capabilities.

Hopefully, all of this is about to change. Language in the 1994 Defense authorization bill directs a stringent test of the B-1's capabilities. The Air Force is convinced this test will put to rest, once and for all, the concerns surrounding the B-1's mission capability. One wing of B-1 bombers will be provided a full complement of necessary support and afforded the opportunity to demonstrate that with the planned support it can perform up to Air Force goals. After abolishing the myths of its inadequacies, the B-1 will finally be able to assume its rightful place as the most versatile workhorse in the bomber force. Through the ensuing years, with consistently adequate funding, the B-1 will become more and more capable and play a much more vital part of our national security.

This is not idle speculation. Today, B-1's throughout air combat command are participating in global power projection missions. On May 19, a B-1 landed at Andrews Air Force Base after completing a 20-plus-hour mission. The plane flew out of Texas, completed an electronic warfare exercise in Scotland, and struck targets on a bombing range in the Netherlands before returning to Andrews. The weapons directly struck their intended targets at precisely the right time—the timing error was zero seconds, and the miss distance, zero feet.

In the not too distant future, as part of the conventional upgrades, the B-1 will be equipped with advanced conventional weapons, among them: the joint direct attack munition [JDAM], and the tri-service standoff attack missile [TSSAM]. I understand there also has been some discussion in the Air Force of equipping the B-1 with conventional air launched cruise missiles [CALCM]. These upgraded conventional muni-

tions will provide the B-1 with far greater accuracy and the ability to strike a wider range of targets while remaining farther from hostile threat areas, thereby enhancing its survivability and the safety of U.S. military personnel. The B-1 bomber, equipped with the planned modifications identified in the conventional mission upgrade program, will provide a cost-effective and strategically flexible means of enhancing the United States' defense capabilities. The B-1 can fly faster with a greater payload than any other aircraft in the world. Of our three heavy bombers, supersonic airspeed and maneuverability give the B-1 the unique ability to fly with a complement of fighter aircraft and carry as many as 24 2,000-pound weapons. The B-1 could be engaged in one theater and within 24 hours strike targets on the other side of the globe were a second conflict to arise.

The Air Force currently has 95 operational B-1 bombers. Of these 95, 60 will be designated primary aircraft authorized [PAA], 27 will be placed in attrition reserve status, 6 in back-up aircraft inventory [BAI], and 2 will remain as test aircraft. According to Gen. Mike Loh, commander of Air Combat Command, the 60 PAA will be divided between Ellsworth Air Force Base, in my home State of South Dakota and Dyess Air Force Base, TX.

In closing, I would like to commend General Loh for his valiant efforts on behalf of the B-1. He has been instrumental in effectively promoting it within the Air Force. I also would like to encourage my colleagues who may doubt the capabilities of the B-1—the backbone of the bomber force—to take another look. This bomber is crucial to the ability of the United States to project the kind of air power we need to secure the national defense well into the next century.

SPITEFUL POLITICS

Mr. DORGAN. Madam President, this weekend I was watching C-SPAN on television very briefly. I happened to listen to a speech at a political convention. It happened to be the convention of the Virginia Republican Party.

At that convention, one very well-known public figure spoke. He referred to Democrats, liberals, and the bunch in Congress. In the conclusion to his speech, as he wrapped all these influences together—Democrats, liberals, of course the President—he called on his colleagues to figuratively “smash their soft teeth down their whining throats.” That was the concluding line, the applause line—and it garnered an enormous amount of applause. The speaker at this political convention, which I watched this weekend, was the sitting Governor of Virginia.

When I heard a Governor use that kind of language, I was reminded of how much politics has changed in re-

cent years. Too many politicians now use incendiary language, often thoughtless language, not to inform or persuade, but to inflame the passions of people who are interested in attacking others.

And as I listened to that speech, I was reminded of something else. I got it out of my desk because I have saved it.

Several years ago, an organization was developed called GOPAC. It is now headed by the minority whip in the other body. It was headed by that same individual when this was published. There is a relationship, I think, between what happened several years ago and what happened this past weekend. GOPAC planted the seeds for what we are now seeing. They sent this and urged their colleagues, in describing political opponents on the campaign trail, to use powerful words. GOPAC suggested that Republican candidates use certain words to describe Democratic opponents. Then they set out the words. “Contrasting words: Apply these words to your opponent, to their record, to their proposals, to their party”—referring, of course, to Democrats: “Sick, lie, betray, traitor, cheat, steal, pathetic.” The list goes on and on and on. That is the instruction menu sent out to colleagues.

And here, GOPAC advised, is what you should do as a good politician to describe your opponent, your opponent's ideas, and your opponent's party. “When you describe yourself,” they said, “use these words: Truth, courage, children, family, freedom, liberty.” I do not have to go on. You see: the page is full.

I say this to my colleagues today because I want to stress that we do a disservice—all of us, whatever our party may be—when we decide to use language that is reckless, careless, and disrespectful.

We disagree—Republicans and Democrats, conservatives and liberals—when we discuss public policy, and when we debate contrasting philosophies of where we think this country ought to go, and when we determine what kinds of policies will move it there. However, I hope that even as much as we disagree, we will respect, not disrespect, our opponents; that we will use words that inform, not inflame, the passions of debate.

And I hope that those who say, “Let's figuratively smash their soft teeth down their whining throats,” will understand that is not good politics in 1994. I yield the floor.

UNFUNDED MANDATES

Mr. BENNETT. Mr. President, as I campaigned for the Senate, I heard numerous complaints from local and State officials throughout Utah about the draining effects of Federal mandates on State and local budgets. Dixie

Thompson, county commissioner in Emery County, UT, was one of those officials who spoke to me about the inequity of cumbersome unfunded Federal mandates and I share her sentiment. She outlines these views with great conviction in an op-ed piece in this morning's Washington Times which I would like to submit for the RECORD, and encourage all my colleagues to read.

Mandates imposed by the Federal Government are virtually breaking the backs of local and State governments. In Utah, officials told me that if the Federal Government continues to encumber State and local government with burdensome mandates and send them the bill, the costs could crush the State budget in as little as 5 years.

I have joined in the introduction of several pieces of legislation to put an end to this abusive pattern. These bills, sponsored by Senators KEMPTHORNE, GREGG, and others, would excuse State and local governments from complying with any Federal mandates unless they receive Federal compensation for the cost of compliance. Ultimately, this makes good sense. Let us listen to the wisdom of a Utah woman who lives on the firing line, at the county level, and endorse this policy: "If Washington wants it, Washington pays for it. If Washington doesn't pay for it, we don't have to do it."

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

[From the Washington Times, June 8, 1994]

WHO'S REALLY BEHIND THOSE UNFUNDED MANDATES, MR. MORAN?

(By Dixie K. Thompson)

Jim Moran's Op-ed condemnation of "unfunded mandates" last week is welcome, if a bit late. It is also, I suspect, hypocritical.

Mr. Moran correctly identifies the devastating impact of what I call "silent taxes" on state and local governments and on private companies and individuals. Unfunded mandates are imposed by the federal government on others without the honesty of raising the taxes to pay for them.

My county, Emery County, Utah, operates a safe landfill at a cost to the taxpayers of \$100,000 per year. Burdensome and needless requirements imposed under the Resource Conservation and Recovery Act will push our costs to \$500,000 per year. That is a crushing burden to a county with only 10,000 people. And it does not include the Occupational Safety and Health Administration requirement that we more than double our workforce at the landfill.

Estimates are that while Safe Drinking Water Act requirements can be imposed on urban areas at a cost of \$12 per tap, in our county, with its low and diffuse population, the costs will be as much as \$86 per tap. And not a drop of fiscal relief from Washington.

Mr. Moran himself mentions the Clean Water Act, the Safe Drinking Water act, and the Americans with Disabilities Act, but there are literally hundreds more. They range from requirements for bilingual education in the schools to the Brady Bill, with its requirements that local police and sheriffs perform background checks on gun purchasers. State lawsuits against the federal

government over requirements that the states provide welfare benefits to illegal aliens are now a major growth industry.

What Mr. Moran does not tell us is that he voted for each and every one of these mandates, imposing a crushing burden of silent taxes on his constituents and on the rest of America.

When he was elected mayor of New York, Ed Koch publicly apologized for his actions as congressman: "I had no idea," he said in effect, "of the costs of what we were doing in Washington." George McGovern, after a stint as hotel owner, made the same admission.

But Jim Moran has no excuse. He has been a mayor. He knows, at first hand, the impacts of silent taxes. Piously, he tells us that he has learned his lesson, and that he has co-sponsored the Fiscal Accountability and Intergovernmental Reform Act, which will require the Congressional Budget Office to "analyze the economic impact, the cost of new laws and regulations before they are adopted."

Well, with all due respect, that is about what I would expect out of Washington. Having already broken both arms and one leg of local government, Washington is now going to decide how much of a burden the other leg can stand without breaking. Only in Washington would passing something called the Fiscal Accountability and Intergovernmental Reform (FAIR) Act be considered progress!

Will the FAIR Act stop silent taxes? Not a bit of it. Will it discourage Mr. Moran in his efforts to load ever more burdens onto the backs of taxpayers, openly or covertly? Not judging from his record.

Now as it happens, there is a true fiscal responsibility bill before the Congress. Introduced by Rep. Gary Condit of California, this legislation would simply make all silent taxes heard. Under this legislation, Congress would have to provide the funds to carry out its pet projects, instead of loading them onto others. There is in Mr. Condit's bill no nonsense about "policy makers at all levels" balancing "finite resources." That is doublespeak. There is no way Congress, no matter how much information it gets from the Congressional Budget Office, can know the impact of silent taxes on local government. Mr. Condit's bill is straightforward: If Washington wants it, Washington pays for it. If Washington doesn't pay for it, we don't have to do it.

It's a revolutionary idea, and it just might catch on. But my guess is that it will have to do without Mr. Jim Moran's support. Giving up that much power is not in his game plan.

THE VISIT OF INDIAN PRIME MINISTER RAO AND THE FUTURE OF INDO-UNITED STATES TRADE RELATIONS

Mr. PRESSLER. Mr. President, during the recent visit to Washington by Indian Prime Minister Narasimha Rao, I had the honor and pleasure of attending several meetings and functions with both the Prime Minister and a variety of members of the delegation accompanying him. As my colleagues know, I have a longstanding interest in South Asia. I often have risen to discuss my concerns regarding U.S. policy in that region of the world, especially as it relates to nuclear nonproliferation. That is not my purpose today.

Rather, I rise to address the issue of trade relations between our two countries.

I am gratified Prime Minister Rao reaffirmed India's commitment to expanding trading opportunities in his speech before a joint session of Congress. I could not agree more with the Prime Minister's statement that: "In shaping our history for the next century, we must look ahead to greater trade between nations." During the long years of the cold war, relations between our two nations often were badly strained. I hope and believe that is changing. The signs are, for the most part, positive.

Under the leadership of Prime Minister Rao, India has made progress in foreign investment, privatization, tariffs, and deregulation of Government controls. Prime Minister Rao has changed radically India's economy, moving it from a centrally planned system to one of the world's largest emerging free markets. Why is this important? It is important because the Department of Commerce estimates that in the next 20 years three-fourths of the world's trade will occur in developing countries like India. Indeed, the United States has become India's biggest trading partner since Prime Minister Rao came to power in 1991.

During the Prime Minister's visit, I also had the opportunity to meet with a delegation of Indian business leaders. Over the years, I have had many such meetings both here and during my visits to India. I find them to be extremely useful and most educational. However, such meetings also illustrate that despite my optimism regarding future Indo-United States trade relations, much remains to be done on both sides.

The Indian business leaders with whom I met were concerned with numerous issues. I would like to take a few minutes to highlight several problems they raised. First, I was told the United States should give more credit to India for its work in correcting a longstanding problem—the protection of intellectual property rights as they relate to computer software. Historically, this has been a significant obstacle. However, in May India's Parliament enacted new copyright laws designed to combat this situation and bring that country's laws on par with the developed world.

Under the new law, software pirates can be imprisoned for up to 3 years and fined between \$1,600 and \$6,400. In addition, the new law defines what constitutes illegal copying of software. Finally, the law attempts to better clarify who will be considered the author of software and what protections attach to authorship. I also understand India's computer industry has created the Indian Federation Against Software Theft [InFAST]. InFAST will work to curb piracy and take pirates to court.

Another issue raised in my meeting with these business leaders also relates to the computer software industry. The United States is India's primary market for software exports. Indeed, we account for more than 50 percent of that country's software trade. As a result, hundreds of Indian software professionals come to the United States each year to work in our computer companies for short periods. The delegation told me that a main reason Indian workers travel to this country is the growth of joint ventures and subsidiaries between the two countries. The Indians are concerned that modifications in U.S. law could change all that. In the process, they argue, the jobs created for American workers by these joint ventures and subsidiaries would be lost.

What concerns them? Authorized under the Immigration Act of 1990, the H-1B visa program limits to 65,000 per year the number of temporary visas that may be issued for skilled workers. The law also requires that firms hiring these temporary employees take steps to ensure they do not displace U.S. workers. Last fall, the Department of Labor proposed changes to the regulations implementing this law. The Indians charge that the proposed changes, at least partially, are born out of problems faced by the computer industry in California—a region of the country facing a severe recession and the State in which most Indian software professionals are employed. They also argue that charges of tens of thousands of Indians working on H-1B visas in the computer industry are seriously overstated. Indeed, Indian officials cite State Department numbers reporting the issuance of only 1,100 such visas in 1992.

The business leaders also are concerned over what they see as disparate treatment regarding U.S. exports of high-speed computers. In February, the Clinton administration announced the lifting of most of the controls governing the export of these computers. The Commerce Department proclaimed potential new sales of \$30 billion per year. However, the Indian business community views the new rules as discriminatory. Under the regulation, the Commerce Department raised the permissible eligibility level for the licensing of sales of digital computers to most Western nations from 195 million theoretical operations per second [MTOPS] to 1,000 MTOPS. For countries on the Department's nuclear non-proliferation special country list—a list that includes India among numerous other countries—the limit was raised only to 500 MTOPS. The business leaders with whom I met reiterated a point made by Prime Minister Rao in his address to Congress:

Export controls on technology, while once a useful means for controlling weapons technology, now hinder developing countries in

their efforts to improve the lives of their people. Much of what is termed as weapons technology in fact has vital applications in a modern civilian society. Many special materials and complicated computer processors found in missile control systems are also found in hospital intensive care units and global telecommunications systems.

The final concern I wish to address relates to the way in which these Indian leaders perceive how the United States conducts its overall trade negotiations. They believe progress in trade is hampered by the forum in which the United States chooses to send its political signals. Specifically, such signals all too often are made public in the media, rather than through quieter—and they think more effective—diplomatic means. The examples raised included the visa issue I discussed earlier, as well as the issues of countervailing duties and "Special 301" sanctions. Were they saying the United States should not issue warnings when problems arise? No. The argument was that too many of our trade difficulties are negotiated via newspapers rather than diplomatic pouch. Public posturing rapidly puts both sides on the defensive, making compromise more difficult.

Mr. President, I appreciate and understand the concerns raised by the Indian Government and business community. Of course, as in any association, there are two sides to the story. India has achieved significant and major reforms. However, when I discuss our relationship with officials in the office of the U.S. Trade Representative, they are quick to point out that major concerns exist from the U.S. perspective as well. I would like to discuss several of the more significant issues the United States would like to see addressed by India.

Protectionist policies close markets and destroy jobs. As ranking member of the Senate Committee on Small Business and as a member of the committees on Foreign Relations and Commerce, I am fully aware of how tariffs create costly barriers to competitive markets. Tariffs protecting India's domestic markets continue as an unfortunate impediment to international trade. For 3 years, the United States has been negotiating actively with India on textile and apparel market access. Unfortunately, progress has been slow. Tariffs on textile imports to India are as high as 110 percent—a burden hampering bilateral trade achievements. The Indian Government has agreed to reduce its import textile tariffs to 40 percent over a 10-year period. However, there is concern that the 10-year phase-in period is too long and the resulting tariff of 40 percent is still too high for productive trade.

Since the beginning of the Uruguay round of GATT negotiations in 1986, India's exports of textiles and clothing to the United States have nearly tripled. At the same time, the United States is

prohibited from selling or even trying to sell in India's market. For freer—and fairer—trade, it is absolutely critical that the United States concludes textile and apparel market access negotiations with India. It is a simple reality of the new worldwide trading system that each country must be prepared for competition.

Concerns also remain about royalties lost to patent and copyright infringements. Revenue losses to U.S. technology and entertainment industries are substantial. American pharmaceutical manufacturers alone estimate that \$400 million annually is lost to piracy. Understandably, India is concerned about the high costs of technology transfers associated with patent protection. In addition, export controls on dual use technology can hinder the efforts of developing countries that need such technologies to improve their standard of living. I applaud the actions of the Indian Government in enacting tougher copyright protection laws. However, only time will tell how effective these new laws will prove to be. I am afraid that if respect for patent and copyright protection is not a priority for India, the United States will have no choice but to continue to designate India as a "priority foreign country" under the "Special 301" provision of the 1988 Trade Act. For our own benefit, and that of India, I hope our two countries can work together and build on the recent progress made by the India Parliament in passing its new copyright law. If vigorously enforced, it would serve to protect the industries of both countries.

The third, and final area of concern I would like to mention is that of India's insurance industry—currently a virtually closed market. Ideally, India will open its monopolistic insurance market to allow access for foreign insurance providers. However, I am aware that in return for allowing the United States increased access to its insurance market, India would like the United States to loosen its temporary visa restrictions. I want to stress again that only through a combined effort will our two countries be able to resolve our conflicts and move toward the system of trade we both desire.

Mr. President, India will be an important economic contributor in the next century. We now have the opportunity to form positive partnerships based on mutual interests. I agree with Prime Minister Rao's statement to Congress when he said, "Indo-U.S. relations are on the threshold of a bold new era * * * We have seen unprecedented cooperation * * * We share common interests. * * *"

I am certain the United States can resolve its differences with India. I am equally confident that the future of our trading and political relations with India will be bright. As a trading partner, India holds tremendous potential.

With patience and a willingness to compromise on both sides, I believe an extraordinary and mutually beneficial alliance can be forged between our two great democracies.

CITY OF BILLINGS, MT

Mr. BAUCUS. Mr. President, it is with great pride that I give special recognition to the city of Billings, MT, for the decency and civic mindedness demonstrated by its citizens when certain townspeople were attacked by a racist group. The people of Billings showed that there is no room for hate under the Big Sky.

The city of Billings was presented a special citation by the American Jewish Committee for the reaction of its townspeople to violence and hateful rhetoric against a small number of their neighbors. We in Montana sometimes take our relatively peaceful life for granted, but the events in Billings are a stark reminder that violence and hatred are ever-ready to sabotage and intimidate even the most tranquil communities. The Billings community rightly regarded an attack on several of the town's citizens as an attack on the town itself. By coming together to defend those citizens under siege, Billings' citizens not only drove off the hate-mongers and protected their neighbors, but also established a model for conscientious community action against bigotry.

The Billings community fought for the values that built our Nation and our pioneer State—the basic civic virtues of respect for the law and for individuals' rights, concern for the well-being of fellow citizens, and the conviction that peaceful, collective action for liberty and justice is the cornerstone of a true community. I had the opportunity to participate for a brief time with fellow Montanans from Billings in their organized fight against hate and bigotry, and I will never forget my experience. It was profoundly humbling to walk in solidarity with a community working together to defend the values upon which our Nation was founded.

It is a particular honor for Montana to receive recognition from the American Jewish Committee, which for almost a century has itself been a crusader against bigotry and anti-Semitism, a leader in efforts to broaden understanding among ethnic racial and religious groups in the United States and abroad, a champion of human rights, and a respected articulator of the principal concerns of the American Jewish community. I wish them continued strength and success as they carry out their important work.

With their solid American values and their courage to stand up for what is right, the people of Billings have made a contribution to their city, the State of Montana, and our Nation. I ask

unanimous consent that the American Jewish Committee's citation of Billings, as delivered by David A. Harris, the executive director of the American Jewish Committee, be printed in the RECORD.

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

SPECIAL AMERICAN JEWISH COMMITTEE AWARD TO BILLINGS, MT—88TH ANNUAL DINNER, WASHINGTON, DC, MAY 5, 1994

Good evening. When we first saw this just-shown segment on ABC television, we quickly decided that we wanted in some way to honor the town of Billings—the thousands of its citizens who expressed their moral decency and courage when some of their fellow citizens were, as you saw so vividly, threatened and attacked.

Last year at this time, we honored one man—Jan Karski—a Polish Catholic who had gone to extraordinary lengths during the Second World War, as a member of the Polish Underground, to alert a largely indifferent world to the Nazi extermination of the Jews. As we know, so well, there were all too few Jan Karskis of their time.

So, too, were there then too few communities that stood together with their fellow Jews in the face of unspeakable evil. The remarkable story of the Danish people, who managed to smuggle to Sweden nearly 7,500 of the country's 8,000 Jews, will forever stand as the quintessential act of communal solidarity and courage. And there were other, often lesser known examples—Bulgaria's protection of its own Jews, Albania's Finland's * * * and a few towns and villages. Among these, perhaps, the most poignant was the French town of Le Chambon-sur-Lignon, which took in some 5,000 Jewish children during the war and saved them from deportation and probable death. Imagine, if you will, not one but a dozen, two, three dozen such villages doing the same and what the result might have been, but alas, it was not to be.

Pierre Sauvage, one of the Jewish children rescued in Le Chambon, subsequently wrote: "If we do not learn how it is possible to act well even under the most trying circumstances, we will increasingly doubt our ability to act well even under less trying ones."

"If we remember solely the horror of the Holocaust, it is we who will bear the responsibility for having created the most dangerous alibi of all: that it was beyond man's capacity to know and care."

"If the hard and fast evidence of the possibility of good on earth is allowed to slip through our fingers and turn into dust, then future generations will have only dust to build on."

Ladies and Gentlemen, the world today is an increasingly complicated place. More and more, we are seemingly presented with two contrasting ways to live—as one human family in which all of us, whatever our race, religion, ethnicity, recognize that each of us is created in God's image, that each of us is worthy of respect, that this respect for others in no way diminishes our own self-worth or, for that matter, our own distinctiveness.

Or, we can let the haters and hatemongers, the bigots, the anti-Semites, the racists, the ethnic cleansers seek to divide us and replace pluralism with so-called purity. As the late Martin Luther King, Jr. said: "We must all learn to live together as brothers, or we will all perish together as fools. That is the challenge of the hour."

The American Jewish Committee has from its inception 88 years ago stood unyieldingly

for the principles of pluralism, inter-group harmony and enhanced understanding between peoples of diverse faiths and racial and ethnic backgrounds. And, to that end, we have sponsored two of the most seminal research works of the post-war era—the landmark study entitled "The Authorization Personality," published in 1950, and, its converse, if you will, "The Altruistic Personality," in 1988.

These studies teach us that if we are to achieve communities, countries, indeed, a world based on tolerance and mutual respect, it is not enough that we preach it from the podium. To succeed, as the examples of Denmark and Le Chambon illustrate, these values must become an integral part of our daily lives, of what parents, educators, clergy and political leaders demonstrate by example, not by words alone. It must be part of a profound and unshakable recognition of the intrinsic worth of each and every human being.

The response of the people of Billings, Montana, to the unprecedented wave of fear generated by Skinheads, whose aim was to attack vulnerable minorities, especially Jews, but also African-Americans, Hispanics and Native Americans, demonstrated that a sense of genuine community existed, that residents truly felt that an attack on any one of their number was an assault on the entire community, that each person was as much part of the fabric and fiber of the community as any other. It should also serve to remind us yet again why minority groups need to strengthen their links with one another and not cede ground to those who would divide us.

And what is so exceptional about the people of Billings, just like the people of Denmark, the villagers of Le Chambon, or individual rescuers during the Second World War, though the circumstances clearly are not identical, is that they do not regard their acts of solidarity and identification as anything exceptional or out of the ordinary. Yes, they have experienced fear in Billings, fear, for instance, that a rock might be thrown through their children's window and cause injury or worse.

No doubt, however, they have taken strength from the many who have stood together, from the knowledge that what they are doing is, in fact, the ultimate fulfillment of what is written in Leviticus: "Love thy neighbor as thyself," and from the inspiring example of community leaders.

Among these community leaders are our two special guests this evening, Police Chief Wayne Inman, whom you saw in the film clip, and Wayne Schile, the publisher of the Billings Gazette that printed the thousands of copies of the menorah that eventually were placed in the windows of so many homes.

And in this there is a lesson for all of us. If we have the courage and conviction in our own lives, as do Police Chief Inman and Mr. Schile, to strive towards affirmation of that which is right and good and principled, then our example will be contagious for those around us. And we—and our world view—shall prevail. But if we simply mouth pieties, preach but don't practice, legislate but don't lead—or if our attitude reflects only apathy or indifference—then the skinheads, the bigots, the anti-Semites, the racists, the haters will step into the breach. And we know only too well from history what that can bring.

And so, on behalf of the American Jewish Committee, it is my profound honor and privilege this evening to present this special award to the town of Billings, Montana, for

showing us all how we can demonstrate the principles of decency, goodness and caring in the face of raw hate.

At this point, I would like to invite Police Chief Wayne Inman to come forward, to be followed by Wayne Schile, the publisher of the Billings Gazette. They have travelled a long distance to be with us this evening and we could not be more pleased.

SENATE QUARTERLY MAIL COSTS

Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101-520, I am submitting the summary tabulations of Senate mass mail costs for the second quarter of fiscal year 1994, that is the period of January 1 to March 31, 1994, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

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

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS
(For the Quarter Ending Mar. 31, 1994)

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Akaka	0	0	0	0
Baucus	28,889	0.03506	5,175.20	0.00628
Bennett	42,700	0.02355	6,506.52	0.00359
Biden	0	0	0	0
Bingaman	0	0	0	0
Bond	0	0	0	0
Boren	0	0	0	0
Boxer	0	0	0	0
Bradley	18,100	0.00232	2,753.82	0.00035
Breaux	0	0	0	0
Brown	0	0	0	0
Bryan	37,410	0.02819	6,464.94	0.00487
Bumpers	0	0	0	0
Burns	55,600	0.06748	8,677.36	0.01053
Byrd	0	0	0	0
Campbell	0	0	0	0
Chafee	108,400	0.10786	18,654.19	0.01856
Coats	0	0	0	0
Cochran	0	0	0	0
Cohen	36,653	0.02968	6,985.78	0.00566
Conrad	0	0	0	0
Coverdell	0	0	0	0
Craig	26,741	0.02506	6,873.81	0.00644
D'Amato	1,549,650	0.08553	263,055.33	0.01452
Danforth	87,450	0.01684	12,108.90	0.0023
Daschle	17,775	0.02500	2,654.44	0.00373
DeConcini	7,000	0.00183	2,212.00	0.00058
Dodd	0	0	0	0
Dole	0	0	0	0
Domenici	0	0	0	0
Dorgan	0	0	0	0
Durenberger	1,350	0.00030	294.16	0.00007
Eaton	0	0	0	0
Faircloth	73,650	0.01076	13,870.02	0.00203
Feingold	0	0	0	0
Feinstein	0	0	0	0
Ford	0	0	0	0
Glenn	0	0	0	0
Gorton	357,596	0.06963	66,643.15	0.01298
Graham	1,889	0.00014	1,484.91	0.00011
Gramm	1,639,350	0.09285	287,084.07	0.01626
Grassley	0	0	0	0
Gregg	180,300	0.16229	28,181.98	0.02537
Harkin	0	0	0	0
Hatch	8,050	0.00444	1,232.53	0.00068
Hatfield	950	0.00032	224.69	0.00008
Heflin	15,500	0.00375	2,456.22	0.00059
Helms	0	0	0	0
Hollings	0	0	0	0
Hutchison	0	0	0	0
Inouye	438,000	0.37759	66,684.51	0.05749
Jeffords	34,350	0.06026	5,388.66	0.00945
Johnston	0	0	0	0
Kassebaum	0	0	0	0
Kamphorne	0	0	0	0
Kennedy	0	0	0	0
Kerry	0	0	0	0
Kuhl	29,219	0.00487	4,954.42	0.00083
Lautenberg	0	0	0	0
Leahy	24,174	0.04241	4,930.31	0.00865
Levin	24,203	0.00256	5,585.86	0.00059
Lieberman	69,350	0.02114	10,337.07	0.00315
Lott	420,150	0.16073	66,430.71	0.02541
Lugar	0	0	0	0

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS—Continued

(For the Quarter Ending Mar. 31, 1994)

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Mack	0	0	0	0
Mathews	0	0	0	0
McCain	0	0	0	0
McConnell	0	0	0	0
Metzenbaum	0	0	0	0
Mikulski	0	0	0	0
Mitchell	0	0	0	0
Moseley-Braun	0	0	0	0
Moyihan	33,650	0.00186	6,520.41	0.00036
Murkowski	0	0	0	0
Murray	4,050	0.00079	931.92	0.00018
Nickles	13,775	0.00429	1,987.62	0.00062
Nunn	0	0	0	0
Packwood	125,900	0.04229	20,800.93	0.00699
Pell	0	0	0	0
Pressler	67,453	0.09487	11,128.99	0.01565
Pryor	0	0	0	0
Reid	650	0.00049	95.02	0.00007
Riegle	0	0	0	0
Robb	0	0	0	0
Rockefeller	206,031	0.11370	133,697.21	0.07378
Roth	0	0	0	0
Sarbanes	300,950	0.06132	45,855.63	0.00934
Sasser	276,250	0.05499	40,390.93	0.00804
Shelby	0	0	0	0
Simon	1,700	0.00015	255.23	0.00002
Simpson	33,175	0.07119	4,779.34	0.01026
Smith	46,200	0.04158	12,143.28	0.01093
Specter	0	0	0	0
Stevens	0	0	0	0
Thurmond	0	0	0	0
Wallop	7,500	0.01609	1,773.50	0.00381
Warner	0	0	0	0
Wellstone	379,250	0.08465	62,531.97	0.01396
Wofford	0	0	0	0

OTHER OFFICES

	Total pieces	Total cost
The Vice President	0	0
The President Pro-Tempore	0	0
The Majority Leader	0	0
The Minority Leader	0	0
The Assistant Majority Leader	0	0
The Assistant Minority Leader	0	0
Sec. of Majority Conference	0	0
Sec. of Minority Conference	0	0
Agriculture Committee	0	0
Appropriations Committee	0	0
Armed Services Committee	0	0
Banking Committee	0	0
Budget Committee	0	0
Commerce Committee	0	0
Energy Committee	984	\$331.25
Environment Committee	0	0
Finance Committee	0	0
Foreign Relations Committee	0	0
Governmental Affairs Committee	0	0
Judiciary Committee	0	0
Labor Committee	0	0
Rules Committee	0	0
Small Business Committee	0	0
Veterans Affairs Committee	0	0
Ethics Committee	0	0
Indian Affairs Committee	0	0
Intelligence Committee	0	0
Aging Committee	0	0
Joint Economic Committee	0	0
Joint Committee on Printing	0	0
JCMTE Congress Inaug.	0	0
Democratic Policy Committee	0	0
Democratic Conference	0	0
Republican Policy Committee	0	0
Republican Conference	0	0
Legislative Counsel	0	0
Legal Counsel	0	0
Secretary of the Senate	0	0
Sergeant at Arms	0	0
Narcotics Caucus	0	0
SCMTE POW/MIA	0	0

U.S. POSTAL SERVICE
May 25, 1994.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the second quarter, Fiscal Year 1994, is enclosed. Total postage and fees for the quarter is \$1,612,484.

A summary of Senate franked mail usage, based upon the first two quarters of actual data for Fiscal Year 1994, is as follows:

Volume	11,820,017
Revenue per piece	\$0.2795
Revenue	\$3,303,557.00
Payment Received	\$1,691,073.00
Amount due USPS	\$1,612,484.00

A bill is enclosed for these charges. If you or your staff have any questions on the above, please call Tom Galgano of my Official Mail Accounting staff on (202) 268-3255.

Sincerely,
ALFRED CARREON, Jr.
manager, Post Office Accounting.

FRANKED MAIL

(Postal quarter II, fiscal year 1994, Senate)

Subcategories	Pieces	Rates	Amount
Letters—First Class	1,371,100	\$0.2900	\$397,619
Total	1,371,100	0.2900	397,619
Flats—First Class	118,205	1.1064	130,782
Total	118,205	1.1064	130,782
Parcels:			
Priority—Up to 11 oz	17,448	4.3469	75,845
Priority—Over 11 oz	25,850	3.9547	102,229
4th Class—Regular			
Total	43,298	4.1128	178,074
Orange Bag Pouches—First Class:			
Priority—Up to 11 oz	733	0.3615	265
Priority—Over 11 oz	10	2.9000	29
Priority—Over 11 oz	41	5.0976	209
Total	784	0.6416	503
Agriculture Bulletins—First Class:			
Priority—Up to 11 oz			
Priority—Over 11 oz			
3d Class			
4th Class Special (Bk)			
4th Class Regular	27	9.5185	257
Total	27	9.5185	257
Yearbooks—4th Class Special (Bk)	740	1.4797	1,095
Total	740	1.4797	1,095
Other (Odd Size Parcels):			
Priority—Up to 11 oz			
Priority—Over 11 oz	351	36.2080	12,709
4th Class—Special (Bk)			
4th Class—Regular	1,548	11.0652	17,129
Total	1,899	15.7125	29,838
Total Outside DC			
Permit Imprint Mailings:			
1st Class Single Piece Rate	143,581	0.2693	38,661
3d Class Bulk Rate	3,700,368	0.1290	477,438
Parcel Post—PI	372	6.6935	2,490
First Class Single Piece—PI			
Address Corrections (3547's)	50	0.3600	18
Address Corrections (3d Cl)			
Mailing List Corrections (10 names or less)			
Mailing List Corrections (more than 10 names)			
Mailgrams			
IPA—International Priority Airmail			
Mailing Fees (Registry, Certified, etc.)			
Postage Due/Short Paid Mail			20
Permit Fees			
Misc. Charges			
Express Mail Service			237,303
Subtotal	5,606,863	0.2876	1,612,484
Adjustments			
Grand total	5,606,863	0.2876	1,612,484

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FEDERAL ACQUISITION STREAMLINING ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of S. 1587, which the clerk will report.

The legislative clerk read as follows:
A bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HATFIELD addressed the Chair.
The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon, [Mr. HATFIELD].

AMENDMENT NO. 1753

(Purpose: To provide for waivers of the requirements of the Davis-Bacon Act with respect to certain Federal programs as such requirements relate to volunteers)

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon, [Mr. PACKWOOD], be included as a cosponsor of the amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:
The Senator from Oregon [Mr. HATFIELD], for himself and Mr. PACKWOOD, proposes an amendment numbered 1753.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE X—WAIVER OF THE APPLICATION OF THE PREVAILING WAGE-SETTING REQUIREMENTS TO VOLUNTEERS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Community Improvement Volunteer Act of 1994."

SEC. 1002. PURPOSE.

It is the purpose of this title to promote and provide more opportunities for people who wish to volunteer their services in the construction, repair or alteration (including painting and decorating) of public buildings and public works funded, in whole or in part, with Federal financial assistance authorized under certain Federal programs that might not otherwise be possible without the use of volunteers, by waiving the application of the otherwise applicable prevailing wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) to such volunteers.

SEC. 1003. WAIVER.

(a) IN GENERAL.—The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in subsection (d), and the provisions relating to wages, in any federally assisted or insured contract or subcontract for construction, shall not apply to any individual—

(1) who volunteers—
(A) to perform a service for a public or private entity for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered other than expenses, reasonable benefits, or a nominal fee (as defined in subsection (b)), but solely for the personal purpose or pleasure of the individual; and
(B) to provide such services freely and without pressure or coercion, direct or implied, from an employer;

(2) whose contribution of service is not for the benefit of any contractor otherwise performing or seeking to perform work on the same project; and

(3) who is not otherwise employed at any time under the federally assisted or insured contract or subcontract involved for construction with respect to the project for which the individual is volunteering.

(b) EXPENSES.—Payments of expenses, reasonable benefits, or a nominal fee may be provided to volunteers described in subsection (a) if the Secretary of Labor determines, after an examination of the total amount of payments made (relating to expenses, benefits, or fees) in the context of the economic realities of the specific federally assisted or insured project, that such payments are appropriate. Subject to such a determination—

(1) a payment for an expense may be received by a volunteer for items such as uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or for the cost or expense of meals and transportation;

(2) a reasonable benefit may include the inclusion of a volunteer in a group insurance plan (such as a liability, health, life, disability, or worker's compensation plan) or pension plan, or the awarding of a length of service award; and

(3) a nominal fee may not be used as a substitute for compensation and may not be tied to productivity.

The decision as to what constitutes a nominal fee for purposes of paragraph (3) shall be made on a case-by-case basis and in the context of the economic realities of the situation involved.

(c) ECONOMIC REALITY.—For purposes of subsection (b), in determining whether an expense, benefit, or fee described in such subsection may be paid to volunteers in the context of the economic realities of the particular situation, the Secretary of Labor shall not approve any such expense, benefit, or fee that has the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

(d) CONTRACTS EXEMPTED.—For purposes of subsection (a), the Acts or provisions described in this subsection are the following:

(1) The Library Services and Construction Act (20 U.S.C. 351 et seq.).

(2) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(3) Section 329 of the Public Health Service Act (42 U.S.C. 254b).

(4) Section 330 of the Public Health Service Act (42 U.S.C. 254c).

SEC. 1004. REPORT.

Not later than December 31, 1997, the Secretary of Labor shall prepare and submit to the appropriate committees of Congress a report that—

(1) identifies and assesses, to the maximum extent practicable—

(A) the projects for which volunteers were permitted to work under this title; and

(B) the number of volunteers permitted to work because of the compliance of entities with the provisions of this title; and

(2) contains recommendations with respect to Acts related to the Davis-Bacon Act that could be addressed to permit volunteer work.

Mr. HATFIELD. Mr. President, in the few years before the Revolutionary War, volunteers were organized into military companies and trained to bear arms. These volunteers were called

minutemen because they were ready to fight at a minute's notice. Although minutemen regiments were eventually dissolved when regular armies were formed, the defense of the United States still depends on an All-Volunteer Army.

I mention the minutemen of the Revolutionary War because the idea of voluntarism has been ingrained in our psyche before our country's inception. The ethic of civic responsibility, the spirit of community, and the belief in voluntarism have all been fundamental principles that have helped guide our country's evolution. Today, one only needs to visit the local soup kitchen, homeless shelter, hospital, or literacy center to find people who give of themselves daily, so that others may enjoy better and more fulfilling lives.

Americans persist in their desire to affirm their sense of humanity and shared values, and I believe that most would agree that voluntarism plays a vital role in helping us meet these mores. That is why I am offering an amendment that I recently introduced as a freestanding bill, the Community Improvement Volunteer Act, to the Federal Acquisition Streamlining Act of 1994.

As my colleagues know, the Davis-Bacon Act requires that those who work on federally assisted construction projects must receive the local prevailing wage. I support the Davis-Bacon Act and its protection of the working men and women of our country, however, over the years, I have been worried that its application in certain instances has been overly zealous.

As a result, in 1992, I asked the Comptroller General of the United States to review the effect of the Davis-Bacon Act and its implementing regulations on the use of volunteers on federally financed or assisted construction projects. The study identified approximately 43 Davis-Bacon-related acts, of which 5 currently permit either the Secretary of Labor or the Secretary of Housing and Urban Development to waive the prevailing wage requirements for volunteers. However, the study also identified a number of other related acts for which there was no specific authority for the use of volunteers.

Mr. President, having reviewed both the Comptroller General's report and the types of construction permitted under the identified related acts, I believe there are additional construction programs that should have specific authority for the use of volunteers as a consequence of the confusion created in Philomath.

The programs I have chosen to include in this amendment lend themselves to wide participation by local citizens, and have a very precise and significant social or humanitarian effect on a community.

The amendment makes it clear that projects that would not be otherwise

possible without the use of volunteers, can utilize volunteers for the construction of that project. Specifically, the purpose is to promote and provide more opportunities for people who wish to volunteer their services for humanitarian, civic, or community purposes.

For the last several months, I have devoted a great deal of time to provide what I believe are the necessary protections in this amendment. Few would dispute my support for the Davis-Bacon Act, and I have no interest in undermining its basic intent. However, I do believe that some of the Davis-Bacon-related acts need to recognize or have some flexibility in order to permit nonprofit or similar entities to overcome some of the fiscal constraints that many of our urban and rural areas face.

The amendment defines a volunteer in very narrow terms. A volunteer would be one who performs a service for a public or private entity for civic, charitable, or humanitarian reason, without the promise or expectation of compensation. Furthermore, a volunteer must not be pressured or coerced by any employer, and the volunteer's service cannot be done for the benefit of any contractor.

Although the amendment would permit reasonable expenses like protective gear, out-of-pocket expenses, and meals, it would prohibit these expenses from being tied to productivity. Furthermore, the amendment would only allow volunteers to work on certain types of projects—those that would not otherwise be possible without the use of volunteers.

Although the days of British colonialism and the need for minutemen are long over, there still are incalculable numbers of pressing issues that face our country. Daily, we hear of the nearly 37 million people who are uninsured or have little or no access to health care. By simply walking the street of any town or city in America, one can see people who have lost their way and have become homeless. We may be the freest, we may be the luckiest, and we may be the most prosperous country on the face of the Earth, but throughout the United States, there are continuing and pressing unmet public needs.

Few would dispute the fact that if we, as a government, can make it easier for the public or local communities to address some of these unmet needs, the American people will be able to better serve members of their own community. By making it easier for an organization or local community to build a community or migrant health center, a library, a school, or housing for those who may not be as fortunate as we, we can continue to validate our shared values. Through this amendment, we can help to resuscitate in communities the breath of fresh air that comes with hard work and com-

munity spirit forged together to realize an otherwise impossible dream.

Mr. President, let me summarize two examples that occurred in my State—and I am sure other Senators have had similar experiences—which give rise to this amendment.

In 1990, the Portland Kiwanis Club decided they would renovate an anti-poverty center as a project for the club. They got volunteers, and they contributed 190 hours for the rehabilitation of this center.

Mr. President, because the anti-poverty center had Federal moneys granted to it, the Department of Labor stated that the Kiwanis Club had to be reimbursed \$3,000 for their labor because of the prevailing-wage requirements of the Davis-Bacon Act.

We took this matter up with the Department of Labor because the Kiwanis Club did not want \$3,000, and they had made this as strictly a contribution to the community. We were able to resolve this problem after I came to the floor and offered an amendment to the Cranston-Gonzalez National Affordable Housing Act to permit volunteer workers on these humanitarian projects under the Community Development Block Grant Program and the public housing and section 8 assistance programs. That amendment was adopted by the Congress.

More recently, we had a situation in a very small community, the timber-dependent town of Philomath. With the forestry crisis in our State, this community has been devastated. They decided to undertake a project to build a community library. When they found that they had difficulty in raising the money for its construction, the community turned to volunteer work to build it. But because the Library Construction Act of the Federal Government and the Federal moneys from that being utilized in this project, the Department of Labor said no, they could not build it with volunteer labor. We discussed it with the Department of Labor. Finally, because the city was the supervisor and not a private contractor, the Department made an interpretation that said, OK, you can go ahead and use volunteer labor.

Mr. President, I am a supporter of the Davis-Bacon Act. I have voted to sustain it every time it has been challenged on the floor. This amendment does not amend the Davis-Bacon Act. Rather, it amends a number of construction acts that include funding for local projects of a humanitarian, civic, and educational nature.

I have no intent of trying to take the Davis-Bacon Act apart or to weaken it in any respect. However, I do think that we have an obligation to provide flexibility. And in this flexibility, I am talking about the use of volunteer labor. We are not talking about building bridges. We are not talking about building nuclear plants. According to

the GAO, there are 43 accounts in the Federal budget that provide for local construction which include the prevailing-wage provision of Davis-Bacon.

What I am suggesting is that flexibility be given to these construction programs in which volunteer labor could be permitted. Let me enumerate the ones that I propose to include, not 43 of them, but only those relating to humanitarian, civic, and educational needs.

I suggest that the Library Services and Construction Act be amended to provide for this waiver of the prevailing wages when using volunteer labor. I would also suggest this for the Indian Self-Determination and Education Assistance Act, particularly for Indian reservations, and for two sections of the Public Health Service Act which authorize construction and renovation of community and migrant health centers.

That is all that I am suggesting here in this amendment. These are very worthy, humanitarian programs in which volunteer labor could be offered.

So it seems to me that this really tries to encourage voluntarism, people giving themselves, their talents, and their skills to build stronger communities, for reaching out to the poor and those in need. I do not believe that our Federal laws should be so rigid and so inflexible that we cannot provide for a volunteer effort.

I come from a part of the country where they still have old-fashioned barn raisings. The community gets together and helps to raise a barn or to build a house and what have you—civic centers, an anti-poverty center, or library.

I really do not understand why there should be any opposition. We talked to labor on this, and to our own Oregon labor organizations. They, of course, are very nervous about anything that relates to the Davis-Bacon Act. They are not leading any major opposition to this provision. They recognize the Philomath community library project and the project of the Kiwanis Club of Portland as worthy projects.

I ask unanimous consent at this time that a section-by-section description of this amendment to this bill be printed in the RECORD.

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

SECTION-BY-SECTION SUMMARY OF THE COMMUNITY IMPROVEMENT VOLUNTEER ACT OF 1994

SECTION 1: TITLE

SECTION 2: PURPOSE

The purpose of this Act is to promote and provide more opportunities for people who wish to volunteer their services in the construction, repair or alteration, including painting and decorating, of certain public buildings and public works funded, in whole or in part, with Federal financial assistance that would not otherwise be possible without the use of volunteers, by waiving the application of the otherwise applicable prevailing

wage-setting provisions of the Davis-Bacon Act of 1931.

SECTION 3: WAIVER

Waiver of the prevailing wage requirements:

The requirement that certain laborers and mechanics be paid the local prevailing wages in accordance with the Davis-Bacon Act and applicable to the Davis-Bacon-related Acts under this bill (Library Services and Construction Act, the Indian Self-Determination and Education Act, Migrant Health Centers and Community Health Centers) shall not apply to an individual who volunteers:

Definition of a volunteer:

(a) To perform a service for a public or private entity for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered other than expenses, reasonable benefits, or a nominal fee (as described in the bill) but solely for the personal purpose or pleasure of the individual;

(b) To provide such services freely and without pressure or coercion, direct or implied from an employer;

(c) Whose contribution of service is not for the benefit of any contractor performing or seeking to perform work on the project;

(d) Who is not employed at any time under the federally assisted or insured contract or subcontract involved for construction with respect to the project for which the individual is volunteering.

Definition of expenses:

Payments of expenses, reasonable benefits, or a nominal fee may be provided to volunteers if the Secretary of Labor determines that in the context of the economic realities of the project (which would have the effect of undermining the labor standards by creating downward pressure on prevailing wages in the local construction industry) that such payments are appropriate. Reasonable expenses and benefits will be made on a case-by-case basis and may include:

(a) Uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or for the cost or expense of meals and transportation;

(b) Inclusion in a group insurance plan (such as liability, health, life, disability, or worker's compensation plans) or pension plan or the awarding of a length of service award; or

(c) A nominal fee cannot be used as a substitute for compensation and must not be tied to productivity.

Definition of economic reality:

The Secretary of Labor shall not approve any payment of the expenses or benefits which would have the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

Contracts that are exempted for volunteers:

(1) The Library Services and Construction Act;

(2) The Indian Self-Determination and Education Assistance Act;

(3) Section 329 of the Public Health Service Act—Migrant Health Centers;

(4) Section 330 of the Public Health Service Act—Community Health Centers.

SECTION 4: REPORT

Requires the Secretary of Labor to submit a report to Congress by December 31, 1997 that identifies and assesses:

(a) The projects for which volunteers were permitted to work under this bill;

(b) The number of volunteers permitted to work due to this bill;

(c) Contains recommendations to other Davis-Bacon-related Acts that could be addressed to permit volunteer work.

Mr. HATFIELD. Mr. President, I am happy to answer any questions at this time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I was originally concerned about the proposal that Senator HATFIELD was going to make because I was concerned that it did get into some changes in Davis-Bacon. But, I am reassured that it is not an attempt to amend this Act. In fact, it is an attempt to really encourage voluntarism in this country, which we are very proud of. We are more a nation of volunteers than any nation in the world. In fact, that has been sort of the fabric of our whole society, that we help out in trying to do things on a volunteer basis.

Also, the proposal by my distinguished colleague is very narrowly drawn. So it applies only to those narrow, core areas that he referred to.

With those assurances which he made in his opening statement on this amendment, I would be glad to accept it on this side. I hope that Senator ROTH will do the same on the other side.

Mr. ROTH. Mr. President, I congratulate the distinguished Senator from Oregon for his proposal. It is a worthy one. It does promote voluntarism. I am glad to support it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 1753) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. 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. GLENN. 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. GLENN. Mr. President, I ask unanimous consent that on the upcoming amendment by Mr. GRASSLEY, there be a time limit of 1 hour, equally divided, with no second-degree amendments to be in order, with the time controlled in the usual form.

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

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 1754

(Purpose: To amend the inspector general Act of 1978 to require inspectors general to employ legal counsel)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1754.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS
SEC. 9001. LEGAL COUNSEL FOR INSPECTORS GENERAL.

(a) AUTHORITY TO EMPLOY COUNSEL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App) is amended—

(1) in subsection (d)—

(A) by striking out “, and” at the end of paragraph (1) and inserting in lieu thereof a semicolon;

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; and”; and

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

“(3) appoint a legal counsel who shall have the responsibility for providing the Inspector General with legal advice, including formal legal opinions.”; and

(2) by adding at the end the following new subsection:

“(e) Each person appointed as a legal counsel to the Inspector General of an establishment shall report to and be under the general supervision of the Inspector General and may not be required to report to or be subject to supervision by, any other official or employee of the establishment. Only the Inspector General may evaluate the performance of a legal counsel for official purposes.”.

(b) ABSORPTION OF COST FOR FISCAL YEAR 1994.—In the case of a department or agency referred to in paragraph (2), funds available for fiscal year 1994 for the General Counsel of such department or agency that would be expended for such fiscal year for payment of the costs of the legal staff (including support staff) made available by the General Counsel of such department or agency to the Inspector General of that department or agency on a permanent basis shall be used for paying the costs for fiscal year 1994 for legal counsel (including support staff for legal counsel) employed by the Inspector General of such department or agency.

(2) Paragraph (1) applies to the following departments and agencies:

(A) The Department of Defense.

(B) The Department of Health and Human Services.

(C) The Department of Transportation.

(D) The Environmental Protection Agency.

(E) The Federal Emergency Management Agency.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

In the table of contents in section 2, strike out the item relating to the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS
Sec. 9001. Authority of Inspectors General to employ legal counsel.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

Mr. GRASSLEY. Mr. President, the first point I will make is this, because I think it is something everybody ought to be concerned about when you hear about an amendment that talks about hiring, and I want to make this point very clear: This amendment is going to change boxes on the table of organization in five departments—not the entire Government, just in five departments—and it will not cost the taxpayers \$1, or it will not lead to the hiring of one more person. That is clearly my intent.

As I have studied the situation, that is clearly possible because what is being done in these agencies, is now being done, but in a way that I think contravenes the goals of the Inspector General Act of 1978. I want to make sure that we meet the intent of that in the five departments where it is not being met.

It is being met in 21 out of 28 departments, and it is in the process of being met in two more departments. So basically we have a situation here where in five departments the inspector general does not have independent legal counsel. My amendment would give him independent legal counsel, but without spending 1 penny more of taxpayers' dollars, without hiring anybody else, and it would do it by having people that are doing this work now who are under the jurisdiction of the general counsel office. They would be like they are in the other 21 departments. They would be working for the IG, so that they are truly independent. And that is the purpose of the IG, as you know.

The IG is set up so that we have a situation where there is somebody that is not under the direction of the Secretary or the head of an agency, but it is over here in an independent way. So that if the taxpayers' money is not being spent wisely and policy is not being followed according to congressional intent, we have a person in that department who can blow the whistle and say that this is not quite right. Hopefully, just bringing this out into the sunshine as a fact will cause the administrators in charge to change policy, or at the very least, it is going to cause Congress to bring some changes.

The Inspector General Act of 1978 authorizes each inspector general to hire all necessary personnel, including legal counsel. So you may ask: Why is my amendment needed? I want to explain what I just summarized in greater detail.

There is some speculation behind my amendment. I want to be up front about that. That speculation is this—and I do not know exactly why 5 agencies out of the 28 do not have independent counsel in their IG's office. But I think that the answer goes somewhat like this:

The IG's who do have independent legal counsel, first of all, had to fight

very hard within their agency to get it. We know that as a fact. Those without it do not have it because their agencies do not want them to have it. They want the IG to be somewhat dependent upon the agency as a whole, and they do that through legal counsel. They see, then, that the independent counsel is less of a threat.

So this is where we are today, as I said. We have 28 major IG establishments in existence, and 21 have already hired independent legal counsel.

Two more—the IG's at HUD and the U.S. Information Agency—are in the process of establishing independent legal counsel. So the movement is definitely in the right direction, but there is unfinished business. There are five important holdouts.

Five IG's still rely on legal counsel provided by the general counsel at their parent agencies. The five IG's that do not have independent counsel are in the Department of Defense, No. 1. I will use the Department of Defense as an example where this is not going to cost the taxpayers \$1, and it is not going to hire one more person.

There are six lawyers from the general counsel's office assigned over here to the IG. But they work for the general counsel. So the IG does not have independent legal counsel, as they do in the other 21 agencies of Government.

So if my amendment is adopted, in the Department of Defense—and I will not go into details for the other four agencies, including the EPA, FEMA, HHS, and the Department of Transportation, but those six people that are presently on the payroll will be on the payroll of the inspector general instead of on the payroll of the general counsel, because that is the way it is in 21 of the 28 agencies, and that is the way it is going to be in the U.S. Information Agency and the HUD agency. So there are only five left.

In these five cases, now the IG's have an arrangement. They have forged unholy alliances with their counterpart general counsels. With these alliances, the IG's get access and support. But they surrender control to the agency lawyers. For the taxpayers, that is not a very good deal because the IG was set up to guarantee that there was frugal use of the taxpayers' money and that that law was executed as Congress intended, and the independence of the IG is important to make real that guarantee.

Nor does it seem to me to square with the IG's oversight and investigative responsibilities under the IG Act. In fact, the alliances seem to invalidate the IG Act because independent legal counsel is important to get to our goal.

The alliances are embodied in memorandums of understanding. That is within these five agencies.

The memorandum of understanding documents dictate what the IG's can

and cannot do in the legal arena in just these five Departments, not in the 21 Departments that have independent legal counsel.

So this is how it works at DOD, but the setup at the other four agencies is essentially the same.

The Department of Defense memorandum of understanding document was signed by Mr. Joseph Sherick, the first Department of Defense IG, and Mr. Chapman B. Cox, DOD general counsel. It is dated August 16, 1985.

Mr. President, the memorandum of understanding of the DOD makes the general counsel the final arbiter or judge in any legal dispute between the IG and the agency lawyers.

Mr. President, I want to read from this memorandum of understanding what it says about how disagreements are going to be handled, if there are disagreements, between the general counsel or the Department and the IG. From the memorandum of understanding:

If there is a disagreement, the matter shall be referred to the general counsel for resolution.

That is outside the inspector general's office.

The general counsel shall then review the different positions and, in his sole discretion, issue a legal opinion.

That is the end of the quote.

If the IG disagrees with the opinion, then the IG may turn to his or her chief counsel for advice.

That is fine and dandy. But, in practice, the IG's chief counsel is controlled by the Department of Defense general counsel. And, as I said, that is true not exactly the same way, but pretty much the same way, in those other four Departments that do not have the arrangement the other 21 Departments have.

The Defense general counsel selects the IG's lawyer. The Defense general counsel evaluates the inspector general's lawyer, and the DOD general counsel pays the IG's lawyer.

That arrangement does not give the inspector general enough room to maneuver on legal issues.

I would like to take a hypothetical example: An official at DOD is accused of illegal activities or misconduct. The IG conducts an independent investigation—that is his job—and finds that the official involved violated the law. However, the attorneys at the agency might disagree with the IG's finding, as they almost always do, when a violation of law is involved.

Once that happens, the inspector general at DOD is dead in the water.

With this kind of setup, it is easy to understand why no one in Government is ever held accountable for anything. I have given more speeches on this floor this year on financial mismanagement in the Defense Department, I bet, than any other Senator has. And it is there. Even people who are going to be debating against my amendment today will have to admit that.

The inspectors general were set up in 1978 to see that these things do not happen. Independent legal counsel, complete independence, is important to get this done.

We cannot expect an IG to successfully investigate a Department if that Department has authority to control the outcome of the investigation. That just will not work.

The alleged misconduct on the C-17 program and the advanced cruise missile contracts are real-life examples of how the memorandums of understanding do not work.

The evidence uncovered by the IG suggested that Federal criminal laws and the Uniform Code of Military Justice may have been violated by senior military officials. The Anti-Deficiency Act was violated. That could be a class E felony.

But the legal beagles put up a stone wall that stopped the inspector general cold in two instances. What followed were two Air Force reinvestigations and debunking operations.

The IG recommended that disciplinary action be taken against senior officials. All that followed was a slap on the wrist. Then came recommendations for promotions for those involved. Only one person was forced to retire.

I know my friend from Ohio, Senator GLENN, who chairs the Governmental Affairs Committee, has acted in the past to resolve conflicts between the IG's and general counsels at the Departments of Education and Labor.

In these two Departments, the general counsels in both Agencies were actively blocking IG efforts to hire independent legal counsel.

When Senator GLENN found out about it, he was pretty ticked off, as I remember, and fired off letters to those Departments.

I would like to quote from one of his letters to the Secretary of Education, dated January 26, 1990, Secretary of Education Lauro O. Cavazos.

Senator GLENN's letter was written in response to a complaint he had received from the IG at the Department of Education, Mr. James B. Thomas, Jr.

This is an appeal for independent legal counsel at IG establishments, if I ever heard one, and I want to quote. I am quoting Senator GLENN:

Mr. Thomas' letter demonstrates that the current arrangement at the Department of Education compromises the independence of his office, deprives the Department of potentially valuable input from the OIG, and places the attorneys in a conflict of interest situation, since they are being asked to serve both the IG and the General Counsel, who at times have competing interests and objectives.

The thoughts of the distinguished chairman of the Governmental Affairs Committee, as expressed in that letter on this issue, are my own, and in his own words he sums up my rationale for my amendment.

The memorandums of understanding undermine and may even compromise the IG's ability to render truly independent judgments on controversial procurement and investigative issues.

The most sensitive issues usually boil down to a legal question.

The memorandums of understanding put the general counsels in the driver's seat. The memorandums allow them to shape and control the legal issues that drive investigations. This puts them in a position to limit damage to their Departments. That is pretty much business as usual, and covers up, muddies the waters.

The memorandums of understanding, it seems to me, for these five Departments, is clearly inconsistent with the intent of the Inspector General Act of 1978.

I think this is a problem, and there is a consensus on the need to fix it.

The House of Representatives Committee on Government Operations has spoken on the "need for independent legal counsel for the IG's."

The President's Council on Integrity and Efficiency has spoken on this issue as well.

Senator GLENN's work with the IG's at Labor and Education clearly indicates that he favors independent legal counsel for the IG's.

The only disagreement, I think, is how do we get from here to there?

Senator GLENN, I believe, favors resolving the IG/general counsel conflicts on a case-by-case basis as the need arises.

Senator GLENN's work and approach has accomplished a great deal, to a point, but I think the process has been stalled.

We still have five major IG's without independent legal counsel, and it looks as if these five Department heads are dead set against it, particularly the general counsel there.

I think we need a set procedure in place that guarantees independent legal counsel for all IG's, following the intent of the 1978 legislation.

My amendment offers an effective remedy. First, it would require that each major IG establishment appoint independent legal counsel. Again, no new people hired; no new money appropriated. Just take the people that are assigned to the general counsel office and put them there where they need to be.

Second, reform could be accomplished, as I said, at no additional cost. Existing personnel would remain in place. Their pay would simply be shifted from the general counsels' budget to the IG's budgets.

One way to further the cause of procurement reform is to have an effective watchdog. IG's are the most effective watchdog. An effective watchdog needs the right tools for the job. Independent legal counsel is essentially for getting the job done.

So I ask you to support my amendment.

Once again, particularly for the benefit of anybody who might be here from the Armed Services Committee, I know that this is an attempt by an outsider, a Senator from Iowa, to inject himself into what is good and bad for the Department of Defense.

All I can say is that I will bet you that every one of the Senators speaking against my amendment today voted for the inspector generals to be set up in 1978. And I will bet you that they argued then that they should be independent.

I want any of these Senators to know that we have 21 out of 28 departments that have independent legal counsel in the IG's office. Two more are going to have it—HUD and the U.S. Information Agency.

We have five that do not have it and one of those is the Department of Defense. Now, somebody is probably going to say this is going to cost a lot of money. It is not going to cost any money at all. There are six lawyers assigned from the general counsel's office to the inspector general's office. If that inspector general is going to be independent, he should have independent legal counsel.

And I would suggest if you do not want the inspector general of the Department of Defense to be totally independent, to make sure that the taxpayers' money is spent wisely so things like the C-17 debacle does not happen again, then maybe we ought to do away with the inspector general at the Department of Defense. But I do not think you want to do that. I think we have to make sure that our money is spent wisely, and I think this will be the way to do it.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes and 15 seconds remaining.

Mr. GRASSLEY. I reserve the remainder of my time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. GLENN].

Mr. GLENN. I yield myself such time as I may require.

Mr. President, when Senator GRASSLEY first talked to me about his amendment, I indicated to him that I was certainly concerned about some of the same things that he is dealing with in this amendment, and that I might well support it.

However, I went back to it and looked at it in more depth, and we had communications with some of the people directly involved, such as the inspectors general at the Department of Defense and HHS. I have not talked to

those who have smaller staffs—EPA, FEMA, and Transportation.

We have some 61 IG's all across Government now. Those at DOD, EPA, FEMA, HHS, and Transportation are the only five that do not have their own independent staffs. DOD and HHS are big operations so they have a different requirement from most of the other 59 agencies that are very specialized and very specific in what their IG's do.

DOD and HHS have large staffs. They deal with very broad and diverse matters and their staffs have to be more flexible than those of some of the other Departments.

I disagree with Senator GRASSLEY when he says that he is an outsider on this issue because the committees that are involved with this, particularly with DOD, are not committees on which he sits.

I would say to Senator GRASSLEY that no Senator here is an outsider. No Senator is an outsider when it comes to matters of efficiency and running our Government properly. I may have a big interest in some of the matters in committees on which the distinguished Senator from Iowa sits. And he obviously has taken one of the leading roles this year, as he says, in trying to root out some of the fat, fraud, waste, and abuse. He and I have discussed this on several occasions. We are moving in this area.

Secretary Perry and Deputy Secretary Deutch are very much involved with trying to resolve some of the financial management difficulties we have had at DOD. They have assigned people to specific jobs and they are really trying to straighten things out. I have held I do not know how many hearings on matters that the Senator from Iowa is concerned about, on specific matters where we have brought out some of the waste and abuse and procurement difficulties that we have had in the past. We are trying our very best to get those ironed out.

But there are two basic reasons why I rise to oppose this amendment today. In major agencies like this, we need two things: One, the number of people to investigate a series of particular items at any one time. In other words, the requirement in a big agency for IG personnel goes up and down. It is not static. In a major agency, the flexibility that is provided, as the inspector general of DOD points out in a letter that he sent to us, is essential. The other important thing is that the inspector general requires varying expertise in different fields from one time to another. And they can call on the parent agency to give them that kind of expertise.

Now, they may be involved in one type of investigation at one time, an audit investigation at another time, and they can call on different numbers of people out of the general counsel's office.

The Department of Defense has handled this by working out a memorandum of understanding, and it has worked very well. Of the IG's we have had over there since 1982, when the law was first put in, none has complained that their independence has been interfered with in any way. They have had this flexibility and they have had the ability then to call on broad expertise as different matters have come up. This has not been a problem.

The Senator from Iowa also mentioned IG independence. I know from personally talking to the IG's. I meet with the whole group of them on occasion. They are fiercely independent. I do not know that anyone has ever brought charges that any of the IG's have been, in effect, co-opted by the agency in which they serve. There has not been any evidence of that.

Now, as to the dollars involved, this is not just a matter of saying "OK". It seems to me that if they have to go to a different number of people by hiring their own counsel, then there is an increase in the dollars involved in this.

There is one other issue that I think is very important. Right now, the IG's have complete authority to hire outside help and increase their permanent staff if they wish to do so. This is written into the law. If they feel their independence is being compromised in any way, shape or form, they have the authority to hire their own independent counsel and their own independent staffs.

Now, if they did that with a large number of people and over a long period of time, obviously they would probably not be able to take that extra cost out of their own budget. But they have that authority right now.

And so it just seems to me that this is a situation that is working well and that has been working independently and is flexible enough to take care of the investigative peaks and valleys that occur. The system as it exists allows the IG's to call on broad agency expertise as they need it. I just do not see that we need to change that situation right now.

I appreciate what the Senator from Iowa is specifically trying to do, but I think the system has worked out very well. If we find the IG's do not have enough authority or enough people to do what they are doing, then perhaps we need to make some changes. But that is not the situation in which we find ourselves today.

The Office of Management and Budget [OMB] has written us a letter—Mr. Kelman, Administrator of the Office of Federal Procurement Policy within OMB, has written a letter strongly opposing this amendment and the reasons given are along the lines I have outlined here. I will not read the letter, but I ask unanimous consent it be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. Madam President, I have another letter from the inspector general of the Department of Defense, in which he, too, says it is working well. He basically says the same thing that Mr. Kelman says, from the Office of Federal Procurement Policy.

I have another letter opposing the amendment from the Department of Health and Human Services, in which one of the items that is mentioned is, "Hiring in-house counsel would only add to the bureaucratic clearance process when specialized legal consultation is desired."

In an earlier part he says, "We strongly believe that such a blanket mandate is unnecessary and ill-advised."

I ask unanimous consent those letters be printed in the RECORD.

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

(See exhibit 2.)

Mr. GLENN. For those reasons I rise to oppose the amendment. I fully appreciate what the Senator from Iowa is intending to do with this. His intentions are the same as mine, to get a more effectively and efficiently operating inspectors general group. We backed that group from its inception when it was placed in operation in 1982 with a limited number as an experiment. They worked so well over a 10-year period that I proposed expanding the IG's, and that legislation went through. We expanded the IG's to where they now encompass 61 different agencies and departments of Government and they are working very well.

They look with great pride on the independence that they have. They are, I believe, operating without fear or favor. They have these memoranda of understanding that address issues between the IG and their parent agency. They work out the numbers of people they are going to need, and at the same time they have full authority to go outside and hire additional help if they need it. So I regret, knowing the intentions of the Senator from Iowa, I have to oppose this amendment but I do so and reserve the remainder of my time.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, June 3, 1994.

HON. JOHN GLENN,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that Senator Grassley has introduced an amendment to S. 1587 requiring Inspectors General to employ legal advisors within their own organizations rather than receiving legal advice from their respective Offices of General Counsel. The Administration opposes such an amendment.

The quality and independence of the legal advice provided from the Office of General

Counsel have been excellent in assisting those Inspectors General in fulfilling their statutory responsibilities. One of the advantages of the existing relationship between the Inspectors General and their respective Offices of General Counsel is that it ensures that the full legal expertise of the Agency's lawyers are available to the IGs. The expertise of the Offices of General Counsel has proven invaluable in addressing broad and diverse legal issues that arise in the course of conducting Inspector General audits, investigations, and inspections into agency programs and operations. The alliance between the two organizations also helps convince management to consider strongly the findings and recommendations of the Inspectors General.

As Inspectors General currently have the authority to hire counsel within their organizations should they so desire, the Administration believes that such an amendment would diminish their authority and independence rather than augment it.

Therefore, we recommend against any attempt to legislatively mandate the manner in which an Inspector General must obtain legal services.

Very truly yours,

STEVEN KELMAN,
Administrator.

EXHIBIT 2
INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, May 23, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to a request from the Committee asking for my views on a possible amendment that would require Inspectors General to employ legal advisors within their own organizations rather than receiving legal advice from the Office of General Counsel. I am strongly opposed to any such amendment.

The Office of the Inspector General in the Department of Defense has received its legal services from the Office of General Counsel since its statutory creation in 1982. I believe this is a sound and desirable arrangement which best serves the needs of this office and note that none of the three Inspectors General who have been appointed in the Department of Defense has ever expressed any desire to modify it. The quality and independence of the legal advice provided to this office over the years has been excellent and invaluable in assisting us in fulfilling our statutory responsibilities. I recommend against any attempt to legislatively mandate the manner in which an Inspector General must obtain legal services.

Without question, the Office of the Inspector General needs objective and independent legal advice. To that end, the relationship between the Office of the Inspector General and the Office of General Counsel has been memorialized in a Memorandum of Understanding that explicitly recognizes this need and sets forth procedural protections to ensure that it is met. The Memorandum of Understanding is enclosed.

One of the advantages of the existing relationship between the Office of the Inspector General and the Office of General Counsel is that it ensures the full legal expertise of the Department's lawyers is available to us. Such expertise is invaluable in addressing the immensely broad and diverse legal issues that arise in the course of conducting audits, investigations, and inspections into the programs and operations of the Department of

Defense. However, as the enclosed Memorandum sets forth, there are procedures to ensure that the ability to seek legal assistance in no way compromises the independent advice provided by our lawyers.

Finally, we have found that working with the Office of General Counsel often results in an alliance between our organizations that helps convince management to concur in our findings and recommendations. The relationship has been a productive one, and we see no reason to change it. Because Inspectors General currently have the authority to hire counsel within their own organizations should they so desire, we believe that an amendment that requires Inspectors General to do so diminishes their authority and independence rather than augmenting it. I believe the manner in which legal services are obtained by an Inspector General should be left to the discretion of the Inspector General, who is in the best position to evaluate the needs of his or her office.

Thank you for giving me the opportunity to comment on this matter. If you need additional information, please call me or Mr. John Crane, Office of Congressional Liaison, at (703) 614-0491.

Sincerely,

DEREK J. VANDER SCHAAF,
Deputy Inspector General.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF INSPECTOR GENERAL,

Washington, DC, April 21, 1994.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, there is pending before your Committee the bill, S. 1587, the "Federal Acquisition Streamlining Act of 1993". I have learned that an amendment will likely be offered to this bill that would require all Inspectors General to obtain legal services exclusively from an "in-house" staff, employed and paid by the Office of Inspector General (OIG). We strongly believe that such a blanket mandate is unnecessary and ill-advised.

Like you, we are adamant that every Inspector General must enjoy the services of truly independent and objective legal advisors. Since the OIG regularly questions positions taken by agency managers, it is critical that the legal advice provided to the OIG not be tainted by allegiances between the attorneys and those managers. However, I am convinced that the Inspector General of the Department of Health and Human Services (HHS) does secure expert and independent legal advice from the agency Office of General Counsel. Hiring in-house counsel would only add to the bureaucratic clearance process when specialized legal consultation is desired.

At HHS, we have had a longstanding and very successful relationship with the agency's Office of the General Counsel (OGC). Currently, our OGC maintains a staff of 27 persons devoted exclusively to providing legal services to the OIG. The independence of this staff is ensured by a Memorandum of Understanding between the Inspector General and the General Counsel; a memorandum that provides for the Inspector General's concurrence in the selection, retention, and evaluation of senior officials of the office (see Enclosure). Moreover, this agreement instructs the attorneys assigned to the OIG to provide independent advice to the OIG, even when the advice is contrary to the legal position of the Department.

In a Department like ours, with its vast array of diverse and complex programs, it is

important that attorneys working for the OIG have had the opportunity for training and experience gained through the Office of the General Counsel, as well as the expanded "career path" opportunities that this affiliation provides.

I must emphasize that if circumstances were to change, and we found that the independence of the OGC's legal advice had been compromised, we already have ample authority to establish our own in-house counsel; we need no statutory amendment to ensure this outcome. However, we see no benefit in severing our long and fruitful partnership with the Office of the General Counsel. Worse, the proposal would have the effect of requiring the OIG to absorb a staff of nearly 30 persons. I am deeply concerned about our ability to assume this obligation given our current and prospective budgets.

For these reasons, we are hopeful that the Inspector General Act will be left intact, and will continue to permit each Inspector General to exercise discretion in determining how best to secure independent legal advice.

Thank you for the invitation to provide these comments. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

JUNE GIBBS BROWN,
Inspector General.

MEMORANDUM OF UNDERSTANDING BETWEEN THE INSPECTOR GENERAL AND THE GENERAL COUNSEL OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Inspector General Act of 1978, Pub. L. 95-452, as amended by Pub. L. 100-504 established the Office of Inspector General (OIG) as an independent office within the Department of Health and Human Services (the Department). The OIG is responsible for providing objective oversight to identify and make recommendations for preventing waste, fraud and abuse in Department programs and operations, and to make reports to the Secretary and the Congress on such activities. The head of the OIG is the Inspector General.

The Office of the General Counsel (OGC) is responsible for providing the Department with the full range of legal advice and counsel with respect to all the programs and activities of the Department. The head of the OGC is the General Counsel who is the principal legal officer for the Department and reports to the Secretary.

In order for the OIG to perform its full range of responsibilities under the Inspector General Act, as amended, as well as other duties delegated to it by the Secretary, the OIG needs high quality, independent, and objective legal advice. The OIG recognizes the expertise of the OGC in providing legal services to the Department and considers it advantageous to the OIG to receive legal advice from the OGC. The purpose of this memorandum is to set forth the relationship between the OIG and the OGC.

I. INDEPENDENCE OF THE OIG

In accordance with the OIG's mandate to provide objective oversight of Department programs and operations, the OIG performs its activities independent of OGC review or approval.

These activities include but are not limited to:

A. initiating or pursuing any audit, investigation or inquiry;

B. transmitting to the United States Department of Justice or to any other law enforcement or investigative agency any complaints, information, investigative reports or audit reports in its possession;

C. conducting investigations and audits, and the determination of their direction and scope; and

D. preparing reports and recommendations and submitting them to the Secretary and the Congress.

II. AVAILABILITY OF LEGAL SERVICES TO THE INSPECTOR GENERAL

The Office of the General Counsel will provide the OIG legal advice and counsel,¹ within the constraints of available resources, including advice and counsel on such matters as:

A. the proper interpretation of statutes, regulations and policy directives governing the administration of the Department's programs;

B. investigative procedures and techniques, such as subpoenaing documents;

C. the interpretation of statutes applicable to the OIG; and

D. the legal implications and conclusions to be drawn from audit and investigative material produced by the OIG.

To ensure that adequate expert legal services are available to the OIG, and that these services are provided in a manner consistent with the statutory independence of that office, the General Counsel shall retain a separate Inspector General Division within the Office of the General Counsel in Headquarters which will be responsible to provide legal services to the OIG. In addition, legal services will also be made available from the ten Regional Chief Counsels' offices for legal services required for the OIG field operations. There shall be a senior attorney in each region under the direction of the Chief Counsel responsible for liaison with the OIG in order to facilitate training and information exchange.

The Inspector General Division will be headed by an Associate General Counsel who is a member of the Senior Executive Service. The OIG will participate in establishing the highly qualified list for that position, and interviewing and candidates. The General Counsel will select the Associate General Counsel with the concurrence of the Inspector General.

The Associate General Counsel for the Inspector General Division shall be under the general supervision of the General Counsel. However, the Associate General Counsel may not be transferred, reassigned, provided additional duties, or terminated without the concurrence of the Inspector General. The position description and performance plan and goals for the Associate General Counsel shall be executed by the General Counsel with the concurrence of the Inspector General. The General Counsel will seek the views of the Inspector General in the evaluation of the Associate General Counsel's performance and will consult the Inspector General annually with respect to whether to award a bonus to the Associate General Counsel. The Associate General Counsel will be assisted by a deputy who is also a member of the Senior Executive Service and whose selection is governed by the same process as the Associate General Counsel. All the provisions of this paragraph will apply to any Senior Executive Service position added to the Inspector General Division. Additionally, the General Counsel recognizes that the Inspector General has statutory authority to retain Schedule A attorneys without the approval of the General Counsel.

The Inspector General Division shall have access to any opinion(s) of the Office of the General Counsel, upon request. Where a component of the Office of the General Counsel, other than the Inspector General Division, proposes to issue an opinion that relates to

the authorities of the OIG, a draft of the opinion should be shared with the IG Division before issuance for its concurrence. Similarly, where the IG Division proposes to issue an opinion on the subject matter for which another OGC division has primary responsibility, a draft of that opinion should be shared with that division before issuance for its concurrence. The other division shall review and provide whatever comments are appropriate as promptly as possible. If there is disagreement with OGC the matter shall be referred to the General Counsel for resolution. The General Counsel shall then review the legal opinions, and after consultation with the Inspector General, shall issue the legal opinion for the Department. If a Division of the Office of the General Counsel does not respond to a request for an opinion within 30 days, the request shall be forwarded immediately to the Deputy General Counsel (Legal Counsel) for expeditious resolution of the issue(s) involved.

If the Inspector General disagrees with the legal opinion of the Department, and requests legal assistance from the Associate General Counsel, the Associate General Counsel and the attorneys within the IG Division may provide whatever legal assistance is required by the Inspector General to carry out the responsibilities of the Inspector General Act. Legal opinions rendered to the Inspector General by the Associate General Counsel that conflict with the legal position of the Department shall state that they are solely the position of the IG Division.

Although the Inspector General may seek and obtain the advice of the General Counsel, under the Inspector General Act the Inspector General is not bound by such advice, and is free to disregard it.

III. AVAILABILITY OF THE OFFICE OF INSPECTOR GENERAL TO THE OFFICE OF THE GENERAL COUNSEL

The Office of Inspector General shall, within the constraints of available resources, assist the OGC in the defense of an OIG or Department decision before an administrative or judicial tribunal where the decision relies upon an OIG audit or investigation. This will include, making OIG staff and contractors available as witnesses, furnishing relevant documents, executing affidavits, reviewing material submitted by the parties to the proceedings; and with respect to defense of OIG activities, paying the reasonable out-of-pocket costs of such defense (excluding any costs for personnel of the Office of the General Counsel).

IV. SUPPORT OF THE INSPECTOR GENERAL DIVISION

Except as provided for in Section III above, the support of the OGC, Inspector General Division is the responsibility of the Office of the General Counsel, i.e. all necessary support shall derive from the OGC budget. The two parties recognize this can not be fully accomplished until the FY '92 budget.

V. EXCHANGE OF INFORMATION

The Inspector General in his discretion, and pursuant to guidance and direction of the Department of Justice and rules of the U.S. District Court, may keep the General Counsel informed of investigations and inquiries initiated or completed in any transmittals outside the Agency by the OIG on the results of its activities.

The General Counsel shall keep the Inspector General informed of any communications between OGC and the Department of Justice, or any other enforcement or investigative agency, concerning any matter that has been or is the subject of investigation or inquiry

by OIG or which has bearing or effect on OIG.

Where the Inspector General determines that the subject matter of any inquiry, investigation or task is of such a nature that communication of its substance to the General Counsel would impair or undermine the OIG's function, the Inspector General may limit his communications to the IG Division. Thereafter, the IG Division shall not communicate any information received from the OIG, or the substance of any advice or counsel provided by the IG Division to the OIG, concerning such inquiry, investigation or task, without specific authorization from the Inspector General.

This Memorandum of Understanding is entered into voluntarily by both the Inspector General and General Counsel. It may be modified at any time by agreement of the parties and may be terminated upon thirty (30) days prior written notice by either party.

This Memorandum of Understanding shall become effective upon the date of signing by both parties and shall continue until such memorandum is modified or terminated.

Signed this 20th day of April, 1990.

RICHARD P. KUSSEROW,
Inspector General.
MICHAEL J. ASTRUE,
General Counsel.

FOOTNOTES

¹It is recognized that legal advice and counsel with respect to violations of Federal criminal law are provided primarily by the Department of Justice, Criminal Division, and the various United States Attorneys, and that legal advice and counsel with respect to Federal civil actions may be provided by the Department of Justice, Civil Division, and the various United States Attorneys.

²In accordance with OGC policy, the Associate General Counsel may opt to use the alternative title of "Chief Counsel to the Inspector General."

ADDENDUM TO MEMORANDUM OF UNDERSTANDING

This memorandum is to clarify the Memorandum of Understanding entered into between our offices on April 20, 1990 (MOU), to the extent that the MOU may affect the role of the Associate General Counsel for the Inspector General Division (AGC) under the Program Fraud Civil Remedies Act, 31 U.S.C. §§3801-3812 (PFCRA).

PFCRA establishes an administrative remedy for false or fraudulent claims or statements made or caused to be made to this Department. PFCRA vests the Inspector General with the duties of the "Investigating Official," to refer PFCRA cases to the Department's "Reviewing Official," for review prior to reference of those cases to the Department of Justice. By regulation, the General Counsel exercises authority in the Reviewing Official. The regulation states:

Reviewing Official means the General Counsel of the Department or his or her designee who is—

(a) Not subject to supervision by, or required to report to, the investigating official;

(b) Not employed in the organizational unit of the authority in which the investigating official is employed; . . .

45 C.F.R. §79.2. This responsibility was delegated to the AGC on April 15, 1988.

Our MOU provides, *inter alia*, that the AGC, "shall be under the general supervision of the General Counsel." However, the Inspector General has concurrence authority with respect to the position description and performance plan and goals for the AGC, as well as the AGC's selection, termination, etc. Further, the General Counsel must "seek the

Footnotes at end of memorandum.

views" of the Inspector General with respect to the evaluation of the AGC, and will "consult" with the Inspector General regarding bonuses for the AGC.

In order to ensure that the terms of the MOU do not disable the AGC from serving as the PFCRA Reviewing Official, we agree as follows. The AGC is supervised solely by, and reports solely to the General Counsel. Further, with respect to the AGC's role as the PFCRA Reviewing Official, the duties, performance, and tenure of the AGC shall not be subject in any manner whatsoever to concurrence, non-concurrence, consultation or other expression of views by the Inspector General.

Signed this 18th day of July, 1990.

RICHARD P. KUSSEROW,
Inspector General.
MICHAEL J. ASTRUE,
General Counsel.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. Who yields time to the Senator from South Carolina?

Mr. GLENN. I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. Madam President, my good friend, Senator GRASSLEY, has proposed an amendment that would give the agency inspectors general complete control over the attorneys who provide that office with legal advice. Senator GRASSLEY has been a long time supporter and friend of the inspectors general and I believe he intends this to be something to assist them—something that would improve their independence and operation. I join Senator GRASSLEY in his high regard for the inspectors general, but I believe his amendment will neither promote independence nor assist operations.

I believe quite strongly in the old saying, "If it isn't broken, don't fix it." The deputy inspector general of the Department of Defense, Mr. Derek J. Vander Schaaf, provided the Senate Armed Services Committee with an opinion of Senator GRASSLEY's amendment on May 23, 1994. In his letter, Mr. Vander Schaaf voiced strong opposition to changing the current arrangement. He believes the system in place works; that it provides him far more flexibility than would Senator GRASSLEY's amendment and the proposed amendment would do nothing to improve the operations of the IG.

Let's review the facts:

First, the deputy inspector general in the Defense Department, who is also the acting inspector general, does not want a change to the system.

Second, the IG currently has control of general counsel legal assets under an agreement that has been in effect for nearly as long as there has been an inspector general at the Department of Defense.

Third, the IG office under existing agreements, can use the very fine legal advice provided by the general counsel's office and can also hire independent counsel if he or she so desires.

Fourth, no person appointed to the position of inspector general has ever expressed the slightest desire to modify the existing system.

Fifth, the current arrangement tends to build a stronger Department of Defense.

The Senate has enough to do fixing things that are broken; there is no good reason to fix something that is working extremely well. For these reasons, I oppose the Grassley amendment.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. GLENN. Madam President, I yield the chairman of the Senate Armed Services Committee 5 minutes.

Mr. NUNN. I thank my friend from Ohio.

Madam President, the Senator from Iowa has been a champion of an independent IG, and I understand full well his concern in this area. But I really hope he will look carefully at the arguments against this amendment.

I do not think anyone questions the IG in the Department of Defense, the deputy IG, Derek Vander Schaaf, in terms of his independence. He makes it very clear in the letter Senator GLENN has already put in the RECORD that he believes this would reduce his overall authority and flexibility if it is passed. Right now the essence of the reasons I oppose this amendment is he already has the authority to go outside and get independent counsel if he chooses to. This amendment compels him to.

So, rather than increase the authority of the IG, it restricts his authority and it requires him to not use DOD general counsel even if they are the best qualified, even if he has total confidence in them. So this is not an enhancement of the IG authority, it is a diminishing of the IG authority, and it is compelling him to accept certain legal counsel as outsiders rather than to have his own choice.

If one believes the IG is not independent to begin with, and that he is already cowed by their authority and he will not use this authority and he is going to use general counsel even if it does not make sense or if they threaten his independence, then that Senator should vote for the Grassley amendment. But if one believes basically the IG wants to be independent, has every ability to be independent—the IG can get his own counsel any time he needs to get his own counsel—and if you listen to the IG's we have heard from and listen to what they are saying carefully, I think one would vote against this amendment.

I just would use the remainder of my time to read the final, bottom line of the letter from Derek Vander Schaaf, who is the deputy inspector general of the Department of Defense. He says,

quoting his final paragraph that Senator GLENN has put in the RECORD:

Finally, we have found that working with the Office of General Counsel often results in an alliance between our organizations that helps convince management to concur in our findings and recommendations. The relationship has been a productive one, and we see no reason to change it. Because Inspectors General currently have the authority to hire counsel within their own organizations should they so desire, we believe that an amendment that requires Inspectors General to do so diminishes their authority and independence rather than augmenting it. I believe the manner in which legal services are obtained by an Inspector General should be left to the discretion of the Inspector General, who is in the best position to evaluate the needs of his or her office.

Madam President, I think that says it all. I think Senator THURMOND summed it up well when he said, "If it isn't broken, don't fix it."

We have enough problems around here to fix that really are broken. When we have one that works and is working well according to the people who have to administer it, then I think we ought to let it alone.

So I believe the situation now is one that works and I believe we ought to let it alone and therefore I urge we not vote for the Grassley amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, I rise in support of the GRASSLEY amendment. As one who was involved in the legislation creating the IG back in 1978 and was particularly involved in the creation of an independent IG for the Department of Defense, at which time I was chairman of the committee, I am a strong believer that the independence of the IG is of critical importance.

I notice that out of the 28 Offices of Independent Inspector General, 21 of them hire their own counsel. I think that underscores the importance of the independent IG having independent counsel.

The thing that particularly concerns me and the question of independence is the memorandum of understanding between the inspector general and the general counsel of the U.S. Department of Defense. In that memorandum, it is made clear that whenever the IG requests legal advice from the Office of General Counsel, the ultimate determination of a legal opinion is solely the matter of the general counsel. It says specifically in the memorandum:

If a legal opinion in response to a request by the inspector general is being prepared by other than the assistant general counsel, it shall be submitted to the assistant general counsel who may express his views thereon. If there is disagreement, the matter shall be referred to the general counsel for resolution. The general counsel shall then review

the different positions and, in his sole discretion, issue a legal opinion.

The language that particularly bothers me is language that says the general counsel shall then review the different positions and, in his sole discretion, issue a legal opinion. Yes, the independent inspector general can still request legal assistance from the assistant general counsel or, if he chooses, go outside for legal advice, but the fact is that under this agreement, the general counsel is placed in the critical position of being the arbiter of legal advice.

I think the success of the inspector general depends upon its independence, upon its perception of being independent, and I believe that the amendment proposed by the distinguished Senator from Iowa ensures the independence of that advice.

For that reason, I am pleased to support the amendment of Senator GRASSLEY.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Madam President, I assume I have 7 minutes left. Is that right?

The PRESIDING OFFICER. The Senator from Iowa controls 7 minutes 55 seconds.

Mr. GRASSLEY. Madam President, first of all, I thank the Senator from Delaware for his support. I thank Senator GLENN for his kindnesses during many weeks of our talking about this issue. I wish I had his support in the final analysis, but I understand where he is coming from. And even though he cannot support me on this, I want to say this to everybody not only in Iowa but the entire country, that he has been very cooperative and very much a leader in trying to not only help me but, on his own initiative, to take care of some of these problems.

I would like to take a little while to explain how I was drawn into this issue because I think it will help illustrate for my colleagues some of the problems I have with the existing situation.

Last year, I was involved and I also had my staff very deeply involved with talking to the Department of Defense officials about the qui tam issues. In preparation for some of the meetings, the IG's office was asked to assemble some data on the voluntary disclosure program that is involved in the qui tam legislation that I helped pass in 1986.

We are all aware that the Department of Defense IG supports the qui tam legislation. It has brought \$1 billion—almost \$1 billion, I should say—into the Federal Treasury since 1986. But during that meeting, the IG's attorneys showed a hostility toward qui tam. Of course, that sounded more like DOD talking rather than the inspector general, because I know the inspector general believes it works.

The name of one of the IG attorneys who made the remarks about qui tam

was Mr. Kevin Flanagan, Esq. He said that that was his boss' position. So one of my staff members, while obviously scratching his head over this situation, asked who his boss was, and Mr. Flanagan responded that it was the Department of Defense general counsel, not the inspector general, but the general counsel, outside of the Office of Inspector General.

Simply that explained it. Mr. Flanagan's business card read: "Department of Defense, Office of the Inspector General." Nowhere on his card was there a reference to the general counsel's office, but his arguments were those of the Defense Department's general counsel.

All I can say is you just have to figure it out; when you are responsible to somebody else and you take a very unusual course of action that does not follow the company line, you know where your loyalty is going to be. It is going to be not with that independent inspector general, it is going to be out there with the political control of the Department, because, Madam President, the memorandum of understanding makes the general counsel the final arbiter or judge in any dispute between the agency's lawyers and the inspector general.

I spoke about the six attorneys that are on the IG legal staff. These people are physically located within the IG's office building. But we discovered that these six lawyers do not really belong to the IG. They are really Office of the Secretary of Defense employees. OSD, of course, is the boss, the boss office. The six attorneys occupy Office of Secretary of Defense general counsel manpower spaces. They belong to the Department of Defense general counsel. They are paid for by the Department of Defense general counsel. They are on the Office of Secretary of Defense payroll. The general counsel evaluates the performance of the six and decides who gets promoted. In reality, these six IG attorneys are simply just assigned by the general counsel to support the Department of Defense IG.

Madam President, I think Mr. Flanagan said it all when he said that the general counsel was his boss. My concern is this: How can the IG be truly independent if he or she must depend on the Department of Defense general counsel for legal advice? It seems to me that this is counterintuitive. It is actually very oxymoronic.

No one in this body will disagree that it is essential for the IG to be independent. So then why would we make an exception, an exception that clearly detracts from that independence? Most of the difficult investigative and contract-related issues that the IG's have to wrestle with boil down to legal questions. The present arrangement puts the general counsel at DOD, rather than the inspector general, in a position to shape very important legal is-

ues and, in the end, that means the ability to finally and definitively control the outcome of an investigation by the inspector general.

In my view, this is an unhealthy arrangement. It is not conducive to independence. It is not consistent with the IGA. It does not give the IG's enough room to maneuver on legal matters, and any letters that we have from any IG to the contrary notwithstanding, because what would you expect them to say when they rely upon these people for help? And it is not going to be any other way unless we make the changes. This is a problem that needs to be addressed. My amendment will address it without costing the taxpayers a single nickel.

I wish to repeat, my amendment would not cost the taxpayers a penny. It would simply change the chain of command for the IG's lawyers from the general counsel of the agency to the inspector general. It would preserve total independence at the IG.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio controls 12 minutes.

Mr. GLENN. Madam President, I will reserve the remainder of my time.

Does the Senator wish any more time?

Mr. GRASSLEY. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from Iowa controls 1 minute 19 seconds.

Mr. GRASSLEY. Was the Senator going to yield back his time?

Mr. GLENN. I just had about 4 or 5 minutes.

Mr. GRASSLEY. I reserve the remainder of my time.

Mr. GLENN. If the Senator wishes more time, I will yield him some of my time.

Mr. GRASSLEY. I thank the Senator.

Mr. GLENN. There may be other people who wish to come to the floor and speak on this, so I will not yield back my time quite yet.

Basically, it comes down to this: The IG's have flexibility now within their agency or department to accommodate more or fewer people to perform the work load they find themselves facing.

The other issue is, with their current setup, they have the ability to call upon a broad range of people, depending on what expertise is needed, without having to keep inflated, big staffs in place all the time.

The IG's have not complained about this situation themselves, nor have we seen any indication that the IG's have

been preempted by their particular departments. There is no question of that. The IG's normally exhibit a very fierce independence. They are independent inspectors general, and they take great pride in that independence.

The final point to be made on this is that right now the IG's have the full ability to hire outside counsel if they wish to do so.

And so it seems to me that while this is an attractive proposal put forward by the distinguished Senator from Iowa, I think it would be a wrong move. There is no evidence that any of the IG's have had their independence compromised by the current arrangements. We have 61 IG's across Government. Five of these agencies or departments have chosen to work out a memorandum of understanding with the agencies they serve, and they feel it has been working well. Three of these are Cabinet-level agencies: the Department of Defense, HHS, and Transportation. EPA and FEMA, as separate agencies, also have IG's that have operated through the counsel of their particular agency.

So for all the reasons given here today I rise to oppose and at the appropriate time will move to table the proposal by the distinguished Senator from Iowa.

I would only say in closing that I do hate to oppose this because I know how Senator GRASSLEY has worked on this issue. There is no one outside the committees directly involved who has worked any harder on matters involving defense financial matters. They are arcane, complex, and hard to understand, and he has taken the time to really go into them, going back to the days when we worked to get the infamous M accounts eradicated once and for all. They sort of acted as a big slush fund in the Defense Department. So we got that changed.

Then we had a number of hearings that pointed out areas where money was being paid out where no bills had been sent in, and they went to work and got that corrected. That is about as sloppy a business practice as anyone could imagine. The Senator from Iowa was involved with that also, as well as many others.

I congratulate him again on his work in this area. I hate to have to oppose this amendment, but for the reasons I gave, I do so.

If there is anyone else listening who wants to speak on this, we do have a little time remaining.

How much time do I have remaining on this?

The PRESIDING OFFICER. The Senator from Ohio has 7 minutes 27 seconds remaining.

Mr. GLENN. Does the Senator from Iowa need any additional time? I will yield additional time on this side if he needs additional time.

Mr. GRASSLEY. Put in a quorum call.

Mr. GLENN. I suggest the absence of a quorum, with the time to be taken equally off both sides.

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

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Madam President, I yield myself such time as I have remaining. I would use that time, Madam President, kind of in a way of summary but speak specifically to a question my distinguished colleague, Senator THURMOND, raised as he tried to explain that there is no problem here and if it is not broke, why try to fix it.

My feeling that it is broke and the need for independent counsel comes from years of work with audit and investigative reports from inspectors general, not only at the Department of Defense but a lot of different inspectors general. I do not think we pay enough attention to these audit reports and investigative reports that show where taxpayers' money is wasted and public policy set by Congress is not being followed.

It seems to me that we have a responsibility, if we are going to make the IG reports effective, to read them, study them, and bring about the change that he or she suggests. The bottom line is that we are going to encourage the inspectors general to do their job in a better way, and I cannot help but read these reports and see a lot wrong because I do not see changes.

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

Mr. GRASSLEY. Could I have 1 more minute, please.

Mr. GLENN. I yield the Senator 3 minutes of my time.

Mr. GRASSLEY. I thank the Senator.

After reading these reports and asking myself have changes been made as a result of these reports, changes have not been made. I do not know whether it is a fault of the Congress, a fault of the head of the Department, or both. It probably is both.

It cannot help but discourage inspectors general as they do their work. But it does not justify the expenditure of money at the inspectors general's offices if we do not follow through.

So I see so much waste. I see, more importantly, no accountability when something is blatantly wrong, bla-

tantly exposed, sometimes even violation of law, things that would fall into the category of felonies, not the proper follow through, all directly related to issues that are brought up by inspectors general in their reports. I guess I spent most of my time on the Department of Defense. But that tells me that things are not right, that they need to be changed.

In a sense, I would challenge my friend from South Carolina that things are broke. I do not say entirely broke because the very good inspector general of the Department of Defense does very good work. I know he has been quoted as saying he does not need the help of my particular amendment.

But I think that we have a pattern in inspector general offices of 21 out of 28 major agencies, and two more moving in that direction, for this. It seems to me that proves it works better that way and that we should move in that direction.

Again, this is not a total solution towards the major problem that I just spelled out of audit reports and their recommendations not being followed. But I think this would help in some small way for those inspectors general who say they are happy with the existing situation. These cozy little arrangements that are made in these few departments probably work for them. But when an inspector general really needs to go for the jugular to point out something that is really wrong, I guess as a taxpayer, as a Member of the Senate with constitutional oversight responsibilities, I want to know that the inspector general has the authority and the independence to carry it out.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio has 1 minute 50 seconds remaining.

Mr. GLENN. I yield the remainder of my time.

I ask unanimous consent that the amendment by the distinguished Senator from Iowa be set aside pending further amendments.

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

Mr. GLENN. I believe the agreement on when votes will occur this afternoon is still being worked out.

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. CONRAD. 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. GLENN. Madam President, I ask unanimous consent that on the upcoming amendment by Senator CONRAD there be a 30-minute time limit with no second-degree amendments, the time

limit to be evenly divided and in the usual form as to allocation of time.

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

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 1755

(Purpose: To clarify that, under covered contracts, entertainment costs are not allowable under any circumstances)

Mr. CONRAD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. GRASSLEY, Mr. ROTH, and Mr. SASSER, proposes an amendment numbered 1755.

Mr. CONRAD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 438, after line 25, insert the following:

SEC. 2192. UNALLOWABILITY OF ENTERTAINMENT COSTS UNDER COVERED CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the cost principle in the Federal Acquisition Regulation that is set out in section 31.205-14 of title 48, Code of Federal Regulations, relating to unallowability of entertainment costs—

(1) by inserting in the cost principle a statement that costs made specifically unallowable under that cost principle are not allowable under any other cost principle; and

(2) by striking out "(but see 31.205-1 and 31.205-13)".

Mr. CONRAD. Madam President, in 1991, in reviewing the inspector general's reports of the Pentagon, Senator SASSER and I discovered a pattern of abuses by defense contractors that raised serious questions about how taxpayer dollars were being used by some of those defense contractors. We discovered abusive practices that were wasting, we thought, millions and potentially even billions of dollars.

As a result of those IG reports, Senator SASSER and I requested that the General Accounting Office perform a series of studies and issue a report to tell us its findings.

Madam President, the GAO initially examined six small defense contractors. In November 1992, GAO issued a report that was very troubling. Let me just discuss a few of the GAO findings.

In its report, the GAO said that the Defense Contract Audit Agency had discovered almost \$1 million in questionable and unallowable costs. But in addition to that, the GAO questioned \$2 million more in overhead costs that were expressly unallowable or questionable. Among the items found by GAO that are expressly unallowable

under the law which were included in contractor overhead submissions were personal use of company cars, personal use of a 46-foot company boat, money for advertising and trade shows, and scholarships for children of employees. It did not end there. Hundreds of thousands of dollars and millions, perhaps even billions, of dollars were being squandered of taxpayers' money on costs that were never intended to be covered by taxpayers.

Madam President, we found some interesting items, such as \$6,000 for Boston Red Sox tickets billed to the taxpayers of this country by contractors.

Nobody likes baseball more than I do. I watch baseball whenever I have the opportunity. But I do not bill it to the taxpayers, and I do not anticipate that the taxpayers want to be paying for baseball tickets for defense contractors. Nor do I think they want to be paying for tickets to Boston Celtics games, or Christmas parties, or the rental of schooners—where a one-time rental is \$10,000—billed to the taxpayers of this country.

Madam President, again, it did not end there. We found business travel that had nothing to do with business. There was so-called business travel that did nothing to advance the defense interests of the United States but which resulted in cost submissions of hundreds of thousands of dollars, millions of dollars, for what were really vacations.

Madam President, we found one defense contractor that billed \$230,000 for a trip to Hawaii. When asked why he needed a business trip to Hawaii to decide how to handle a U.S. Government contract, this contractor said: "Well, it improved employee morale to be in Hawaii to discuss the contract." Well, I bet it did, Madam President. He should have paid the tab, not the taxpayers of this country.

Another trip was taken to Jamaica, a trip by officers of a company, and they billed the taxpayers of this country \$102,000. That must have been a nice trip. I do not hold it against anybody that wants to go to Jamaica and pay their own way. I have been to Jamaica, and I paid my own way. I do not think the taxpayers ought to be asked to pay for a trip to Jamaica for defense contractors. There is no need, in terms of developing a defense policy for this country, in trying to fulfill a Government contract, to go down to Jamaica at taxpayers' expense.

Madam President, it did not stop there. There were trips to Bermuda, Mexico, and the Cayman Islands, all billed to taxpayers when it had nothing to do with the Government contracts in question.

We also found unallowable costs charged to defense contracts. These are things that are not permitted, things that are expressly prohibited under the law, but which were occurring: Adver-

tising and trade shows were billed to the taxpayers; personal use of autos, and some very nice autos, by the way, Madam President. I tell you, some of these guys go for nothing but the best. When they are going on the taxpayers' tab, they figure out how to go first class. Then there were personal use of yachts, and scholarships that were extended to employees of companies that were billing it to the taxpayers of this country. These are all things that simply cannot be permitted to continue.

On March 3 of this year, the Senate Budget Committee, under the leadership of Senator SASSER, held a hearing on this issue. At the hearing, GAO testified about a culture that pervades these contractors. They believe anything goes, and they will never get caught, and if they are caught, they believe there will be no penalty. The amendment that I offer today, along with my colleague, Senator GRASSLEY of Iowa, Senator ROTH of Delaware, and Senator SASSER of Tennessee, is designed to put a halt to these practices.

Madam President, I believe this hearing and this amendment will send a signal that these kinds of abusive practices should not and will not be tolerated. This amendment requires that the loophole that has allowed companies to engage in these kinds of activities and justify it as employee morale and welfare will no longer be allowed. It closes a loophole that has existed for 8 years.

As far back as 1986, the GAO had recommended clarifying the entertainment and employee morale and welfare cost principles in the Federal acquisition regulation. In report after report, the GAO has told us they have found abuses in overhead cost submissions and that we are probably only catching the tip of the iceberg. Madam President, that is what the GAO said before the Senate Budget Committee and in report after report to Congress, and we heed GAO's call here today to put a stop to these abusive practices.

It is time to mandate that this change be made. I am very pleased that the Senate is going to respond favorably. I am going to ask my colleague, Senator GRASSLEY, who has been a lion in the U.S. Senate for many years on these questions of wasting of taxpayers money. Senator GRASSLEY has taken a back seat to no one in his desire to close loopholes and close down the abusive practices that have cost the taxpayers literally millions of dollars, and I might say these are based on examinations of only six small contractors. If it is extrapolated to the larger defense contractors and other Government contractors, GAO informed us that they believe we are talking about billions of dollars of abuse—billions of dollars of abuse—that we are going to stop, starting today.

I thank the Chair, and I yield the floor.

Mr. GRASSLEY. Madam President, will the Senator from North Dakota yield me 6 minutes?

Mr. CONRAD. Yes. I yield 6 minutes to the Senator from Iowa.

Mr. GRASSLEY. Madam President, first of all, I want to surely thank the Senator from North Dakota for his outstanding leadership in this area and, most importantly, for a very dogged effort that he made in the Budget Committee when Senator SASSER brought this whole issue up before the Budget Committee. A determination was made at that time that things like this have supposedly been wrong, illegal, and could not be done. But time after time, Congress tried to accomplish some change in policy so it would not be done, and then you find out there is some way that these contractors get around it. So, once and finally, Senator CONRAD has made up his mind that we ought to put an end to this sort of game playing.

I think his amendment does that, and I compliment him for that, as well as Senator SASSER for the hearing, as well as Senator ROTH for being in the trenches on procurement reform for many years. I think that the work of Senator CONRAD and Senator ROTH will be very effective in saving the taxpayers money.

As my colleagues know, as one example of what we are all talking about, there was the one company, General Dynamics, that charged the taxpayers for boarding Thurston the dog. He was the dog of some big shot at General Dynamics. The company thought the taxpayers should foot the bill for putting Thurston in the dog kennel while the family went on vacation.

This is one example in the mid-eighties. We listened and watched as all the defense contractors promised they would be good. They were enacting reforms and saying that would never happen again. Well, the recent hearing that I referred to before the Budget Committee showed us that these types of outrageous actions are continuing, and nothing has changed. GAO recently found that taxpayers are paying for baseball tickets, scholarships for children of executives, 46-foot yachts, even \$5,800 for running shoes. Imelda Marcos must work for that company. These are incredible charges being made to the taxpayers' pockets.

They are made possible simply through a loophole that allows contractors to pay for these items by claiming that somehow they are for employee morale and welfare.

So, the Conrad-Grassley-Roth amendment would eliminate that loophole and start putting an end to this nonsense once and for all.

The amendment would basically not allow contractors to slip in a request for these expenses in one account when it would be illegal elsewhere. For example, a contractor buys tickets for

the Red Sox. That is illegal under the Federal acquisitions regulation. But it is not illegal under the Federal acquisitions regulation if seeing the Red Sox is billed under another category called employee welfare and morale account. Our amendment would not allow this kind of accounting gimmick that would stick the taxpayers with the bill.

This is a reform that is wholly embraced by the General Accounting Office. I would like to cite testimony from GAO at our Budget Committee hearing, and I quote:

We have been trying to close that loophole on the employee morale since 1986. We made recommendations in 1986, again in 1992 in response to the work we did for this committee.

That statement just quoted was from Mr. David Cooper, Director of Acquisition Policy at GAO.

In addition, Citizens Against Government Waste and the National Taxpayers Union fully support this amendment.

Eight years of waste is enough. It is time to get this loophole closed once and for all, and the Conrad amendment does it.

Finally, let me make clear that these attempts to defraud the taxpayers are not unique to defense contractors. They are found in all types of Government contracts. I hope to work with Senator SASSER and Senator CONRAD in the near future on highlighting unallowable costs in Medicaid, university research, and other programs.

The issue is really quite simple. The Conrad-Grassley-Roth amendment takes a step toward ending this waste of taxpayers' funds. This is a common-sense amendment because it would implement for the first time a long-time General Accounting Office recommendation.

It would put a stop to taxpayers having to pay for boat trips and baseball tickets for top executives. It has been 10 years since Thurston the dog had his taxpayer-paid stay in the kennel. Let us finally do the right thing and stop picking up the tab for modern-day Thurstons.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. GLENN. Madam President, I yield myself such time as I may require.

Madam President, I wish this amendment were not necessary. I think it is too bad when our companies instead of operating in what they know to be the spirit of the law, go around and try and hide expenses as has been done in the examples given here this morning by both Senator CONRAD and Senator GRASSLEY.

But there are a lot of people in the country that operate on what they can skin the Government out of, not on what they know to be the spirit of the

law, whether it is written out in exact and excruciating detail or not.

So here we are with the law fairly evident to everybody under the Sun that morale and welfare costs which were not changed in the mid-1980's for such things as company newspapers, and food, recreation services, and other company activities. Those were continued as allowable for reimbursement under Federal contracts because they were deemed to be normal and appropriate costs of doing business and of concern for all their employees. But then what do we find?

We find all the examples here today: Unallowable entertainment, show tickets, golf tickets, trips to Hawaii, and so forth. Now here we are back on the floor where you would think people would have enough sense and pride in their country and company not to do these things that they know are not in the spirit of the law. Then they wonder why Government gets bogged down in regulations. They will be the first to complain when we inundate them with fine print regulations which must be fine enough that they cannot possibly misunderstand it.

What has happened here is that these unallowable costs apparently were not written out in the rules and regulations in sufficient fine print detail pursuant to the laws passed in the mid-1980's. So now they hide these other experiences under another title making them allowable elsewhere even though such things as entertainment and the cost of tickets and expensive trips, and so on, was never intended to be allowable and they know that. What is so disgusting about this is that we have to be back on the floor debating this. Of course, they will be back in telling us how inundated they are with paperwork and rules and regulations.

So I support this amendment. The General Accounting Office supports it. In fact, they provided a letter stating where they have recommended in the past these regulations be clarified so there will be no misunderstandings. At the appropriate time I will yield back the remainder of my time and accept the amendment on our side.

I understand Senator ROTH is prepared to accept the amendment. I believe he is a cosponsor of the legislation. At the appropriate time we will accept it.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota has 1 minute remaining.

Mr. CONRAD. Madam President, I ask the manager of the bill if I might have 2 additional minutes.

Mr. GLENN. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from North Dakota is yielded 5 minutes.

Mr. CONRAD. That will be great.

Madam President, I want to enter into the RECORD a letter from Citizens

Against Government Waste, and I just quote from the first paragraph of their letter.

The 600,000 members of the Council for Citizens Against Government Waste strongly support the amendment to S. 1587, the "Government Procurement Reform Act," to be offered by you and Senators GRASSLEY and ROTH.

They go on to describe the problem and how they believe this amendment will help solve it.

I also want to enter into the RECORD a letter from the GAO, and I just want to read one sentence from that letter.

The proposed revisions to the entertainment cost principle that would be required under this amendment would effectively implement our recommendation in this area.

Madam President, I think the record is very clear on the problem and that this amendment directly addresses it.

Madam President, I also thank Senator GLENN, who is managing this bill, for his leadership because the fact is the work that he has done as chairman of the Governmental Affairs Committee in getting us a network of inspector generals who had the authority to do the kinds of investigations has led us to the information that told us there was a problem. Senator GLENN's leadership in this area has been very important, and I just want to publicly thank him for what he has done. We would not be here today with the solution to the problem without the excellent work that he has done as chairman of the Governmental Affairs Committee.

Madam President, I ask unanimous consent to print in the RECORD the two letters to which I have referred.

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

COUNCIL FOR
CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, June 7, 1994.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC

DEAR SENATOR CONRAD: The 600,000 members of the Council for Citizens Against Government Waste (CCAGW) strongly support the amendment to S. 1587, the "Government Procurement Reform Act," to be offered by you and Senators Grassley and Roth.

Your amendment would prevent government contractors from billing entertainment costs to U.S. taxpayers, who are tired of this abuse of their tax dollars. For too long, government contractors have billed millions for baseball tickets, yachts, Christmas parties, and other outrageous expenditures such as trips to exotic destinations like the Cayman Islands and Jamaica. Most recently, in testimony delivered to the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, one contractor was exposed for billing his child's college tuition as a contract expense.

This amendment ends the gimmickry. No longer would contractors be allowed to use the term "good for employee morale and welfare" to pad their luxury-laden expense accounts. For this reason, CCAGW strongly supports this bipartisan amendment and commends you, Senator Grassley and Senator Roth for your leadership.

Sincerely,

TOM SCHATZ.

GENERAL ACCOUNTING OFFICE,
Washington, DC, June 7, 1994.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: This responds to your request for our comments on a proposed amendment to S. 1587, the Federal Acquisition Streamlining Act of 1994. The amendment would require revision of the cost principle at Federal Acquisition Regulation (FAR) section 31.205-14, relating to the unallowability of entertainment costs, by adding a statement that such costs, if specifically unallowable under the principle, would not be allowable under any other cost principle, and by eliminating the parenthetical reference to the cost principles at FAR 31.205-1 and 31.205-13.

A number of GAO reports in recent years have addressed the extent to which unallowable costs are included in overhead submissions. For example, in *CONTRACT PRICING: Unallowable Costs Charged to Defense Contracts*, GAO/NSIAD-93-79, Nov. 1992, we questioned claims for reimbursement of the costs of social activities and tickets to sporting events because the cost principle on entertainment, FAR 31.205-14 expressly provides that the cost of social activities, and any directly associated costs such as tickets to shows or sports events, are unallowable. The contractors sought reimbursement for these costs on the theory that they contributed to employee morale, the costs of which are allowable under the employee morale and welfare cost principle, FAR 31.205-13. We recommended that the FAR be clarified to ensure that costs made specifically unallowable under the entertainment cost principle could not be recovered under other cost principles. We have been urging such a clarification since 1986.

The proposed revisions to the entertainment cost principle that would be required under this amendment would effectively implement our recommendations in this area. We will be pleased to provide further support to you on this or on any other issue as you continue your consideration of S. 1587.

Sincerely yours,

ROBERT P. MURPHY,
Acting General Counsel.

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

The PRESIDING OFFICER. The Senator from Ohio has 10 minutes remaining.

Mr. GLENN. I yield 3 minutes to Senator ROTH.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Madam President, I congratulate my distinguished colleague from North Dakota as well as Senator GRASSLEY for this amendment.

The proposed amendment would close the loophole in procurement regulations which allows entertainment costs to be charged to the taxpayer. The amendment should curb the unfortunately common practice by Government contractors of billing the Government for lavish parties, tickets to sporting events, and other expensive entertainment.

The American taxpayer should not be underwriting these kinds of corporate entertainment expenses. Current statute explicitly states that entertainment costs such as tickets to shows or sports events are not allowed to be

charged to the Government as indirect costs. Unfortunately, the procurement regulations permit contractors to include entertainment costs as employee morale and welfare costs. Hence, the regulations allow entertainment costs that are prohibited by statute to be slipped in and billed to the Government.

This amendment would simply ensure that the regulations do not permit defense contractors to evade the existing statutory prohibition on billing the taxpayer for corporate entertainment expenses. Hopefully, the amendment will result in enforcement of the well-considered statutory provision which makes such entertainment costs unallowable.

Again, I congratulate Senators GRASSLEY and CONRAD for their work in this area. As a sponsor of this amendment, I urge my colleagues to support its adoption.

Mr. SASSER. Madam President, I rise in support of the amendment offered by my distinguished colleagues, Senators CONRAD, GRASSLEY, and ROTH. It signals last call for the party that some DOD contractors have been holding at the American taxpayers' expense.

I believe that we have in S. 1587 an anvil upon which we can forge meaningful change in Federal acquisition laws.

I want to compliment the two managers of the bill—Chairman NUNN and Chairman GLENN—for their efforts to streamline the process and break through the red tape.

The amendment before the Senate today is a valuable addition to this legislation. It is also an important outgrowth of a hearing which the Budget Committee held earlier this year on the potential for overhead waste and abuse in DOD contracting.

That hearing confirmed my worst suspicions. A GAO audit of just six small companies which have DOD contracts in the \$40 million-and-under range revealed a pattern of abuse.

A subsequent investigation of a larger contractor found that the anything-goes attitude was not limited to smaller contractors without on-site auditors.

The GAO uncovered improper or questionable costs totalling \$2 million in all six companies' cost reimbursement submissions. This is double what the Defense Department's own audit turned up.

In the normal business world, legitimate overhead costs are to be expected. And I am not saying that all DOD contractors are trying to stick it to the American taxpayer.

But let me ask my colleagues if any of you would go up to a working family in America and defend trips to the Cayman Islands, Hawaii and Jamaica, personal use of a 46-foot fishing boat, season tickets to the Boston Red Sox, or

gourmet meals at a company party. All at taxpayers' expense.

Of course you would not. It is ludicrous.

Yet, that is exactly what we are being asked to do.

The contractors claim the law is ambiguous on many of these eat, drink, and be merry charges.

Well, I am tired of these rationalizations. The contractors are erecting a scaffold of excuses upon which the American taxpayer is being hung out to dry.

Now, the GAO further uncovered that many of these flings went on right under DOD's nose. The Department signed off on the companies' cost reports.

Many of these contractors apparently realized that they could get away with a wink and a nod and took full advantage of the anything-goes atmosphere.

DOD is not without its own watchdogs. The Defense Department Contract Audit Agency regularly reviews contractors' overhead claims. But the watchdog apparently lacks teeth. The DCAA serves only in an advisory capacity; it can root out the overhead violations, but the Agency has few enforcement powers.

The situation is made all the worse by the absence of internal controls at many contractors, a lack of resources at DOD audits, and a set of regulations that through their imprecision, literally invite abuse.

To complete the record, it is only fair to note that since GAO's initial report, DCAA has responded by launching a series of initiatives. I congratulate them on those efforts and their cooperation in helping to craft this amendment.

Now, I do not for a minute believe that this amendment will put a stop to all of the shenanigans that took place. I am not going to oversell its virtues, of which there are many.

Unfortunately, counsel believes that it would be close to impossible to construct an amendment that properly restricts business travel. So there is little that we can do to put the Love Boat in dry dock.

However, I am pleased to see that we can at least bring a moderating influence to the expenditures for employee morale and welfare.

This amendment will clarify existing regulations regarding employee morale and welfare expenses. It will insure that all government contractors—large and small—defense and non-defense—understand that entertainment costs are not allowable under any circumstances.

And for those critics who say that this amendment will take away the gold watch from the employee who has put in 50 years of hard work, let me set the record straight. This amendment does nothing to prevent a company from recognizing good work or improving morale.

Mr. President, this amendment represents a modest beginning to correct a systemic problem that infects the entire Federal procurement process. It does not take us the distance but it is a first step that all Senators should be able to support.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Madam President, I yield back the remainder of my time and accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1755 offered by the Senator from North Dakota [Mr. CONRAD].

The amendment (No. 1755) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS EXTENDED UNTIL 2:30 P.M.

Mr. GLENN. Madam President, I ask unanimous consent that the recess scheduled for the party conferences today be extended until 2:30 p.m.

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

Mr. GLENN. 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 assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. GLENN. Madam President, I ask unanimous consent that the amendment by Senator GRASSLEY that was pending be again set aside for consideration this afternoon so we can consider other amendments now.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1756

(Purpose: To encourage contracting and subcontracting with women-owned small business concerns)

Ms. MOSELEY-BRAUN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN], for herself, Mr. LAUTENBERG, Mr. KERRY and Mr. WELLSTONE, proposes an amendment numbered 1756.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 518, between line 13 and 14, insert the following section:

SEC. 4105. CONTRACTING AND SUBCONTRACTING WITH WOMEN-OWNED SMALL BUSINESS CONCERNS.

(a) ESTABLISHING GOALS FOR CONTRACTING WITH WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 15(g) of the Small Business Act (15 U.S.C. 637(g)) is amended—

(1) by inserting "small business concerns owned and controlled by women," in paragraph (1) after "small business concern" each time it appears;

(2) by inserting the following after the second sentence of paragraph (1): "The Government-wide goal for participation by small business concerns owned by women shall be established at not less than 5 percent of the combined total value of all prime contracts and subcontracts awarded for each fiscal year, provided that higher goals otherwise established by law shall not be reduced or limited by the foregoing."

(3) by inserting "small business concerns owned and controlled by women," in paragraph (2) after "small business concern" each time it appears.

(b) REPORTS.—Section 15(h) of the Small Business Act (15 U.S.C. 637(h)) is amended—

(1) by inserting "small business concern owned and controlled by women," after "small business concern" in paragraph (1), (2)(A), and (2)(D); and

(2) by adding a new paragraph (3) to read as follows:

"(3) Five years after the date of enactment of the Federal Acquisition Streamlining Act of 1994, the President shall include in the report required by paragraph (2) an assessment of the progress made in increasing the extent of participation by small business concerns owned and controlled by women in procurement contracts and subcontracts of Federal agencies and appropriate recommendations for action based on such assessment."

(b) SUBCONTRACTING WITH WOMEN-OWNED SMALL BUSINESS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by inserting "small business concerns owned and controlled by women," in paragraph (1) after "small business concern" each time it appears;

(2) by deleting "small purchase threshold" in paragraph (2) and substituting "simplified acquisition threshold";

(3) by inserting "small business concerns owned and controlled by women," in paragraph (3) (A) and (D) after "small business concern" each time it appears;

(4) by inserting the following at the end of the first sentence of subparagraph (3)(C): "The term 'small business concern owned and controlled by women' shall mean a small business concern which is at least 51 percentum owned by one or more women; or in the case of a publicly owned business, at least 51 percentum of the stock is owned by one or more women; and whose management and daily business operations are controlled by one or more of such women."

(5) by inserting "small business concerns owned and controlled by women," in paragraph (4) (D) and (E) after "small business concern" each time it appears; and

(6) by inserting "small business concern owned and controlled by women," in paragraph (6) (A), (C) and (F) after "small business concern" each time it appears.

Ms. MOSELEY-BRAUN. Mr. President, this is an amendment presented on behalf of myself, Senator LAUTENBERG, Senator WELLSTONE, and Senator KERRY, which would establish voluntary goals in behalf of women-owned businesses.

We are not doing as well as we should be in obtaining participation by women-owned businesses in Federal contracting. Last year 1.8 percent of the prime-level contracts were awarded to women; 2.4 percent at the subcontracting level.

This amendment seeks to raise the visibility of this problem and encourages greater efforts to assure participation by women-owned businesses in Federal contracting.

The amendment establishes for the first time a goal of participation by women-owned businesses in Government contracting. That goal will be 5 percent for the combined value of contracts and subcontracts awarded by the Federal Government.

The amendment also amends the requirements in the Small Business Act that prime contractors develop subcontracting plans for participation of small and small, disadvantaged business contracting under prime contracts.

The amendment would require the subcontracting plans to include plans for the inclusion of women-owned business subcontractors over and above the existing requirement.

The amendment requires no set aside or price preference programs, and so no one can object to it on those grounds. Certainly, it would seem to me, Mr. President, this would be consistent with the direction of this legislation, which is to open and include women-owned businesses in contracting and subcontracting activity by the Federal Government.

With that, I am delighted to respond to any questions, if anyone has any. I want to thank Senator LAUTENBERG for his interest and leadership on this issue. And I point out for those who may be listening, that the National Women's Business Council has endorsed this initiative.

So, Mr. President, I ask for the favorable consideration of this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. ROTH. 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. ROTH. Madam President, I ask unanimous consent that we set aside the amendment before the Senate in order to propose another amendment.

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

AMENDMENT NO. 1757

(Purpose: To provide for cost savings for official travel and for other purposes)

Mr. ROTH. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH], for Mr. MCCAIN, for himself, and Mr. ROTH proposes an amendment numbered 1757.

Mr. ROTH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. () (a) The Administrator of the General Services Administration, no later than 120 days after enactment of this section, shall issue guidelines to ensure that Agencies promote, encourage and facilitate the use of frequent traveler programs offered by airlines, hotels and car rental vendors by federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.

(b) Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.

(c) Within one year of enactment of this section, the Administrator shall report to the Congress on efforts to promote the use of frequent traveler programs by federal employees.

Mr. ROTH. Madam President, I offer this amendment on behalf of Senator MCCAIN from Arizona. I wish the RECORD to duly note.

I rise to offer the McCain amendment to help reduce the cost of official Government travel to the taxpayer. The measure would require the Administrator of the General Services Administration to promulgate regulations to ensure that agencies take maximum advantage of frequent-traveler programs offered by airlines, hotels, and car rental vendors for employees who travel on official business.

The Federal Government spends almost \$2 billion a year for official air travel and an even greater amount in hotel and car rental expense. This is a shockingly enormous expenditure of taxpayer dollars. Congress has an obligation to ensure that such travel is for necessary purposes and that it is conducted as cost efficiently as possible.

Many airlines, hotels, and car rental companies offer frequent-travel benefits that can reduce the cost of official travel significantly. Unfortunately, the Federal Government is not taking full advantage of these programs. As a result, taxpayers are losing millions of dollars per year by paying for tickets,

lodging, and rental cars that could otherwise be obtained free of charge or at a discount if Federal employees would more fully participate in such programs.

This amendment will ensure Federal participation to the maximum extent possible.

I want to thank Senator GLENN and others for their assistance and support on this measure. Its adoption will help us to better meet our obligation to the taxpayer.

Madam President, I yield the floor. The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GLENN. Madam President, I want to congratulate Senator MCCAIN, and also Senator ROTH, for offering this piece of legislation. It is something we talked about I think as long as 2 or maybe 3 years ago. Somehow it fell by the wayside and nobody ever proposed it.

About 3 years ago, I think it was, we heard stories about some of the people who had retired from Government service, people who had been doing a lot of traveling on Government business. They had collected a lot of the frequent-flier miles and, upon retirement, had taken extensive trips on frequent-flier miles that they had built up during their Government service.

That is not what was intended. What was intended was that frequent-flier miles or benefits to help people travel, accrued as part of Government travel, should be used for Government travel and nothing else. So this corrects that. I believe that is the purpose of it. I certainly support that and am happy to accept the amendment on this side.

Mr. ROTH. I say to the distinguished chairman, it would apply to everyone—Federal employees, Members of Congress, employees of Congress, Cabinet Members. It is intended to apply to everybody.

Mr. GLENN. Anybody who is being paid out of taxpayer funds and doing travel for the Government.

Mr. ROTH. That is correct.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1757.

The amendment (No. 1757) was agreed to.

Mr. ROTH. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS

Mr. GLENN. Madam President, I move to go into recess as scheduled.

The motion was agreed to, and at 12:24 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DORGAN).

FEDERAL ACQUISITION
STREAMLINING ACT OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1756

The PRESIDING OFFICER. The pending business is the amendment offered by Senator MOSELEY-BRAUN, amendment No. 1756 to Senate bill 1587, which is under consideration.

Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. 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.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MOSELEY-BRAUN. Mr. President, I will in a moment send a modification of the pending amendment to the desk. But in the meantime, I would like to add, as the primary cosponsor of this amendment, Senator HUTCHISON of Texas. I would also like to add, as an additional cosponsor later on, Senator PATTY MURRAY of Washington.

But, in the meantime, Mr. President, I understand that Senator HUTCHISON, who has worked in this area, who has been obviously as concerned about this area as any Member of this Chamber, would like to speak to the amendment and to speak to this issue.

I would like to yield to Senator HUTCHISON for purposes of discussion of the amendment in chief as it will be modified.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON], is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Chair. I thank the Senator from Illinois.

Mr. President, I am pleased to be the primary cosponsor of this amendment. I had an amendment in the hopper that was the same amendment. I am pleased to be working with the Senator from Illinois on this.

I would like to ask one question of the Senator from Illinois; that is, is it her understanding that our amendment will deal with governmentwide con-

tracting and not just the Department of Defense?

Ms. MOSELEY-BRAUN. That is correct.

Mrs. HUTCHISON. I thank the Senator.

I am pleased to be cosponsoring this amendment because I think that we have fallen into an area in the last few years where there has been competition between minorities and women, and sometimes that competition has been resolved by not allowing women to have the same opportunities.

That is a concern, because many women-owned businesses have been started from scratch and have had many of the same problems in startup that minority or disadvantaged businesses have had. I think this will clarify the Government situation as regards to minority businesses and women-owned businesses.

I want to make it clear that these are not set-asides. We must always maintain the ability for Government to have the flexibility to accept the best contracts. I do think goals are very important, because it does say that it is important that we try to spread our Government contracts among women and minority-owned businesses, because they do sometimes have a disadvantage in being small, not having the wherewithal to bid many times. But this will give, I think, a more level playing field, and I think that is very important as we go down the road.

So I am pleased to be working with the Senator from Illinois on something that has been a concern of mine for a long time, and I know a concern of hers and something I think will be a positive consideration to give our small businesses owned by women and minorities an opportunity to compete. As I said, these are not set-asides, but a fairer opportunity, and that is what we are all after.

Thank you very much, Mr. President. I thank the Senator from Illinois.

AMENDMENT NO. 1756, AS MODIFIED

Ms. MOSELEY-BRAUN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has the right to modify her amendment, and the amendment will be so modified.

The amendment, as modified, is as follows:

On page 518, between lines 13 and 14, insert the following:

SEC. 4105. PROCUREMENT GOALS FOR SMALL
BUSINESS CONCERNS OWNED BY
WOMEN.

(a) GOALS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) by striking out "and small business concerns owned and controlled by socially and economically disadvantaged individuals" each place it appears in the first sentence and fourth sentences of subsection (g)(1), the second sentence of subsection (g)(2), and paragraphs (1), (2)(A), (2)(D), and (2)(E) of subsection (h) and inserting in lieu thereof "small business concerns owned and

controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women";

(2) in subsection (g)—

(A) by inserting after the third sentence of paragraph (1) the following: "The Government-wide goal for participation by small business concerns owned and controlled by women shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year.";

(B) in the first sentence of paragraph (2), by striking out "and by small business concerns owned and controlled by socially and economically disadvantaged individuals," and inserting in lieu thereof "by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women"; and

(C) in the fourth sentence of paragraph (2), by inserting after "including participation by small business concerns owned and controlled by socially and economically disadvantaged individuals" the following: "and by participation small business concerns owned and controlled by women"; and

(3) in subsection (h)(2)(F), by striking out "women-owned small business enterprises" and inserting in lieu thereof "small business concerns owned and controlled by women".

(b) SUBCONTRACT PARTICIPATION.—Section 8(d) of such Act (15 U.S.C. 637(d)) is amended—

(1) by striking out "and small business concerns owned and controlled by socially and economically disadvantaged individuals" both places it appears in paragraph (1), both places it appears in paragraph (3)(A), in paragraph (4)(D), in subparagraphs (A), (C), and (F) of paragraph (6), and in paragraph (10)(B) and inserting in lieu thereof "small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women";

(2) by striking out subparagraph (D) in paragraph (3) and inserting in lieu thereof the following:

"(E) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as either a small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, or a small business concern owned and controlled by women.";

(3) in paragraph (3), by inserting after subparagraph (C) the following new subparagraph (D):

"(D) The term 'small business concern owned and controlled by women' shall mean a small business concern—

"(i) which is at least 51 per centum owned by one or more women; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more women; and

"(ii) whose management and daily business operations are controlled by one or more women.";

(4) in paragraph (4)(E), by inserting "and for small business concerns owned and controlled by women" after "as defined in paragraph (3) of this subsection".

(c) MISREPRESENTATIONS OF STATUS.—(1) Subsection (d)(1) of section 16 of such Act (15 U.S.C. 645) is amended by striking out "or 'small business concern owned and controlled by socially and economically disadvantaged individuals'" and inserting in lieu thereof "a 'small business concern owned and controlled by socially and economically disadvantaged individuals', or a

'small business concern owned and controlled by women'.

(2) Subsection (e) of such section is amended by striking out "or 'small business concern owned and controlled by socially and economically disadvantaged individuals'" and inserting in lieu thereof ", a 'small business concern owned and controlled by socially and economically disadvantaged individuals', or a 'small business concerns owned and controlled by women'".

(d) DEFINITION.—Section 3 of such Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(n) For the purposes of this Act, a small business concern is a small business concern owned and controlled by women if—

"(1) at least 51 percent of small business concern is owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

"(2) the management and daily business operations of the business are controlled by one or more women."

Ms. MOSELEY-BRAUN. Mr. President, interestingly, Senator HUTCHISON mentioned the guiding interest for this amendment and that the goals for women-owned businesses were required because of competition between the minority and disadvantaged business communities. I daresay I do not necessarily agree with that as a motivation. I think, if anything, we are all on the same team in terms of wanting to make certain that women, minorities, and other disadvantaged groups that have historically been outside of the economic mainstream in doing business with the Federal Government be given a fair shake, a fair opportunity to participate.

So, if anything, I appreciate Senator HUTCHISON's advocacy and leadership in this area, because we really are on the same page of the choir book trying to do the same thing. We have both tried sufficiently and diligently to do the same thing. I think we may have bumped into each other a little bit on this amendment. For that, I am very grateful to Senator HUTCHISON for her graciousness and for her willingness to work cooperatively and collaboratively with regard to the pending amendment, as modified.

So this amendment is an amendment from myself and Senator HUTCHISON as chief sponsors, if you will, and others who have indicated an interest in co-sponsorship of this legislation have been added.

Again, this amendment establishes goals in order to give the small women-owned businesses an opportunity to participate as equal partners in the Federal procurement process.

I urge support of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LEVIN. Will the Senator withhold?

Ms. MOSELEY-BRAUN. Yes.

Mr. LEVIN. Will a voice vote be acceptable?

Ms. MOSELEY-BRAUN. It would.

Mr. LEVIN. I am wondering if the Chair would withhold. I understand that my friend from Delaware wants to speak, in any event. We are trying to make doubly sure there is a copy at the desk.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware, [Mr. ROTH].

Mr. ROTH. Mr. President, first of all, I congratulate the junior Senator from Texas, as well as the junior Senator from Illinois, for offering this amendment. I know that the junior Senator from Texas has been working long and hard on developing the amendment, which I think is very appropriate to this legislation. I congratulate her. In fact, I congratulate both of them for their leadership in this most important matter.

Today, women entrepreneurs are starting businesses at twice the rate of men. A recent special report in Business Week calls this a tidal wave that is literally reshaping the American small business landscape.

According to statistics, there are some 6.5 million businesses with fewer than 500 employees that are owned or controlled by women in the United States. One in 10 American workers owes his or her livelihood to a woman entrepreneur. These are positive trends that underscore an increasing opportunity or what the Wall Street Journal recently called a managerial phenomenon in American business.

Our focus must be to secure this opportunity, turn this phenomenon into the norm by promoting the right kinds of policies and programs.

I want to commend, again, the Senator from Texas and the Senator from Illinois for their efforts in bringing an amendment forward to address the Federal Government's support for women entrepreneurs. This amendment will enhance opportunities for the Government to do business with women-owned businesses. I support this amendment and their effort in this regard.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. 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. 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.

Mr. LEVIN. Mr. President, the amendment is cleared on this side. Indeed, it is a very excellent amendment for which we commend the Senator from Illinois and the Senator from

Texas. They have taken important leadership in this area, and they have an awful lot of support in this Chamber. We are glad they are doing what they are doing.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Michigan for his kind words, and the Senator from Delaware and the Senator from Ohio for their support and for their assistance in working this through.

Sometimes things are easy and sometimes things are hard; and there are times when hard things are made easy because nice people help work through them.

In that regard, I am grateful for their leadership on this legislation and for their support of my efforts, along with the efforts of Senator HUTCHISON, to reach consensus and again have a collaborative effort in this very important area for the future of women-owned businesses in the Federal procurement process.

With that, Mr. President, I ask for a vote and the adoption of the amendment.

The PRESIDING OFFICER. Are there others who wish to be heard on this amendment? Is there further debate?

If none, the vote is on the amendment. The question is on agreeing to the amendment.

The amendment (No. 1756), as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. 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. GRAHAM. 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 Florida is recognized.

Mr. GRAHAM. Mr. President, I wish to make a statement on behalf of the Federal Acquisition Streamlining Act, which is the bill currently pending before the Senate.

I wish to commend Senator GLENN, Senator BINGAMAN, Senator NUNN, Senator BUMPERS, and others, who have worked for so many years to bring this legislation before the Senate.

This legislation affects all Federal agencies in their procurement practices. It has as its goal to streamline procurement laws so that the Government may improve the efficiency and effectiveness of the way in which it obtains goods and services.

As a member of the Senate Armed Services Committee, I am particularly

concerned about the ways we can assist the Defense Department in its procurement processes.

The Defense Department procures almost 75 percent of all Government acquisitions. Thus, it makes sense to try to find savings in the Defense procurement process, particularly in light of the tight Defense budgets with which we are currently—and likely to be in the foreseeable future—dealing.

This legislation achieves those goals. It eases the burdens on both Government and industry when it comes to Defense procurement. It particularly facilitates commercial or so-called off-the-shelf products.

By encouraging greater use of commercial technology, this legislation would, in fact, increase the opportunity of our military to benefit from leading technological developments and products.

Currently, procurement laws and regulations make such commercial off-the-shelf products too expensive, or difficult to secure, for the Government to purchase because of their restrictions and burdensome procurement requirements.

This legislation will address those problems. It will encourage the purchase and use of these off-the-shelf goods. It will help to strengthen the industrial base that supports our economy and our common defense.

Mr. President, if I could just cite a personal example. I have had a practice for the last 20 years of attracting different jobs, businesses, and industries in my State. Two of those jobs were with companies that manufactured simulators for aviation purposes. In both cases they manufacture simulators that are used for civilian and military applications. I was struck, in my association with those two firms, by the fact that there were quite different procedures—in fact, physically a separation between those areas of the plant that were producing simulators for military purposes and those that were doing it for civilian purposes. I thought that it had to do with some confidentiality or national security information basis.

That was not the reason. The reason was that the standards of production for the military were required to be substantially different, substantially more difficult to comply with and substantially more expensive than were the production standards that were used for equivalent civilian aircraft.

There are a number of aircraft which are, for all practical purposes, dual use. For instance, the Lockheed Electra is also the Navy P-3 Orion antisubmarine patrol aircraft. The military flies the military version of the civilian Boeing 707 and DC-9. There are other commercial-type aircraft which are used for military applications.

In these instances, instead of purchasing commercial simulators which

are used to train pilots and other crew members, we spend millions more than we have to by procuring special simulators to conform to current procurement laws and regulations because they are going to be used in a military application.

The Department of Defense is required to use special military specifications which direct not only the performance standards of the end product, but also how the product is made, and in some cases by whom the product is made.

The Department of Defense cannot simply purchase aircraft simulators which are commercially available; but instead must spend years gathering data, negotiating contracts, generating enormous amounts of paperwork to make its purchases according to its procurement rules.

On average, the impact of military specifications on a typical military simulator procurement, which on average would cost approximately \$20 million, is between 25 and 35 percent greater.

That is, Mr. President, that a simulator for the same aircraft which is used for civilian purposes will run \$5 million to \$7 million more when it is secured for a military application.

These laws and regulations similarly burden private companies with extensive paperwork and data requirements.

Together, this adds a tremendous administrative burden on both the Government and industry, which ultimately adds to product cost and to delivery schedule extensions.

On account of this, many private companies which have much to offer the military, in terms of technology or service, choose simply not to compete for the military's business.

There is no doubt that there will always be military unique items for which there are legitimate needs to go through a rigorous acquisition scheme, and even building a product from bottom-up. And in those cases, particularly when it involves national security issues such additional requirements are appropriate.

However, in the absence of such a requirement, we cannot afford to continue to throw our money down the drain on an inefficient system.

This system, in effect, forces our industries to maintain two production lines—one for the military and one for civilian customers.

It burdens our Government and industry with inefficient procedures, and costs many American industries their competitive edge in the international market arena.

By sharing military and civilian technologies, American companies can become more competitive in the world market, since they won't need to waste valuable resources merely to conform to laws and regulations that don't make sense.

By not operating dual production lines, per-unit costs are reduced, thus making U.S. products more economically competitive domestically and abroad.

That is why I believe the time has come for the Federal Acquisition Streamlining Act.

Mr. President, I urge my colleagues in the Senate to support and pass this sensible and much needed legislation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Madam President, I rise today to commend Chairman GLENN and Chairman NUNN, the ranking members of both the Governmental Affairs and the Armed Services Committees, for the work they have done in crafting the Federal Acquisitions Streamlining Act. This is a bill that would not be considered on the top of the list for most exciting reading. It is a rather thick, voluminous package of changes that will not mean much to many people, but will mean, I think, significant savings to the American people.

If you take a look at some of the testimony we heard at hearings held by the Governmental Affairs Committee—in which we confirmed what we suspected, that the Government must reform its procurement rules—you see what is happening to the Federal procurement system. We had testimony about the procurement of ant bait—that is right, ant bait, the thing that you sprinkle around to kill ants. The Department of Defense wanted to buy ant bait, and they wanted to buy \$27,000 worth of ant bait. The proposal to buy this stuff ran on for 29 pages. The actual purchase took 270 days. Think of that. You want to buy a little ant bait and it takes you 270 days and somebody drafts up 29 pages.

Over the years, during my work to cut Government waste, I have taken a look at regulations in procurement law dealing with the purchase of a fruitcake or the purchase of a cream-filled cookie. It would be, I guess, funny to take these things home and read them in a town meeting and say: Here is what happens. Somebody wants to buy some cookies for the Department of Defense and you get 16 pages describing what kind of cream content the cookie ought to have. It is just bizarre when you take a look at what is being done. You would expect these things to be common-sensical. But, as we all know, these things get involved. Somebody has a job to write regulations. They want to make sure they write them in

the most precise way possible. Pretty soon, you have 16 pages on how to buy a fruitcake or cream-filled cookies. And that is what has caused us so much waste and so many problems.

I have served with a number of chairmen in the other body and here in the Senate. I did want to say, especially today, how much I admire Senator GLENN. We are a community of interests who try to work together on a lot of things, and we disagree and agree on various issues. But the work I have done with Senator GLENN on the Governmental Affairs Committee demonstrates to me that he is extraordinarily effective. He just accomplishes a great deal. So I did want, today, to commend him for his excellent work and tell him how pleased I am to work with him.

I am very pleased today to support this bill. When we pass this piece of legislation, it is not going to simply change some abstract references in procurement. It is going to result in billions of dollars in savings to the American taxpayer. It is going to say to people in the Defense Department in certain areas: If you are going to buy something in these cases, do not go off and create a dozen or 2 dozen pages of specs; go buy it from the shelf. Buy it the way the rest of the American people buy it. Do not increase the cost; do not inflate the cost to the American taxpayer. Save some money and buy things that are available.

In closing, most of my colleagues know that I led an analysis of Government waste. The Presiding Officer was involved with me, over in the House. We discovered the waste in Government inventory. It is not just what they buy, but how much they buy. They had 1.2 billion bottles of nasal spray in the Department of Defense. How many centuries of clogged noses will it take to use 1.2 billion bottles of nasal spray?

We have all sorts of problems in procurement in the Department of Defense and the rest of the Federal Government. I think this is a step—not a baby step, a giant step—in moving forward to address them.

As I said, I commend Chairmen GLENN and NUNN and the ranking members of both the Governmental Affairs and the Armed Services Committee for outstanding leadership in crafting the Federal Acquisition and Streamlining Act. They and their respective staffs have toiled for many months to ensure that S. 1587 is truly a substantive procurement reform bill.

In September 1993, Vice President GORE's report of the National Performance Review [NPR] determined that significant procurement reform could save as much as \$22.5 billion over a 5-year period. Just as important as the projected savings are the increased efficiencies that will result across the entire Federal Government. This bill

will help achieve NPR's stated goal of creating a Government that works better and costs less.

Every day the Federal Government is open for business, we spend approximately \$800 million procurement dollars on everything from tooth paste to ant bait to the remarkable Patriot missile system that helped defeat Saddam Hussein during the Desert Storm conflict.

Every year millions of dollars are wasted as a result of antiquated and obsolete procurement regulations that force contracting officials all over the Government to make purchases on behalf of the taxpayer that they would not make for themselves.

Today we are taking bold new measures to increase the efficiency of procurement. These measures will substantially reduce waste while allowing Federal agencies to buy products faster and at lower cost.

Perhaps the most important reform proposed in this bill is the simplified acquisition threshold, which will raise the small purchase threshold from \$25,000 to \$100,000. This action alone will permit approximately 90 percent of all Government purchases to be made outside of cumbersome procurement regulations. This reform will drastically reduce the amount of time and paperwork spent on procurement.

The provision of a requirement to purchase commercial items whenever possible will ensure that we no longer maintain a 15-page set of Pentagon specifications for chocolate chip cookies. The new law allows the military to buy the same kind you and I purchase at the local Safeway, for less money than before.

I do not want to oversimplify the true value of this bill. The changes proposed here are broad and far reaching and will guarantee that the Federal procurement process will operate the way the Congress originally intended. Federal procurement will no longer be a sinkhole.

I also want to note that this bill retains essential safeguards to protect against contract fraud—particularly in defense contracting.

In a word, the Federal Acquisition and Streamlining Act takes an important step in reinventing Government. Passing this bill will help Government work instead of waste.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Thank you, Madam President.

Madam President, I join my colleagues on the Governmental Affairs Committee and the Armed Services Committee in supporting the legislation before us: the Federal Acquisition Streamlining Act of 1994. This bill represents a very important and a fundamental step toward a comprehensive reform in the manner in which the Federal Government purchases its goods

and services. It is the first time we have attempted a broad revision of Federal acquisition law in over a decade.

But in recent years, there has been a continuing sense of frustration with the Federal Government procurement process. Study after study has attempted to quantify the costs in money and time attendant to compliance with Government procurement regulations. One study recently completed by the Office of Technology Assessment concluded that complying with Government regulations adds about 10 to 15 percent to the cost of products purchased by the Department of Defense. That is simply unacceptable.

In fact, some commercial companies have refused outright to even sell products to the Department of Defense because the paperwork and accounting burdens outweigh any benefit to the company. Again, this is simply unacceptable and intolerable and must be changed, and this legislation does change that.

In my view, our inability to deal effectively with these problems has been rooted in the piecemeal approach that we have taken in Congress since 1985. We have added provisions to the Defense authorization bill each year to address individual problems, such as improper submission of unallowable costs for reimbursement by the Defense Department or conflicts of interest in the hiring of former Government officials by Defense contractors. But we have lacked the vision for a broader-based reform to cut through this vast body of law directing Government procurement. As a result, we have neglected, frankly, some of the larger and more fundamental issues of acquisition reform.

Madam President, I would like my colleagues in the Senate to understand how very difficult it has been to develop a more comprehensive approach to the issue of acquisition reform. In looking through the U.S. Code, one finds hundreds of laws scattered throughout that directly influence the Federal acquisition process—hundreds. These laws form the basis for regulations and directives used by DOD and civilian agencies. Any meaningful blueprint for congressional action would necessarily entail a review of potential modifications and amendments or, frankly, the repeal of certain specific laws.

In section 800 of the Defense Authorization Act for fiscal year 1991, the Congress required the Defense Department to establish a Government industry advisory panel to review possible means to streamline and to codify acquisition law. I would like to commend my colleague, Senator BINGAMAN of New Mexico who, with Senator COATS of Indiana, spearheaded this effort in the face of great skepticism. It seems like any time there is a good idea,

somebody is skeptical and makes the job that much more difficult. These two Senators did spearhead the effort. Following enactment, it required a great deal of prodding by these two Senators to convince the Defense Department to appoint panel members. Without this vision, without this persistence, we would not be debating this bill today.

Fortunately, the panel included some of our Nation's foremost Government contract specialists. They also included legal scholars and acquisition managers. Under the leadership of Rear Admiral Vincent, then Commandant of the Defense Systems Management College, the panel members brought a strong sense of personal commitment to the review of laws and formulation of recommendations. The resulting document was 1,800 pages in length and provided detailed legislative and regulatory histories of each of the covered laws. It is one of the most useful documents of its type submitted to Congress, unlike many which are not all that useful.

The so-called section 800 report represented a solid basis for congressional action. Our staffs spent the better part of last year reviewing it line by line in order to put the substance into draft legislation. The review was totally bipartisan and involved the Senate Governmental Affairs, Armed Services, and Small Business Committees. Alarming, this process was almost derailed last October when the administration pulled an about-face on the issue of raising the threshold for application of the Davis-Bacon Act to contracts above \$100,000. But, again, bipartisanship and a strong commitment to reform allowed members of the three jurisdictional committees to weather the storm and develop a constructive piece of legislation.

Madam President, I have made a point of chronicling the developmental history of this bill to underscore the need for prompt action on the legislation. It has taken many years to reach the point we are now at with the Federal Acquisition Streamlining Act of 1994. The climate is favorable, and senior representatives of the Defense Department and civilian agencies are receptive to the initiatives that are now before us. If we delay or if we try to pick it apart and focus on little differences that we have, it can take years to recreate this window of opportunity that we now have.

This bill has been criticized for not including every provision everyone in industry or everyone in the executive branch would like to see. That is true. If anybody can find a bill that everyone likes, I would like to know what it is.

I am not entirely satisfied either. But the bill before us does not increase the Davis-Bacon threshold, as the Vice President specifically recommended in the National Performance Review last

September. I happen to believe this is a mistake, but, again, it is not such a mistake that we cannot move on with a piece of legislation which will improve the process. As the recent votes on the Safe Drinking Water Act indicate, support for meaningful Davis-Bacon reform is growing and it is growing rapidly. I believe that Congress should set, for the moment, these politics aside and take appropriate action to correct what is an outdated and an inefficient law.

While this legislation does not include every provision I or others would like to see, it represents a major step in the process of comprehensive—and I emphasize comprehensive—acquisition reform and one that will hopefully provide an impetus for the executive branch to undertake further internal changes in the coming years. It is for that reason that I urge its adoption, in spite of some of the differences that I have.

In closing, I certainly would like to thank Jon Etherton and Andy Effron of the Senate Armed Services Committee staff for their tireless efforts to develop this legislation and, frankly, to explain it from time to time. This has been a long and tedious process, but throughout these many months, they have served our committee in a bipartisan way with great distinction in the truest sense of bipartisan cooperation. The quality of this legislation is a credit to their diligence and to their professionalism.

Madam President, I urge my colleagues to act expeditiously to adopt this legislation. I know that is the wish of Senator GLENN, and I do not choose to delay the debate here. I do have an amendment that I will ask to have considered. It has been cleared by both sides.

AMENDMENT NO. 1758

(Purpose: To exempt construction contracts from the two-phase contractor selection authority)

Mr. SMITH. Madam President, on behalf of myself and Senator ROTH, I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. ROTH, proposes an amendment numbered 1758.

Mr. SMITH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 316, line 1, insert "(other than a construction contract)" after "property or services".

On page 342, line 17, insert "(other than a construction contract)" after "property or services".

Mr. SMITH. Madam President, the amendment that I have just sent to the desk would amend sections 1017 and

1067 of the bill. These sections provide new authority for the Department of Defense and the civilian agencies to use so-called two-phase selection procedures for contracts that require the contractor both to design and to produce or construct the property being acquired.

The two-phase approach involves the head of an agency issuing a solicitation, selecting at least three offerors on the basis of qualifications other than price-related factors and then, in the second phase, requiring each of the three to submit detailed proposals, including cost information. An award would then be made using regular procedures.

This amendment, which I have offered on behalf of myself and Senator ROTH, would exempt from the procedure under this section the award of contracts for construction projects. Our amendment is intended to preserve the concept of the two-phase process but, at the same time, giving the architect and the engineering industry a chance to engage in discussions with the administration on the best approach to take with the two-phase or design/build procurement process. It is my understanding that the industry was not party to the details of the process authorized in sections 1017 and 1067, although the industry has been involved in discussions with the executive branch on these issues for some time.

Industry is concerned that the existing language in the bill will undermine key tenets of the current qualifications-based selection process. However, by exempting construction from the new authority, as our amendment does, we will be encouraging the administration and industry to join with us in working to resolve this situation and to develop a consensus position for incorporation in conference.

It is my understanding that this process is beginning to work and that some time next week there will be a meeting between industry and Government to work out language differences. So perhaps we are making progress.

It is my understanding that the amendment has been cleared. If that is the case, I would urge adoption of the amendment.

Mr. GLENN. Madam President, we accept it on this side. We do not quite know all the ramifications of what the change in the bill would mean in this particular area. The General Accounting Office is doing a study of this on the whole construction issue for the House as I understand it. So perhaps the change that we had in the bill was a bit premature.

So I think the Senator is correct in proposing this. We will accept it and perhaps at a later time look at this again as an item to be brought up. I know he feels strongly about it, and Senator ROTH, I believe, is a cosponsor

of this proposal. As of now, we are glad to accept this.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 1758) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SMITH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. 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.

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

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

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that I be recognized to speak as if in morning business.

The PRESIDING OFFICER. Does the Senator have a specific period of time?

Mrs. FEINSTEIN. Probably about 8 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from California is recognized for 8 minutes as if in morning business.

Mrs. FEINSTEIN. Thank you very much, Madam President.

GUNS IN SCHOOLS

Mrs. FEINSTEIN. Madam President, I think the photograph beside me of a youngster in a coffin being viewed by two other youngsters is a sight that is happening too often all across this great land, and I think there is no issue where the public's view is more clear. There should be zero tolerance for guns in schools of America.

Senator BYRON DORGAN sponsored, and I was pleased to cosponsor, an amendment to the Goals 2000 education plan so that students who carry a gun to school would be expelled for 1 year. Goals 2000 provides about \$100 million in funding that is allocated to schools based on a competitive process, but it only impacts a small number of schools.

There is a way that the Congress can require that 93 percent of all of the public schools in this Nation adopt a zero tolerance for guns on school grounds. That bill is the Elementary and Secondary Education Act. It is a reauthorization bill, S. 1513, that contains \$12 billion in funding for public schools over 5 years. It is going to be marked up by committee next week and then will come to the full Senate.

Both Senator DORGAN and I are importuning the committee to include this zero tolerance policy for guns in the authorization bill. If that amendment is in the bill, any school in America that uses public moneys will have to have a policy that says if a youngster brings a gun to school, that youngster must be expelled for 1 year.

There are those who say: "What about that youngster? Then that youngster is on the streets."

To that I say, Madam President, what about the youngsters in school with the youngster who is carrying a gun? Can they learn? I do not think so.

Gun violence on school campuses is out of hand. Between 1986 and 1990, 71 youngsters were killed by guns at schools, 66 of them young children.

How can we expect our children to learn if they do not feel safe? How can we expect our children to learn if they fear a fellow student may pull out a gun?

Jennifer Chin, a 16-year-old student at University High School in Irving, CA, recently wrote an op-ed piece in the Los Angeles Times that I think summarizes the fear so prevalent on school campuses. Jennifer said:

Violence has even spread to our schools. Last year there are thousands of instances in the United States of students taking weapons to school, kids, not young adults, not even adolescents, but children. Schoolchildren should not have in their hands the means for slaying their classmates over simple disputes.

In the past, a fist fight would have ended the quarrel. Now a gun is the solution.

Madam President, when we grew up in California youngsters did engage in some fisticuffs. Today one of them goes home, gets a gun, comes back and shoots the other.

Jennifer says:

Imagine what would happen, if students shot each other every time there was a disagreement. No one would be left to attend class.

She is absolutely right.

In California and around the Nation incidents of gun possession and gun-related violence on school grounds are dramatic. Between 1986 and 1990 in this Nation 71 people were killed by guns in schools, including 66 students. As many as 50 young people are killed each year in school-related violence.

In 1992-93, in our State, Madam President—and it is fortuitous you are in the Chair—30 guns were confiscated in San Diego schools; 60 guns were confiscated in Oakland; and almost 600 guns were confiscated in Los Angeles schools. In a single month this year two students were shot dead at school in the same California school district.

Across this Nation, 32 of the 44 largest school districts now use either hand-held or walk-through metal detectors—metal detectors—in public elementary schools.

California schools are doing their best to address the problem of guns in

schools through a variety of policies and programs. Some have already adopted zero tolerance policies. In Sacramento, uniformed off-duty police officers now patrol high schools to beef up security concerns caused by guns. Ten guns have been confiscated from students in those schools. The school district has requested that six students be expelled for carrying guns to school. The county has set up a hotline for anonymous callers to report students carrying guns on campuses.

The reasons why gun-free schools and this amendment are so important—in clear and simple terms this amendment says that guns will not be tolerated on school grounds.

In California, a State law now requires that students be expelled in these cases. But the gun free amendment that Senator DORGAN and I are submitting is a little different. It would require that students are expelled for 1 year. Our State law is not specific. It leaves a great deal of ambiguity.

The gun-free school amendment, as I said, has already been adopted as part of Goals 2000. But that is not enough. I truly believe that as important as \$12 billion is, if we cannot stop guns coming into schools youngsters are not going to be able to learn. So in my view this amendment that Senator DORGAN and I are cosponsoring is as important as the authorization bill itself.

We have both sent a letter to Senator KENNEDY importuning him to put this amendment into the elementary and secondary school authorization bill. And I am hopeful, as we look at this youngster in the coffin, that that letter is going to be heard.

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

The PRESIDING OFFICER. The Senator from California yields the floor.

Mr. DORGAN. Madam President, I ask unanimous consent to speak as in morning business for a period not to extend beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 10 minutes.

GUNS-FREE SCHOOLS ACT OF 1994

Mr. DORGAN. Madam President, I rise today to follow the statement of the Senator from California [Mrs. FEINSTEIN]. This is a discussion about guns and schools. I want to talk about the same subject she discussed and I want to also talk about her leadership on this issue.

The Senator from California has demonstrated real leadership, caring about what happens in our schools and caring about responding to the epidemic of crime that has now, all too often, moved from the streets to the schoolhouse. It is something we must stop, and I commend her for her leadership and thank her very much for

working jointly with me to put into our current laws, a provision that says we are not tolerant of guns in schools. There shall be no guns in schools in this country.

This morning, at 8:30, I dropped off my son Brendon at a public school here. Brendon walked into the schoolhouse and waved goodbye as he disappeared into the door, and I did not think much about safety. I do not want to have to think about safety in schools. But there is not a parent in this country today who drops off his or her children in school who does not wonder about violence in our schools.

I read a report not too long ago that compared the current problems in our education system to the problems 20 and 30 years ago. Twenty and thirty years ago the difficulties were truancy, speaking out of turn, chewing gum. Today it is drugs, violence, and too often now, guns.

Almost nowhere in this country are we immune from what is happening. And what is happening, in too many cases in our schools, is a direct reflection of a lot of other things in our society that cause all of us great anxiety and cause us to wonder how on Earth are we going to put this back together. How are we going to respond to the epidemic of crime so people in this country—especially our children in school—can feel safe?

If anyone wonders whether this is a problem, just join me in looking at a few of the clippings. This first clip is a compilation of incidents this school year from the Washington Post.

Gunfire and shootings At Washington Area Schools.

September 9, 1993. There was gunfire outside Shaw Junior High School in the District as classes are let out. A 14-year-old was arrested.

October 18. A 13-year-old student is shot in the locker room at J.H. Johnson Junior High in the District; a 15-year-old student is arrested.

December 8. Gunfire erupted just outside Crossland High School in PG county after classes are let out for the day.

January 26. A gunman fires into a crowd of students at Eliot Junior High School in the District in a dispute over a jacket.

January 26. Gunfire erupts outside Dunbar High School in the District after an argument among a group of teenagers. A 17-year-old student is arrested.

March 9. A student is shot inside the cafeteria at Eastern High School in the District. Another 17-year-old student turns himself in to police.

This in a cafeteria in a high school I visited. Just weeks after I visited this high school, one kid bumped another in the cafeteria. The other kid pulls a pistol and shoots him several times.

April 8. A teacher is shot inside a bathroom at Largo High School in Prince Georges County. A 17-year-old student is arrested.

April 18. A 17-year-old student is shot inside the National Christian Academy in Oxon Hill. A 16-year-old student is arrested.

Let me show you a few other headlines. In February 1994.

A teen was shot and wounded near NW Washington high school. For the third time in a week in the District of Columbia, shots ring out in or near a school.

The story is a frightening compilation of violence that is moving from the streets to the schools.

Moving to other headlines.

January 27. School shootings break out in DC, no injuries, safety concern renewed.

Gunfire erupted among a group of teenagers in a hallway at Dunbar High School.

These are 1994 headlines. And I continue:

Student shot in Eastern High School. Argument was started by a bump in hallway.

Just to show you it is not all in the District of Columbia I have a few others from outside DC: From Nashville, TN.

A gun in school. Teen held in classroom shooting death of friend.

Minot, ND, the State where I come from, where there is a relatively low crime rate.

Boy brings gun to Minot school; 8th grader removed from school after being found with a loaded handgun.

Incidentally, that was a stolen handgun.

It is not a problem unique to DC or even to metropolitan areas. A national story from a couple of weeks ago was about an 11-year-old boy in Butte, MT,—a neighboring State to ours—who died from wounds he received when a fellow student fired a semiautomatic gun at a line of students in a playground.

The fact is guns in schools have become a national problem, and now is not a time for us to say we are moderate on the question of what we should do. It is not a time for us to say we are tolerant of criminal behavior in schools. When I drop my son off at school in the morning, I and every parent in this country—every parent in this country—want our child to enter a schoolroom that we know is safe, safe from violence, safe as a place of learning. Too often, now, we cannot say that about our children's safety in school. And the issue for all of us is what should we do to be certain that everyone in this country understands that we are going to separate guns and schools.

No child in this country should fail to understand the lesson. The lesson is, you bring a gun to school you are going to be expelled for a year. Do not even think about bringing a gun to school.

The Senator from California and I attached an amendment to Goals 2000 that is now law—it is the law of the land—that says those who take advantage of the Elementary and Secondary Education Act and get funds under that law shall have in place a policy: If a student brings a gun to school they will be expelled for a year.

When the Elementary and Secondary Education Act is rewritten, the provisions of Goals 2000 will be reincor-

porated in that act. Unless that amendment exists again, it will be stricken from the books. I am saying, and I think the Senator from California has said, we fully intend to see it remains in the law. We hope and ask that those who write this in the committee bring it to the floor with our provision in it. But if it is not, we fully intend to be on the floor of the Senate with an amendment that is identical to what we offered in Goals 2000. We must send a message to every corner of this country so all parents understand when they send their kids to school, there will not be guns in school.

We are not tolerant. We are not moderate. We believe today that sane public policy is to send a message to everyone we will not tolerate guns in America's schools. Yes, some will call it interference. Some will say we have no business involving the Federal Government in these policy areas. But all one has to do is look at the headlines and look at the picture of the tragedy of a young American student lying in a coffin, shot dead in a school, to understand this is a national problem that requires us to say, as legislators, we want a national policy that students will not bring guns to school. And the punishment is swift, certain, and sure if you do.

Once again, I am pleased to work with my colleague from California on this issue. I am absolutely intent on seeing that when the Elementary and Secondary Education Act is brought to the Senate floor for reauthorization it will include our gun-free schools provisions addressing this important question.

Madam President, I yield the floor. I make a point of order a quorum is not present.

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

The assistant legislative clerk proceeded to call the roll.

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

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

FEDERAL ACQUISITION STREAMLINING ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. PRYOR. Madam President, today I rise in support of S. 1587. This is the Federal Acquisition Streamlining Act. As a member of the Senate Governmental Affairs Committee I am very proud to say this afternoon that this very, very important initiative, if enacted, I think will go a long way in changing the way our Government does business.

I commend this administration. I also want to commend my colleagues,

the Senator from Georgia, the Senator from Delaware, the Senator from Ohio [Mr. GLENN], and many others in this body for making it possible for this very complex piece of legislative achievement to come to the floor of the U.S. Senate at this time; the Committee on Armed Services, the Committee on Governmental Affairs, the Small Business Committee of the Senate—for their leadership, I think, should draw special attention and special commendation, to bring this bill to fruition.

I am especially grateful, though, Madam President, for the assistance that the managers of this bill provided to Senator ROTH of Delaware and myself in the area of independent weapons testing in the Department of Defense.

For over a decade, Senator ROTH and myself have been very, very outspoken about the importance of conducting independent testing on our expensive military programs. Our proudest accomplishment was in 1983 when the Congress finally passed legislation, sponsored by the Senator from Delaware and myself, that actually created an independent testing office in the Pentagon and boosted the role of operational weapons testing in military procurement.

Let me say, Madam President, that that legislation would have never been enacted, in my opinion, had it not been for the support of the Senator from Georgia, the extremely powerful and most influential chairman today of the Armed Services Committee. We deeply appreciated his help at that time and at this time.

But since that time, in 1983, we have worked together and diligently, I think, in a truly bipartisan fashion, to help this testing office make a useful impact on DOD acquisition.

A special commendation, once again, to my friend and my colleague from the State of Delaware, Senator ROTH, for his persistence, his dedication, and his commitment to this very, very important effort in procurement and also in weapons testing.

Together we have fought strong resistance in the past from a very entrenched Pentagon acquisition bureaucracy. I should note that throughout some 15 years in the U.S. Senate, I have never once—never once—been approached or lobbied by individuals asking me to make sure that weapons work before we send them to our troops. This is a commentary on our present situation. I am afraid that the forces of military procurement continue to pull in that direction of unchecked spending and premature weapons production.

Senator ROTH has always spoken out against these wasteful practices and in favor of independent testing and the integrity of DOD acquisitions. I rise this afternoon to applaud him for his strong leadership in this regard.

Madam President, I must admit that I did not intend to come to the floor to address weapons testing in this bill. However, I was deeply disturbed upon learning that the original version of this legislation contained a very dangerous provision designed to substantially weaken the independent testing laws of the Department of Defense. This proposal, which is now being pushed by the acquisition community within the Department of Defense, would have created gigantic loopholes through which the military services could actually avoid testing their new weapons if they felt the tests were inconvenient or unnecessary.

In my opinion, such a change would have opened a loophole large enough to drive a Mack truck through and would have contributed, once again, to the wasteful and irresponsible practice of buying unproven, unreliable weapons for our troops to use in combat.

I thank the distinguished managers of this bill for agreeing to remove what we finally came to know as the Mack-truck loophole from S. 1587. It is not—and I repeat, it is not—in this legislation. I also thank the committees for agreeing to replace the Pentagon's proposal with language sponsored by Senator ROTH and myself that, in our opinion, will actually strengthen independent weapons testing in the Department of Defense.

Madam President, I wish I could stand here today and eulogize the Mack truck testing loophole provision, but I have been informed that this proposal is, once again, trying to rear its ugly head in the House of Representatives and, who knows, even perhaps in a subsequent piece of legislation that might come before this body.

Recently, the House of Representatives passed its version of the fiscal 1995 Defense authorization bill and tucked away—tucked away, Madam President—deep in this bill is language very similar to the provisions that were removed, thank goodness, from S. 1587 by the Senate committees of jurisdiction.

This proposal to weaken independent weapons testing is opposed by the Pentagon's own weapons testing office. It should not be enacted on this or any other legislation, and I appeal to the chairman and to the ranking member of the Senate Armed Services Committee today to block its enactment in the DOD authorization bill just as they have assisted in removing it from this acquisition reform legislation that at this moment is before the U.S. Senate.

Once again, I strongly support the quick passage of S. 1587, and I thank those Senators and those staff members who have worked so diligently and so ably in their commitment to bring this bill before the U.S. Senate this afternoon.

Madam President, I yield back the remainder of my time, and I yield the floor. I thank the Chair.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, live-fire and operational testing are keys to the Congress' fly-before-buy policy. The policy states that a weapon should not be produced until testing shows that it works. Independent operational and live-fire testing are objective checks and balances on the defense buying system. In a system where bureaucratic interests carry more weight than results, realistic tests are vital to make sure weapons work before they are given to those who must depend upon them in battle.

The original version of the Federal Acquisition Streamlining Act included provisions which would have given the Defense Department more discretion to decide whether and what kind of weapons testing is necessary. Fortunately, that language has been deleted.

Madam President, I am concerned about the Pentagon's attempt to dodge the testing process. A recent defense news interview with the Defense Department comptroller revealed that the Defense Department leadership is more concerned about the vitality of the defense industry than whether or not weapons pass operational testing.

In addition, the comptroller proposed that the Director report to someone in the acquisition management chain.

Third, the Office of Operational Testing has not had a director since the Clinton administration took office.

Without a director, there is no one in the Pentagon to fight against those who want to procure weapons even if they do not work.

Fourth, weapons that have not proven their effectiveness in testing are being produced and fielded. Current Pentagon practice allows anywhere from 25 percent to 100 percent of the production to be completed before the Pentagon knows if a system actually works. This is clearly at odds with the congressional policy of flying before you buy. The condition of live fire tests is also disconcerting. All major aircraft being developed by the Pentagon are avoiding tests for survivability and vulnerability.

It has been over 10 years since Senator PRYOR and I first joined forces to convince our colleagues to adopt the policy of "fly before buy." In March, Senator PRYOR held a hearing on the testing provision contained in the original version of the Federal Streamlining Act. At that hearing, which I attended, we received testimony strongly opposing the provisions of the bill. In other hearings, the General Accounting Office and the Defense inspector general opposed the provisions relating to operational and live fire testing.

I want to congratulate my good friend and colleague, Senator PRYOR, for his work in our joint effort to remove the offensive language from the

Federal Streamlining Act. His leadership on this issue has been crucial. And I appreciate his steadfastness in the last 10 years on this vital issue. We were happy to strike the language.

Moreover, we were able to get language into the committee substitute that improves the independence of the testing process.

Moreover, the substitute requires the Defense Department to focus its acquisition decisions on results, and testing provides quantifiable objective data on results.

I still believe that live fire and operation testing are the keys to judging results. If the Defense Department would embrace these techniques, it would reduce the costs in a sense associated with finding problems late in the acquisition process.

I look forward to continuing to work with my colleague from Arkansas on this vital issue. Again, I congratulate and thank him for his leadership on this important issue.

Madam President, I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Madam President, I want to thank my friend from Arkansas for his kind remarks. I also want to thank my friend from Delaware and my friend from Arkansas for their leadership in this area.

There is no doubt about the fact that independent evaluation and testing is a valuable tool and a necessary tool to make sure that the weapons systems that are fielded are indeed weapons systems that work and that the taxpayers' money is wisely spent. But the bottom line is, you want the weapons to work, not because of simple efficiency, although that is a very important part. But also you want the troops to be protected and to make sure their lives are not in jeopardy when you have weapons systems that are fielded.

That was one part of this provision that I believe we will have to revisit at some point. I hope that our colleagues will start looking at that and determining how we can best fashion it when that happens so that we do not lose the original thrust of their intent in this legislation that has been developed over the years. And that is the use of simulation because what they are trying to do is save money and make the systems work.

With the new methods and technologies of simulation, we are now using simulation for training. When I was at Fort Knox the other day with Senator FORD, they were simulating tanks. They were having people train on simulated tanks, including in the field. They are simulating firing weapons with computers so that they do not use live ammunition. They say they are saving lots of money there.

We are beginning to develop systems where we are simulating training with

National Guard units where units can be in their home town and actually participate in a larger exercise going on all over the United States. That is the wave of the future in technology. What we are going to have to do is find ways in this independent testing for the careful use of simulation where substantial amounts of money can be saved. I believe that will greatly accelerate the procurement process and thereby save money on accelerated methods.

It is not going to be easy to do that and to fashion that kind of solution and still maintain the total integrity of the independence of this evaluation. Yet, I think it has to be done. Otherwise, what has started off as a form that will save money, and is saving money in my view in terms of independent evaluation, could end up—if it blocks simulation and if it blocks new technology—basically being counterproductive to the original purposes of the legislation.

So I will not ask my colleagues for anything at this point. But I will ask them to begin looking and having our staffs take a look at what we are already doing in leaning forward toward simulation. It is capable of saving huge amounts of money, and it is already doing so, I think beginning to do so, in weapons, training, and in an awful lot of exercises that are, I think, going to make our forces much more effective and efficient. So we want to make sure that we do not block the new methods and technology of the future in this area.

So I simply call that to their attention and, again, thank them for their diligent effort both in initiating this overall procedure and making sure that it is implemented and workable.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, if I may respond to my good friend from Georgia, the distinguished chairman of the Armed Services Committee; in no way—I repeat, in no way—would the Senator from Arkansas or the Senator from Delaware desire to block any progress that we are making in the field of simulation. We strongly support simulation.

I think I can speak for the Senator from Delaware when I say this. We just do not want to allow simulation by itself to be a total substitute for the creation of that environment by which we have the operational testing in the truest form of testing against a particular weapons system.

In other words, we do not want anything short of the most rigid of tests against a weapons system. We go back, for example, to the B-1 bomber. Had that particular bomber been operationally tested, Madam President, at every phase before we were ordering 8, 10, 12, and 15 more of the bombers, we think

that we would have completed a family of bombers that would today be working and flying and serving the armed services, serving our country, and helping to keep peace in the world. The operational testing came far too late. We know the end result.

Today, we come once again to a major decision in the field of acquisition as to how we create that environment that will give us operational testing that is the most rigid, the most truthful, and the most realistic in terms of combat and actual and ultimate usage.

Once again, Madam President, I want to thank the distinguished chairman of the committee, and we look forward to working with him and his staff. I know that he is perhaps now even in markup with the Armed Services Committee legislation that we will be looking at, the authorization bill that we will be looking at very soon.

I plan to support simulation, and I hope that we will all support the strictest testing. All of the results, of course, will truly inure to the betterment of our troops in the combat field and all of our Armed Services personnel in every branch of our Government here and around the world and certainly in the cause of peace.

Mr. NUNN. Madam President, I thank my colleague from Arkansas. As he well knows, there are different kinds of testing. Developmental testing is one kind that I do not believe the same rigor is required in terms of independence there as on operational testing. So simulation is going to have to be worked carefully in those areas.

In the B-1 case, I think a great deal of what went wrong there was in the developmental testing. But also it is my view, and has been from the very beginning of this program, that the main thing that went wrong is we were ready with a much greater state of technology with the potential of the B-2. And the B-1 should never have been built, period, because it was outmoded in terms of comparison with the B-2 before we ever really got it into operation.

So that was a mistaken concept. The B-1 when it was originally envisioned was the right move, but by the time it was built, it was the wrong move.

So I would certainly be glad to and will work with my friends from Arkansas and Delaware as they develop this further and find out where they are going in it and try to work carefully to fashion the solution in the original intent but also move forward with technology.

Mr. DOLE. Madam President, I want to commend my colleagues on the Governmental Affairs Committee, particularly the distinguished chairman, Senator GLENN, and the ranking Republican, Senator ROTH, as well as their counterparts on the Armed Services

Committee, for their efforts to streamline the Federal Government's impractical and inefficient acquisition laws. This is a critically important undertaking, and I appreciate their careful and thoughtful crafting of this legislation.

While this legislation seeks to establish procedures for both the Department of Defense and the civilian agencies, reform is especially important to the Armed Services. As the administration continues to slash the defense budget, we must ensure that defense acquisition dollars are used to buy the weapons systems and equipment our military personnel need—not to justify layer after layer of bureaucratic red tape. Additionally, a military force which has been reduced in size will have to rely on more sophisticated weaponry. Our military personnel must be equipped with the most modern weapons and equipment available. Acquisition reform will allow us to field technologically advanced systems more rapidly, giving a necessary advantage to our war fighters.

Government-unique requirements not only add to the costs and time associated with procuring items, but also discourage some commercial companies from even participating in Government acquisition programs. The Federal Acquisition Streamlining Act of 1994 will exempt commercial, off-the-shelf items from such government-unique requirements, encouraging the acquisition of more commercial items. By buying items already produced in the commercial sector, Government agencies can eliminate the need for research and development, minimize acquisition lead time, and reduce the need for detailed design specifications or expensive product testing. Finally, this act will raise the threshold for the use of simplified acquisition procedures from \$25,000 to \$100,000. Although purchases under \$100,000 account for only about 16 percent of the Government's procurement expenditures, they account for more than 95 percent of the Government's procurement actions.

Let me point out that there will be some growing pains associated with the reforms initiated in this legislation. However, it is our intent that this legislation be implemented in such a way as to ensure the broadest participation by all segments of the business community, including small and disadvantaged businesses. We will be watching to ensure that this desired affect is achieved and stand ready to implement changes to protect small and disadvantaged business should the need arise.

In summary, Madam President, this bill is a step in the right direction. It will allow the Department of Defense to acquire equipment and weapons systems more rapidly and efficiently. It will lessen the burden of Government bureaucracy and strip away red tape. It will allow more business, large, small,

and disadvantaged, to compete for procurement programs. I hope my colleagues will join me in supporting this legislation.

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

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

AMENDMENT NO. 1759

Mr. LEVIN. Mr. President, the two amendments of Senator HARKIN have now been revised and are cleared on both sides. I thought we would dispose of those. So I send the first of these two amendments to the desk and ask for its immediate consideration on behalf of Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, proposes an amendment numbered 1759.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill insert:
UNIFORM SUSPENSION AND DEBARMENT.

(a) Within six months after the date of enactment of this Act, regulations shall be issued providing that provisions for the debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to Executive Order No. 12549, shall have government-wide effect. No agency shall allow a party to participate in any procurement or nonprocurement activity if any agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in a procurement or nonprocurement activity.

(b) The regulations issued pursuant to subsection (a) shall provide that an agency may grant an exception permitting a debarred, suspended, or otherwise excluded party to participate in procurement activities of that agency to the extent exceptions are authorized under the Federal Acquisition Regulation, or to participate in nonprocurement activities of that agency to the extent exceptions are authorized under regulations issued pursuant to Executive Order No. 12549.

(c) DEFINITIONS.—For the purposes of this Part:

(1) "Procurement activities" refers to all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation.

(2) "Nonprocurement activities" refers to all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 and the Office of Management and Budget guidelines implementing that order.

(3) "Agency" refers to executive departments and agencies.

Mr. LEVIN. Mr. President, this amendment would provide a uniform requirement for suspension and debarment for both procurement activities and nonprocurement activities.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 1759) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1760

(Purpose: Prompt resolution of audit recommendations)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, proposes an amendment numbered 1760.

The amendment is as follows:

At the appropriate place in the bill, insert:
SEC. . PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Federal agencies shall resolve or take corrective action on all Office of Inspector General audit report findings within a maximum of six months after their issuance, or, in the case of audits performed by non-federal auditors, six months after receipt of the report by the Federal Government.

Mr. LEVIN. Mr. President, both of these amendments will assist us in trying to provide strengthening of the debarment and suspension laws and make them uniform. I think this has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 1760) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I want to thank the Senator from Iowa for these two amendments. They are very constructive amendments. They make a real contribution to the bill. We are grateful to him for his involvement and his concern in the area of debarment and suspension.

There are a number of other amendments which we are seeking to clear, and we are trying to work out modifications where appropriate. We have

an amendment by Senator HUTCHISON, Senator GRASSLEY, and Senator DOMENICI which we are trying to work out, and I believe that we are close on.

There are two amendments by Senator WELLSTONE which we are also trying to work out.

Those are the only amendments that we know of at the moment. We are hoping to finish this bill this evening.

So that is the status report which we would provide to the Chair and to the Senate.

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

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

AMENDMENT NO. 1754

Mr. GRASSLEY. Mr. President, I ask unanimous consent to vitiate the roll-call vote on my amendment.

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

Mr. GRASSLEY. Mr. President, I would now ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

So the amendment (No. 1754) was withdrawn.

AMENDMENT NO. 1761

(Purpose: To require the Comptroller General of the United States to review the quality of the legal services being provided to Inspectors General)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1761.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Strike out the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS SEC. 9001. COMPTROLLER GENERAL REVIEW OF THE PROVISION OF LEGAL ADVICE FOR INSPECTORS GENERAL.

(a) REVIEW AND REPORT REQUIRED.—Not later than March 1, 1995 the Comptroller General of the United States shall—

(1) conduct a review of the independence of the legal services being provided to Inspectors General appointed under the Inspector General Act of 1978; and

(2) submit to Congress a report on the results of the review.

(b) MATTERS REQUIRED FOR REPORT.—The report shall include the following matters:

(1) With respect to each department or agency of the Federal Government that has

an Inspector General appointed in accordance with the Inspector General Act of 1978 whose only or principal source of legal advice is the general counsel or other chief legal officer of the department or agency, an assessment of the extent of the independence of the legal advisors providing advice to the Inspector General.

(2) A comparison of the findings under the assessment referred to in paragraph (1) with findings on the same matters with respect to each Inspector General whose source of legal advice is legal counsel accountable solely to the Inspector General.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

In the table of contents in section 2, strike out the item relating to the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS

Sec. 9001. Comptroller General review of the provision of legal advice for inspectors general.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

Mr. GRASSLEY. This is a modified version of my pending amendment pertaining to the need for independent legal counsel at five inspectors general or IG offices.

This is a compromise agreement worked out with the Armed Services and Governmental Affairs Committees.

I can see the handwriting on the wall, Mr. President.

The chairman of the committee of jurisdiction, Senator GLENN, is opposed to my amendment as originally written.

The chairman and ranking Republican of the Armed Services Committee, Senators NUNN and THURMOND, are also opposed to my amendment.

We had an excellent debate this morning. I wish to thank everyone involved for that. We were able to get the problem out on the table for examination. That is an accomplishment in and of itself.

But that is just about as far as we can go today.

I think everyone agrees that there is a problem. The only question is how do we fix it. Well, my proposed fix is not acceptable at this time.

So what we have agreed to do is ask the Comptroller General to assess the quality of legal advice being provided to the inspectors general. That study is supposed to be conducted over the next 6 months.

Does the problem really exist? Would independent legal counsel make those five IG's more effective? Would that make them better watchdogs? That is what we need to know.

Well, when that study is done, and if it shows there is a problem—as I think there is—then I intend to return to the issue next year.

Under those circumstances, I hope my friend from Ohio, Senator GLENN, and all the others involved, will help me craft a more acceptable yet effective solution.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I think this is a good solution to our problem. What we were discussing this morning is, in agencies where the IG does not have his own independent counsel, whether those agencies are being run as efficiently and doing as good a job as the ones that do have their own independent counsel.

The IGs directly involved with this, particularly those in HSS and DOD, the big ones out of the five that do not have independent counsel, seem to think that they are working OK and doing an efficient job. They have worked out their memorandum of understanding with the agencies that they are in.

And so this would be a good solution to it, to find out whether there are problems or not.

As I pointed out this morning, we have a couple of variables here. One is the number of people required for investigations would go up and down in some agencies. The other is attaining people within an independent IG counsel staff that have the broad experience within that agency to deal with a number of different areas. We do not want to build up a huge IG staff that would have some of their people that have an expertise in a certain area sitting around half the time. This is one way to determine whether that is occurring or not occurring.

I think this is a good solution. It requires a study. We look forward to GAO getting this information back to us to see whether we should address this further.

With that, I am happy to accept the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 1761.

The amendment (No. 1761) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. 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 New Mexico is recognized.

Mr. DOMENICI. Mr. President, I have submitted an amendment heretofore that has to do with how the savings are going to be allocated. I want to say to the manager and the ranking Republican, and to other Senators, Senator NUNN and his staff and others who have been working with me on this, I am not going to offer the amendment, but I am going to talk about what the amendment would have done and suggest another way to solve the problem rather than putting it on this procurement bill.

First of all, I do not want to talk too much in budget language, but let me

try to explain what has happened. The President sent us a budget. There is a great deal of restraint in that budget because there is a propensity to spend more than this budget cap permits. So the budget process works its way through the executive branch, and they decide to add here and cut here and put some more money in this program and, in some cases, to create whole new programs. When you finish adding them all up, they had to go back through and say they will not all fit.

But what happened was they anticipated in the budget that this bill would pass. They anticipated for next year's budget that this bill would be law. And they further anticipated that there would be \$10.6 billion in savings over the next 5 years attributable to this bill's passing.

Obviously, when you take a budget and you assume that you are going to save \$10.6 billion over 5 years through procurement savings, it is very difficult to be precise about where the savings are coming from. But if we are not careful, it is tantamount to another across-the-board cut on the appropriated accounts to save this \$10.6 billion. I am not saying that is what is intended. And, in fact, the administration sees the problem and suggests there be certain language in the appropriations bills that speaks to this issue.

That language is now showing up in appropriations bills that are passing the House. There are already four. And I am going to just read into the RECORD what the language is. While it is not precise, the language says something like this: Of the budgetary resources available to the Department during fiscal year 1995, a certain number of dollars— x dollars—is permanently canceled. The Secretary shall allocate the amount of the budgetary resources canceled among the Department's accountants available for procurement.

If you put that language in an appropriations bill, we do not have any way of knowing where these cuts actually came from. It merely says of the budgetary resources available, x amount is permanently canceled, allocating the amount of budgetary resources that are canceled among all the accounts for procurement. That could mean that certain procurement is actually canceled, in the name of savings in procurement, which should be coming from spending less to procure what is being ordered.

I was trying to write into this bill, the new procurement bill, a process of notification to the Congress, that is, to the Appropriations Committee and the committee of jurisdiction, where these savings came from. But I cannot really write it in this bill. I have to write it in the appropriations bill itself when the language of cancellation is included. So, if our chairman of Appropriations and the Appropriations Com-

mittee chooses to write this kind of cancellation language in—meaning we are reducing a department's account by canceling and taking that for all the procurement accounts—if we choose to do it that way, then rather than submit an amendment here today, I will ask the chairman of the Appropriations Committee to consider an amendment requiring that.

Let me give an example: That the cancellation not be effective for 90 days and that 45 days into that cancellation, they would report on how and where the savings came from. I think that will be a better way to do it than to try to write in advance in this bill what will be done in the appropriations bill. But I think everybody should understand that when you have tight budget caps on appropriated accounts and you are trying to spend more money, you will take anything that saves money and you will put it in that budget. In this case they put in \$10.6 billion representing the savings from this bill, which permitted them to spend \$10.6 billion that they would not otherwise be able to spend because it lowers the amount spent. They fill the gap right back up to the cap, and I would like to know that we are not just using this for an across-the-board cut for whatever amount in total dollars it is.

If it turns out to be that, Congress should know that. If it does, it is a pretty slick way to have an across-the-board cut worth \$1 billion, or in some of these years maybe \$2 billion, in the name of savings in procurement.

So I think we can fix this if, indeed, the chairman of the Appropriations Committee wants to accommodate the administration and puts in this kind of language in the Appropriations Committee, which takes credit in advance for the good work this bill is going to do, even before we ever know it really works. That is essentially what my amendment was going to try to fix.

I thank the various staff members who worked this afternoon for a few minutes here and there trying to help me draft it. The more we work on it, the more it seems to me we have another way to do it. We ought to do it on each bill.

I thank the chairman and I thank Senator ROTH for their indulgence and patience.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNITED STATES POLICY TOWARD HAITI

Mr. THURMOND. Mr. President, the Senate returns from the Memorial Day recess after a time of sober reflection. We have been looking back with pride on the magnificent accomplishments of the Americans who liberated Europe from the Nazis, and with sorrow on the supreme sacrifice of so many fine young men. But, as President Clinton observed, the "longest day" has not ended, because the challenges to freedom never end. As we return to take up the Nation's business we must face a number of challenges to freedom and world peace—in North Korea, in the Balkans, and in the Middle East.

In our own hemisphere we face a growing problem in Haiti. Under domestic political pressure, the President recently announced his second major shift in policy toward Haiti. Instead of intercepting Haitians on the high seas and returning them—which incidentally was the policy of his predecessor he soundly condemned—now the President has ordered asylum hearings for refugees at sea. At the same time, the United States has led the move for tighter U.N. sanctions against Haiti.

Tougher sanctions will devastate Haiti's poor, not the corrupt military dictatorship we want to replace. Loosening the restrictions on entry to the United States while tightening sanctions can have only one result. Thousands more Haitians will arrive on our shores, destitute and needing medical care, straining our already overburdened welfare system to the breaking point. One Haitian expert has predicted as many as 100,000 may risk the voyage during the fair sailing weather between now and the advent of hurricane season.

While Haiti does not represent a national security threat to the United States in the traditional sense, it is certainly not in this Nation's interests—nor frankly in Haiti's best interests—for tens of thousands of its citizens to decamp to Florida. The Haitians are not political refugees, they are economic refugees. Given the increase of the homeless and poverty levels on our own shores, the United States cannot offer economic asylum for others until we have solved our own problems.

Unfortunately, the administration has boxed itself in regarding Haiti. The President's advisors have narrowed our options to either tightening sanctions or invading. Neither is a good option.

The American people have made their reluctance to intervene militarily in Haiti very clear. We tried it once in 1915, when President Woodrow Wilson sent in the Marines to temporarily restore order. That temporary intervention lasted until 1934. The same thing could happen again. There is no doubt that the United States military could easily dispose of the Haitian military

and gendarmes and put Mr. Aristide back in power if that must be our goal. But what happens then? Are we prepared to occupy Haiti on a long-term basis to prop up a man who is detested by a large portion of Haiti's population, even if he was democratically elected. Are we prepared to fight a protracted guerilla war in the name of nation building?

That leaves the second option. We have now pinned our hopes on the new U.N. sanctions. Yet in doing so we are guilty of crushing an already desperate people with the new sanctions, which may well prove to be futile in any case. As far as the poor people of Haiti are concerned, we are the villains, not their rulers. Our lofty talk about restoring democracy does not ease their terrible suffering and deprivation. Who can blame them for wanting to escape? Yet who can blame the people of the United States, in particular the people of Florida, for wanting them to stay home? In this sense we are both villain and victim of the no-win situation our inept statecraft has created.

Mr. President, it is time we looked for a new approach. I am taking the floor today to urge the administration to find a way out of this blind alley. We must broaden our options and divest ourselves of sole ownership of this dilemma, before the problem reaches crisis proportions.

Most Members perhaps were not aware that the Organization of American States is meeting this week in Brazil. The OAS has issued a resolution calling for a multinational force drawn from member states to assist Haiti's transition, after the military rulers step down. The involvement of the OAS is a welcome addition. The OAS was created to promote democracy, stability, and peace in the Western Hemisphere. It is an excellent forum for the peaceful resolution of problems like Haiti.

I believe the OAS must be brought in even more and encouraged to address Haiti as a serious concern of all the Americas. If the crisis in Haiti deepens to the point that its neighbor the Dominican Republic is destabilized, the OAS will have to become more deeply involved. Why wait until then to gain the benefit of the OAS's collective experience?

Now that the OAS has begun to address the problem of Haiti, the President should ask for consultation of the foreign ministers of the member states to discuss additional OAS actions. Through the OAS, let us cast a wider net for new diplomatic initiatives, for new economic and political solutions.

I urge the administration to initiate a coalition response to Haiti's turmoil by working with the OAS in search of a solution that targets the real problems in Haiti; which, if implemented, will ensure that Haiti recovers not just politically, but also economically.

If we must force to place Aristide back into power, Haiti's Government will need protection as he reestablishes control. Under the auspices of the OAS, the Inter-American Defense Board could provide a coalition of its member nations for a security force to help democracy take root in Haiti, as called for in this week's OAS resolution.

At the same time the OAS could send in economic, humanitarian, and judicial advisors to teach Haitians the fundamentals of governing a nation which bears the scars of so many ruthless dictatorships. By teaching the skills necessary to establish a successful democracy, the OAS will be providing long-term aid that reaches the root of the current crisis, beyond the immediate situation of refugees and restoring Aristide to power.

Mr. President, if we do not begin looking outside the current policy framework for creative solutions, I fear that pressures for ill-considered military intervention may build irresistibly, and we may find the tragedy in Somalia repeating itself in Haiti.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1762

(Purpose: To provide Government contractors and the Government access to alternative dispute resolution procedures by requiring the Government and contractors to make available such procedures unless they identify the circumstances in which the use of such procedures would be inappropriate)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1762.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 463, line 3, insert "(a) EXTENSION OF AUTHORITY.—" before "Section 6(e)".

On page 463, between lines 5 and 6, insert the following:

(b) AVAILABILITY OF PROCEDURES TO SMALL BUSINESS GOVERNMENT CONTRACTORS.—Section 6(e) of such Act is amended by inserting after the first sentence the following:

"In any case in which the contracting officer rejects a contractor's request for alter-

native dispute resolution proceedings, the contracting officer shall provide the contractor with a written explanation, citing one or more of the conditions in section 572(b) of title V, United States Code, or such other specific reasons that alternative dispute resolution procedures are inappropriate for the resolution of the dispute.

"In any case in which a contractor rejects a request of an agency for alternative dispute resolution proceedings, the contractor shall inform the agency in writing of the contractor's specific reasons for rejecting the request.

Mr. WELLSTONE. Mr. President, Senator BUMPERS and myself are still working with Senator GLENN and others on another amendment.

Mr. President, I think probably the best way to summarize this amendment—is it now has been accepted—is just to read directly from it.

"In any case in which the contracting officer," this deals with the ADR, alternative dispute resolution process, which I think is extremely important to small businesses. The amendment reads:

In any case in which the contracting officer rejects a contractor's request for alternative dispute resolution proceedings, the contracting officer shall provide the contractor with a written explanation, citing one or more of the conditions in section 572(b) of the title V, United States Code, or such other specific reasons that alternative dispute resolution procedures are inappropriate for the resolution of the dispute.

The other side of the coin is:

In any case in which a contractor rejects a request of an agency for alternative dispute resolution proceedings, the contractor shall inform the agency in writing of the contractor's specific reasons for rejecting the request.

The reason for this amendment is that before, if the Government or, for that matter, business, said they did not want to be in this ADR process, there was no obligation to be clear as to reasons why they would not participate. I was looking at this initially from the point of view of kind of due process and fairness for small business. This way, we have done it on both sides with both parties.

I think it is an important amendment and it improves what I think is a very important piece of legislation.

Mr. President, the purpose of this amendment is to provide government contractors access to alternative dispute resolution [ADR] procedures by requiring a contracting officer to participate in such dispute resolution techniques, unless the contracting officer provides written explanation which identifies one of the existing statutory circumstances—i.e., exemptions—in which Congress has determined alternative dispute techniques to be inappropriate, or provides in writing other specific reasons that alternative dispute resolution procedures are inappropriate to resolve the dispute. Likewise, if the contractor rejects an agency's request for ADR, the contractor will inform the agency of its specific reasons for rejecting ADR.

Provisions in S. 1587 continue, for another 5 years, the ADR process whereby the Government and contractor have the option of resolving their dispute through streamlined ADR procedures, unless certain statutory exemptions apply.

However, under S. 1587, if these exemptions are inapplicable, the Government contracting officer could still arbitrarily refuse to participate in these ADR procedures, and may not be required to provide good reasons why.

I want to assure my colleagues that this amendment does not require the Government, or the contractor, to engage in ADR if it is inappropriate to do so. It simply requires both parties to give good reasons why ADR would not be appropriate. And some of those reasons are already provided for in statute. We ask that the Government take a circumspective look at ADR and consider using it if a contractor requests it—and if not, then base this decision on one of the statutory exemptions, or other reasoned consideration.

This is an extremely important provision for small businesses. If a small business cannot resolve their contract dispute with the Government through ADR, they will have to do it by going to the Board of Contract Appeals, or to federal court—these are, by their nature, much longer and more costly proceedings.

In fact, these proceedings can go on for months, even years, and still they may be no closer to resolution than when they started. In the meantime, if the contract dispute is over payment for instance, the small business is not getting paid, but is instead having to spend time, money, and substantial effort to resolve what may be a simple disagreement, and one which might have been resolved quicker in an ADR proceeding.

The scenario could be even worse: In Minnesota, and probably elsewhere, we have been told about companies that have gone out of business while fighting and waiting for their contract dispute with the Government to be resolved.

I understand that one businessman in Minneapolis had to cease operations of his business after he waited 6 years and spent almost \$400,000 trying to resolve his dispute with the Government. I've been told that another company went bankrupt because it lacked working capital after it took more than 3 years and over \$40,000 in litigation expenses to obtain just a partial resolution. ADR may not have solved these companies' problems * * * but maybe it could have.

If ADR had been available to these two businesses, then maybe these companies would be in a different situation today.

In short, ADR procedures are considered by many to be more streamlined and less expensive than other contract

resolution procedures, and are heavily favored by small business concerns. I would also like to point out that this amendment is also supported by the Small Business Working Group on Procurement Reform, which is comprised of many representative groups—the Minority Business Enterprise Legal Defense and Education Fund, the National Association of Women Business Owners—just to name two.

Mr. President, it is time we give ADR a chance. Because it does not require the lengthy and time consuming procedures of going to court or the Board of Contract Appeals, ADR itself may help to streamline Government activity in the contract disputes area, as well as provide a more palatable option for small business. And streamlining, after all, is the purpose of this legislation.

Mr. GLENN addressed the Chair.
The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, we negotiated on this quite a while today here. It is a compromise.

I appreciate the distinguished Senator from Minnesota being willing to work this out. It has been worked out and we are glad to accept it on this side of the aisle, and I believe it has been accepted on the other side. We are prepared for a vote, if the Senator is ready to do so.

Mr. WELLSTONE. I am ready to vote. I thank my colleagues.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1762) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1763

(Purpose: To continue to permit a small business winning a bid protest before the GAO or the GSA Board of Contract Appeals to be reimbursed for reasonable amounts incurred for the fees of attorneys and any consultants or expert witnesses used)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. BUMPERS, proposes an amendment numbered 1763.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 383, line 15, insert "(other than a small business concern (within the meaning of section 3(a) of the Small Business Act))" after "No Party".

On page 393, line 24, insert "(other than a small business concern (within the meaning of section 3(a) of the Small Business Act))" after "no party".

Mr. WELLSTONE. Mr. President, this particular case, to summarize this amendment—and we have had a whole day of fairly intense negotiations and I send this amendment to the desk on behalf of myself and Senator BUMPERS—let me just summarize.

The purpose of the amendment really describes the amendment. It is:

To continue to permit a small business winning a bid protest before the GAO or the GSA Board of Contract Appeals to be reimbursed for reasonable amounts incurred for fees of attorneys and any consultants or expert witnesses used.

Mr. President, the initial language had a cap, and my concern was about small businesses do not have in-house counsel and whether or not vis-a-vis the procurement and appeals process this would work out well for them.

I think now this amendment is acceptable to the managers of the bill. I thank them for their cooperation throughout the day of negotiation.

Mr. GLENN. 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. BUMPERS. 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. WELLSTONE. Mr. President, the purpose of this amendment is to allow small business concerns, as defined by the Small Business Act, which win bid protests before the U.S. General Accounting Office or the GSA Board of Contract Appeals to be reimbursed by the Government for reasonable attorneys' and expert witness fees.

Provisions in S. 1587 place limits on the amount of attorneys' fees and expert witness fees small business owners can recoup upon winning a successful bid protest. The bill would limit the amount of fees bid protesters could recoup to \$75 per hour.

Many large corporations have in-house counsels or the resources to engage in their company's bid protests, and therefore would not be hampered by a \$75 per hour reimbursement limitation.

For small business—plainly speaking, a limitation on this hourly reimbursable rate would have a chilling effect

on small business' ability to engage in bid protests. Since most small businesses do not have attorneys or experts on staff, small businesses would be required to retain outside counsel for this purpose, and in order for most to afford to do this, they'd have to find an attorney or expert who charged \$75 per hour.

Therefore, if this limitation is put in place, meaningful and successful bid protests by small businesses would probably become illusory. Small businesses probably could not afford to pay for attorneys and experts that specialize in the procurement field, and they probably could not challenge what they feel are bid decisions possibly contrary to law or regulation without placing an extreme financial burden on their business.

In essence, with a cap on the reimbursement of attorney and expert fees, we are asking small business, the sector which would be most affected by this limitation, to unreasonably foot the bill to ensure the Government engages in good procurement practice.

One thing I would like to emphasize is that small businesses will only be entitled to this reimbursement if they win. We are not asking for blanket coverage for any action a potential contractor wants to take—only if the claimant wins. Preserving the current law and not allowing this bill to extend the reimbursement limit to small business merely maintains the status quo for small business. It does not foster frivolous claims, it does not foster frivolous lawsuits.

It does mean rewarding meritorious challenges by small business on the procurement system when those challenges have a right to be heard. If a winning claim means that procurement law and policy will be ensured, then these small business bid protesters should be compensated for their time and efforts by helping to preserve the public's trust in how the procurement process works.

This is really a small, yet extremely important and vital element, to preserve for small business, which must already overcome a myriad of obstacles in their quest to do business with the Federal Government.

This amendment is supported by the Small Business Working Group on Procurement Reform, which I understand has specifically asked each Senator by letter for relief in this area.

The Small Business Working Group is comprised of many other representative groups, among them the Minority Business Enterprise Legal Defense and Education Fund, the National Association of Women Business Owners, The National Association of Minority Contractors, and the National Center for American Indian Enterprise Development, just to name a few. I think it is time we stand by small business, and respond to their request for relief in this area.

Mr. BUMPERS. Mr. President, so that all of our colleagues will understand, I would like to say, I consider this a very important amendment. It deals with providing attorney fees to people who feel that they have been wronged in the contract award process. If you are a bidder on a Government contract and feel you have been wronged, you can file a protest and the GAO will consider the protest and determine whether or not, in their opinion, you were wronged.

If the GAO says you have not been wronged, normally that is the end of it. But if either the GAO, or the GSA Board of Contract Appeals, the other bid protest forum says that you have been wronged, under existing law, you are entitled to reasonable attorney fees.

Mr. President, for the past several years, we have had an average of about 3,000 protests per year, of which roughly 100 have been successful. So you can see there is no great incentive, even with reasonable attorney fees, under existing law for somebody to protest, because if you only have a 100 out of 3,000 chance, or roughly 3 percent chance, of succeeding, you are not going to protest without good cause.

What this bill does, for some very strange reason which I do not fathom, it limits the attorney fees to be paid to the 1980 equal access to justice statute with its \$75 an hour cap. That would be the most anybody who wins a protest could collect.

In 1980, \$75 an hour might have been a fairly reasonable attorney fee. I do not know. Lord knows, this country lawyer never made \$75 an hour in his life.

But today, everybody in this town has their own lawyer. And I see these stories where the President could conceivably be out \$10,000 a day on attorney fees.

Now, I feel strongly about removing that \$75 cap and continuing to say these people are entitled to reasonable attorney fees because: No. 1, \$75 is an obsolete figure; No. 2, I do not want a small business person who is genuinely wronged and is advised that he has been wronged to feel that he ought not to do anything about it because he cannot afford the attorney fees.

Strangely enough, if you protest to the GSA Board of Contract Appeals and you lose, and you still feel strongly about it, and you go to Federal court. If you win in Federal court, you get no attorney fees for the cost of the appeal.

This provision of the bill or the amendment does not address that. It is a tragedy that the bill does not, because you ought to get your attorney fees from the very beginning if you win in Federal court as part of this protest process.

Mr. President, I remember one time I had a contract appeals case. Because the Administrative Procedure Act said

that my client had slept on his rights, that was before he hired me, you understand, I had to go to the Court of Claims, and I had to get a special bill passed in Congress to authorize me to do that. It took 7 long years and a 1-week trial to get an \$80,000 judgment. I figured my fee at about \$1.50 an hour. But I did not get that fee from the Federal Government. I got it from my client. The Federal Government bankrupted my client. The Court of Claims so held and gave him \$80,000. I like to never have gotten my money, got no interest, got no attorney fees, nothing.

Now, Mr. President, this is an increasingly pressing problem that this Congress is going to have to deal with, attorney fees for people that the Government wrongs. It is patently unfair to have the U.S. Government arrayed against some small business person who cannot afford that kind of odds.

Mr. President, we used to tell a story in Arkansas about old Clem Callahan. He was making moonshine up in the Ozark Mountains, and the Feds came up and arrested him, brought him into Little Rock and arraigned him. Finally, they got around to trial and they hauled old Clem into Federal court, and the bailiff announced the case, United States versus Callahan. Old Clem turned to his lawyer and says, "Them don't sound like very fair odds to me."

Well, when you have the whole Federal Government arrayed against you, those are not very fair odds. And so what the amendment of the Senator from Minnesota does is to simply level the playing field a little bit.

This is not a bank breaker when you consider that only 100 protestants a year succeed. Reasonable attorney fees in that many cases is providing a modest amount of justice, that will not be available to small business people in the future, if we do not adopt the amendment of the Senator from Minnesota. I wish to thank my friend for the work he has done on it. I understood the amendment is going to be accepted.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that request be withheld.

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

Mr. BUMPERS. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Both Senator BUMPERS and I have spoken about the amendment. I think it is acceptable now to my colleagues.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

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

The PRESIDING OFFICER [Mr. CAMPBELL]. Without objection, it is so ordered.

Mr. GLENN. Mr. President, the pending business I believe is the amendment proposed by Senator WELLSTONE. Is that correct?

The PRESIDING OFFICER. The Wellstone amendment to the committee substitute is pending.

Mr. GLENN. We are prepared to accept that amendment. I believe Senator ROTH is also prepared to accept it.

Mr. ROTH. That is correct.

Mr. WELLSTONE. Mr. President, I thank my colleagues and just remind them that it is the Wellstone-Bumpers amendment. I want to include Senator BUMPERS.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 1763) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1764

(Purpose: To provide for the rationalization of definitions in Federal law regarding certain small business concerns)

Mr. ROTH. Mr. President, on behalf of the junior Senator from Texas, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for Mrs. HUTCHISON, proposes an amendment numbered 1764.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 518 between lines 13 and 14, insert the following:

SEC. 4105. DEVELOPMENT OF DEFINITIONS REGARDING CERTAIN SMALL BUSINESS CONCERNS.

(a) REVIEW REQUIRED.—

(1) DEFINITIONS TO BE IDENTIFIED.—The Administrator for Federal Procurement Policy shall conduct a comprehensive review of Federal laws, as in effect on November 1, 1994, to identify and catalogue all of the provisions in such laws that define (or describe for definitional purposes) the small business concerns set forth in paragraph (2) for pur-

poses of authorizing the participation of such small business concerns as prime contractors or subcontractors in—

(A) contracts awarded directly by the Federal Government or subcontracts awarded under such contracts; or

(B) contracts and subcontracts funded, in whole or in part, by Federal financial assistance under grants, cooperative agreements, or other forms of Federal assistance.

(2) COVERED SMALL BUSINESS CONCERNS.—The small business concerns referred to in paragraph (1) are as follows:

(A) Small business concerns owned and controlled by socially and economically disadvantaged individuals.

(B) Minority-owned small business concerns.

(C) Small business concerns owned and controlled by women.

(D) Woman-owned small business concerns.

(b) MATTERS TO BE DEVELOPED.—On the basis of the results of the review carried out under subsection (a), the Administrator for Federal Procurement Policy shall develop—

(1) uniform definitions for the small business concerns referred to in subsection (a)(2);

(2) uniform agency certification standards and procedures for—

(A) determinations of whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) under an applicable standard for purposes contracts and subcontracts referred to in subsection (a)(1); and

(B) reciprocal recognition by an agency of a decision of another agency regarding whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) for such purposes; and

(3) such other related recommendations as the Administrator determines appropriate consistent with the review results.

(c) PROCEDURES AND SCHEDULE.—

(1) PARTICIPATION BY CERTAIN INTERESTED PARTIES.—The Administrator for Federal Procurement Policy shall provide for the participation in the review and activities under subsections (a) and (b) by representatives of—

(A) the Small Business Administration (including the Office of the Chief Counsel for Advocacy);

(B) the Minority Business Development Agency of the Department of Commerce;

(C) the Department of Transportation;

(D) the Environmental Protection Agency; and

(E) such other executive departments and agencies as the Administrator considers appropriate.

(2) CONSULTATION WITH CERTAIN INTERESTED PARTIES.—In carrying out subsections (a) and (b), the Administrator shall consult with representatives of organizations representing—

(A) minority-owned business enterprises;

(B) women-owned business enterprises; and

(C) other organizations that the Administrator considers appropriate.

(3) SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register a notice which—

(A) lists the provisions of law identified in the review carried out under subsection (a);

(B) describes the matters to be developed on the basis of the results of the review pursuant to subsection (b);

(C) solicits public comment regarding the matters described in the notice pursuant to subparagraphs (A) and (B) for a period of not less than 60 days; and

(D) addresses such other matters as the Administrator considers appropriate to ensure

the comprehensiveness of the review and activities under subsections (a) and (b).

(d) REPORT.—Not later than May 1, 1995, the Administrator for Federal Procurement Policy shall submit to the Committees on Small Business of the Senate and the House of Representatives a report on the results of the review carried out under subsection (a) and the actions taken under subsection (b). The report shall include a discussion of the results of the review, a description of the consultations conducted and public comments received, and the Administrator's recommendations with regard to the matters identified under subsection (b).

Mr. ROTH. Mr. President, this amendment is to provide a study to be made of the rationalization of definitions in Federal law regarding certain small business concerns.

It is my understanding that this amendment is satisfactory to the majority side.

Mr. GLENN. That is correct. We are willing to accept it on this side.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1764) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. My colleague, Senator MIKULSKI, and I appreciate the chairman of the Governmental Affairs Committee indulging us in this colloquy. We are concerned that section 6501 of the procurement reform bill would preclude former FFRDC's that conduct analyses for the Federal Government from continuing to perform these evaluations.

As the chairman knows, the special relationship between FFRDC and the Government was recognized. We would urge similar recognition for those former FFRDC's that continue to perform analyses of Government procurements. We understand it is the Chairman's intention to address this issue in conference. Is this correct?

Mr. GLENN. Yes, the Senator from Maryland is correct. It is my intention to address this issue in conference.

Ms. MIKULSKI. I am pleased to hear my colleague from Ohio say that. This is a very important issue for these few and unique institutions that, while not FFRDC's, continue to have a special relationship with the Government. We want to preserve that relationship.

Mr. LIEBERMAN. Will the Senator yield? Section 4012 of this bill establishes a small business reservation for contracts under the new simplified acquisition threshold of \$100,000. It is my understanding that, in effect this amendment merely updates section 15(j) of the Small Business Act to reflect the new threshold.

Mr. GLENN. The Senator is correct. Contracts for the procurement of goods and services with an anticipated value under the new simplified acquisition threshold, rather than the current \$25,000 small purchase threshold, will be reserved exclusively for eligible small business concerns, excepting contracts for purchases under \$2500.

Mr. ROTH. Will the Senator yield? It is my understanding that the GSA's Multiple Award Schedule program will continue to be available to Federal agencies without change, as they are today, to acquire goods and services at fair and reasonable prices that meet the government's needs.

Mr. GLENN. The Senator is correct. The purpose of this provision is to streamline the process of making small purchases, while also increasing government contracting opportunities for small business and small disadvantaged business concerns. The increase in the threshold to \$100,000 and the use of simplified acquisition procedures will accomplish both goals.

Mr. LIEBERMAN. I thank the Senators for the clarification and for their leadership on this important matter. We commend them all for the diligence they have demonstrated in pursuing this much-needed legislation.

Mr. COVERDELL. I rise today to express my appreciation to Senators GLENN and ROTH for their willingness to enter into this colloquy on what I believe is a critical issue facing American business. Form their positions as chairman and ranking member of the Government Affairs Committee, they know full well the complex relationship between the Federal Government and the private sector. The bill before the Senate today, S. 1587, addresses the complex and overlapping requirements that have made procurement from the Federal Government a hassle for many businesses. But just as mountains of Government-mandated paperwork is a disincentive for businesses to contract with the Government, so it is a detriment to businesses productivity.

The problem of Government-mandated paperwork has grown so large difficult to know where to begin to get relief. What I have tried to do is isolate specific examples of this activity and eliminate them. I recently introduced legislation to address such activity by the Department of Commerce. The Bureau of Census requires businesses, large and small, to provide detailed, quarterly financial information on their financial activities for 2 years. It's called the Quarterly Financial Report Program, and participation is mandatory if a business is unfortunate enough to be selected. Last year, the Office of Management and Budget estimated that over 189,000 hours were spent by businesses filling out forms associated with this program, at a cost of millions of dollars.

Moreover, the Department of Commerce compiles the data, issues a re-

port, and sells the information it has compiled from businesses to outside users. Certainly, I do not doubt the utility of much of this information. However, I don't believe it is fair for the Government to compel information from the private sector—without compensation for the considerable time and resources devoted to its completion—and then sell it to outside users. That is why I offered an amendment to make the completion of these forms voluntary, or to have the Secretary of Commerce issue fair and reasonable compensation for the considerable time and effort it takes to comply with this federal mandate.

After consulting with the managers of this bill, I understand their concerns that legislation dealing with procurement reform may not be the most appropriate place to offer this amendment. Nonetheless, I believe this is an issue of critical importance to the relationship between the private sector and the Federal Government, and hope that future, more appropriate vehicles will be available to address this issue.

Mr. ROTH. I thank my colleague for bringing this matter to the attention of the Senate. I too am seriously concerned at the volume and burden of Government regulation that is strangling the productivity of American businesses. While I do not believe this amendment is appropriate for the measure before the Senate today, it is my understanding that the appropriate measure, The Paperwork Reduction Act, will be marked-up in the Government Affairs Committee next week. Hopefully this measure will then be brought to the Senate floor in the near future. I look forward to working with the Senator from Georgia on this issue at that time.

Mr. GLENN. I associate myself with the comments from the ranking member of the Government Affairs Committee. As the chairman of that committee, I can assure the Senator that the issue of paperwork reduction is a high priority, and that my committee will mark up legislation on the matter next week. Since the purpose of that legislation is to lessen the burden of federally mandated paperwork, I look forward to working with the Senator from Georgia at that time.

Mr. COVERDELL. I thank the Senators from Ohio and Delaware for their comments, and commend them for the work they have done on this bill. I appreciate their interest in the issue of paperwork reduction, and look forward to addressing this issue on the paperwork reduction legislation.

Mr. PRESSLER. Mr. President, I wish to make several comments concerning S. 1587, the Federal Acquisition Streamlining Act of 1994. As the ranking member of the Small Business Committee, I will focus on those aspects important to the small business community.

The process that has brought us here today has not been an easy one. It took the Members and staff of three Senate committees more than 1½ years to write the bill. That effort came after 2 years of work by the Advisory Panel on Streamlining and Codifying Acquisition Laws. Otherwise known as the section 800 panel, this group of Government and private sector procurement experts was created by the National Defense Authorization Act of 1991.

Mr. President, this bill is important. I applaud the efforts of all involved. I wish I could stand here today in full support of the legislation. I cannot. Simply put, the bill could do much more for small business. I have worked to improve numerous provisions with which the small business community is concerned. Some progress has been made. I wish we had been able to accomplish more. However, the other body is working on companion legislation and is expected to consider a similar bill soon. It is my hope that many of the shortcomings in this legislation will be addressed as the process continues.

This measure is designed as a procurement simplification or streamlining bill. This is an admirable goal. However, streamlining the Government's procurement policies must not merely make purchasing easier for the Government. We also must ensure that opportunities for businesses—especially small businesses—to sell to their Government are enhanced, not diminished. I am certain this is a goal shared by most of my colleagues. Unfortunately, until quite recently, little was being done to address the issue in this legislation. Indeed, as this bill was being written, the small business community was quite concerned that its concerns would essentially be bypassed in the name of streamlining and flexibility.

For instance, the authors of this bill included a provision granting broad statutory authority for the Government to waive any laws relating to Government procurement as such laws apply to subcontractors of a contractor furnishing a commercial item or any subcontractor furnishing a commercial component. A likely use of such a waiver would be the subcontracting requirements of section 8(d) of the Small Business Act. Section 8(d) ensures that contractors make use of small business concerns in their lower tier subcontracting and supply plans. A broad waiver could prevent small businesses owned and controlled by socially and economically disadvantaged individuals from participating as subcontractors.

I understand an amendment may be offered to limit the waiver authority only to subcontracting requirements regarding commercial products. This is an improvement over the bill as introduced. However, I am concerned that

the definition of commercial products is so broad that it could include some commercial services.

I also understand that under the amendment, small business and minority business utilization plans would be made a source selection criterion before contracts are let, rather than a postcontract requirement, as under current law. I fully support such a change. It could mean the strength of prime contractors' small business utilization plans may, in effect, determine who wins bidding wars among contractors. Such a focus would promote efficiency by encouraging healthy, free market competition.

Another serious problem with S. 1587 concerns new procedures for commercial item acquisition conducted through the governmentwide Federal Acquisition Regulation. Specifically, the bill provides no constraints on how the regulations would define market acceptance criteria. As written, it allows regulators to give contracting officers the authority to base market acceptance upon the volume of previous market sales. The effect could be a market acceptance level so high as to exclude small businesses—businesses with fully commercial products, but limited markets—from the process.

Here again, it is my understanding the managers may offer an amendment designed to address this concern. However, in draft form, the volume of sales issue was not directly addressed. Unless specific statutory standards can be developed, the potential for abuse will remain. I share the fear of the small business community that regulators may base their definition largely upon volume of sales, rather than a business's ability to supply the desired goods or services. In short, the legislation in its current form provides regulators too little guidance in defining market acceptability.

Mr. President, a number of items in this bill are positive for small business. Yet even in many of these sections, problems remain. One such provision concerns the small business small purchase reserve. Under the Small Business Act, a contract in an amount below what is known as the small purchase threshold is reserved for exclusive competition among small businesses, unless the contracting officer is unable to obtain offers from two or more small businesses that can furnish the product or service at a fair market price. Currently, the threshold is \$25,000. Under this legislation, the threshold would be renamed the simplified acquisition threshold and raised to \$100,000. This is a much needed reform of current law.

Unfortunately, this section also includes what I consider a rather odd, unwise and somewhat risky provision. It excludes all purchases below \$2,500 from the small business small purchase reserve and labels them micro pur-

chases. Evidently, this was done in order to facilitate a provision the administration deems essential in simplifying Federal procurement—namely that Government officials are to be issued Government credit cards that could be used for small purchases of office equipment, supplies, and other items. Micro purchases would not be regulated. In other words, purchasers could choose larger stores rather than small businesses and disregard business location or cost of the product or service. Thus, while this measure will expedite purchasing practices, it does not guarantee agencies will save money. In addition, for most small businesses, purchases of \$2,500 are not considered small or micro. I cannot help but think that Main Street small businesses may suffer for the convenience of Federal bureaucrats.

I am encouraged by the attention paid by the bill to electronic commerce. Electronic commerce would allow Federal agencies to use computers to publicize available contracts to businesses. Small business owners in my home State of South Dakota already are able to take advantage of a similar system. The South Dakota Procurement Technical Assistance Center acts as a computerized clearinghouse of procurement opportunities for small businessowners in South Dakota. I think it is very important for the Government to use technological advances to improve communication with the citizenry.

One concern I have with respect to electronic commerce, however, is that sufficient response times are provided. As I understand it, the managers' amendment would allow regulators to establish the time available for an offeror to submit a response to a solicitation made by electronic commerce. The bill gives the regulators no guidelines to follow. I share the small business community's concern that, as the procurement process is expedited through electronic commerce, sufficient response times may not be provided.

The legislation also recognizes the bigger picture in the streamlining process for all businesses wishing to do business with the Federal Government. S. 1587 encourages the Government to purchase more commercial or off the shelf products—a congressional goal since the Competition in Contracting Act of 1984 was enacted. The bill would advance the open and fair procurement procedures of the Competition in Contracting Act by requiring clearer enunciation of so-called nonprice evaluation factors. These factors are being used increasingly by various agencies as they make use of best value procurement. However, many businesses charge they have been used to make unacceptably subjective award decisions. This measure should help to correct that problem by more clearly de-

fining what may be considered as nonprice evaluation factors.

In addition, the legislation seeks to establish uniformity in Federal contracting by placing provisions applicable to the Department of Defense on par with provisions governing civilian Government agencies. This is designed to create a common statutory base that would allow the Federal Acquisition Regulation to provide a unified structure to the contractor community. Hopefully, unity will translate into relative simplicity.

Mr. President, there are other items of concern to the small business community that I will not take the time to elaborate upon at this time. A number of them, I believe, have been satisfactorily resolved. Others remain, but I am hopeful they can be worked out as this process continues.

In the end, many of these issues can be boiled down to one basic, yet important, question: Can we trust the Federal bureaucracy to set procurement regulations that will be fair and friendly to small businesses? I believe the answer is, "No." Unfortunately, history provides the proof. Current law, while overly complicated, also contains a system of checks and balances—a structure put in place over many years—to encourage competition in Federal procurement and to provide opportunities for small, minority, and women-owned firms. Some of these safeguards now are viewed by some as roadblocks to reform. They do not have to be.

I am not implying Federal agencies will fail to act in what they may think is in the best interest of the procurement process. Nor do I mean to cause Federal agencies undue burden to assure small business participation. I simply believe Congress must set comprehensive and reasonable guidelines for Federal agencies to follow. These guidelines can and should achieve the dual goals of ensuring the Federal Government is operating efficiently and that our Nation's small businesses are able to sell their goods and services to their Government.

I believe strongly in the spirit of this bill. The current process is unnecessarily cumbersome. I think the managers realize the importance of including our Nation's top job creators—small businesses—in the Federal procurement process. I thank them for their efforts and pledge my assistance in this reform effort. I also thank all of the staff who have worked so long and so diligently on this issue. In particular, I want to thank Bill Montalto, procurement counsel to the Small Business Committee, for his significant and tireless efforts. I hope the concerns I have raised today will be addressed as the process continues. I will follow this bill's progress with great interest.

IN SUPPORT OF INCREASING THE SMALL
PURCHASE THRESHOLD

Mr. HATFIELD. Mr. President, I rise in support of one of the key provisions of the Federal Acquisition Streamlining Act. This bill, S. 1587, would increase the threshold for small Government purchases from \$25,000 to \$100,000. This increase is important for the successful implementation of a watershed restoration and enhancement program enacted by the Congress last year for the Pacific Northwest.

The watershed enhancement program has, as a central component, provisions designed to hire workers from timber-dependent communities to restore streams and habitat in the Northwest. This program achieves two important objectives. First, the jobs provide a transition for displaced timber workers that makes every effort to keep these rural communities intact. Second, this restoration is vital to the preservation of key salmon habitat, which, in turn, will contribute to regional efforts to recover endangered wild salmon stocks.

Without the increase in the acquisition threshold, the Forest Service and Department of the Interior will have to bid these important projects nationally. In other words, one of the central purposes of this new program—helping displaced workers—could not be achieved.

I am certain that all of my colleagues have experienced similar difficulties in their States. I believe this change will not only make the Federal Government more efficient, but it will also improve the ability of the Federal Government to achieve the objectives of their programs.

I commend the Government Affairs and Armed Services Committee for including an increase in the small purchase threshold in this bill, and I urge my colleague to support this change.

REMOVING THE SHACKLES

Mr. DODD. Mr. President, I rise in strong support of the Federal Acquisition Streamlining Act of 1994. The changes proposed by this legislation will lift the burden of needless and cumbersome regulations from the backs of thousands of small businesses now contracting with the Federal Government.

Perhaps the most promising change will occur in the day-to-day management of smaller Government contracts. Of the estimated \$450 billion in annual Federal contracts, 16 percent or \$72 billion is for contracts with values of less than \$100,000. Yet, the manpower required to maintain and process those contracts now account for 95 percent of the total Federal contracting paperwork backlog. What is even more amazing is the estimated overall cost of some of those contracts. Over the life of some of these smaller contracts, the required manpower costs for oversight and administration often ap-

proaches or exceeds the initial value of the contract. That is ludicrous bureaucratic waste at its very worst.

However, this legislation would change that trend and break the shackles of burdensome bureaucracy. This bill would allow many of the small- and medium-sized companies that typically hold contracts with values of less than \$100,000 to be paid more quickly. This concept of fast pay operations is already in place for contracts below \$25,000 and has been enormously successful. This bill would simply raise the threshold for fast-pay contracts from \$25,000 to \$100,000, encompassing the lion's share of daily Federal contract work. This single change will relieve thousands of companies and Federal contractors from the volumes of regulation and oversight that currently choke our Federal acquisition system. That is particularly good news for States with high concentrations of enterprises bidding on Federal contracts.

My home State of Connecticut ranks 11th in the Nation in Federal contract spending. More than \$3 billion in Federal contracts were signed in Connecticut in 1993. Much of that money comes from the Department of Defense, the agency most likely to see the greatest relief from this legislation. That is good news to the hundreds of small Connecticut companies that continue to provide more than \$334 million annually in high quality products and services for our national defense.

Less waste, more service and greater productivity: That is the hallmark of the Federal Acquisition Streamlining Act of 1994. I strongly urge my colleagues to support this legislation.

AMENDMENT NO. 1751

Mr. HATCH. Mr. President, yesterday, the Senate adopted an amendment developed by Senator FORD and myself to clarify once and for all that Federal funds cannot be used by grantees or subgrantees to promote specific agendas at the State or local levels.

Mr. President, I heartily agree with this prohibition. I do not believe that one Member of this body believes that the role of the Federal Government is to use taxpayer money to lobby other government bodies. This is not the correct use of taxpayer money. Mr. President, this is especially important in the current fiscal environment. The expenditure of scarce Federal resources should actively contribute to programs that will help United States citizens, not go to passive lobbying efforts to affect policy changes in State and local bodies with which citizens may not agree.

Mr. President, the bill before us today would codify most of the current Federal Acquisition Regulations used by Federal agencies today. The regulation I am concerned with in this amendment is the prohibition against lobbying Federal and State legisla-

This amendment would go one step further than the underlying bill. It would prohibit lobbying at not only the Federal and State levels, but would extend the prohibition to local legislative bodies as well. Federal money should go into Federal programs, not to lobbying for a policy change in local communities.

I strongly believe that this amendment will strengthen the underlying bill and thank the distinguished Senators from Ohio, Delaware, Georgia, and South Carolina for accepting this provision.

AMENDMENT NO. 1756, AS MODIFIED

Mr. LAUTENBERG. Mr. President, today I rise to join my colleague from the State of Illinois in introducing legislation that would create a Federal Government-wide goal of 5 percent for the combined value of prime contracts and subcontracts awarded by the Federal Government to small business concerns owned and controlled by women.

There currently exists a patchwork of laws which have goals for economically and socially disadvantaged individuals or enterprises—and although women are presumed to be economically and/or socially disadvantaged, too few women are receiving these awards. Given that roughly 35 percent of today's businesses are owned and controlled by women and that by the end of the decade it is estimated that this figure will increase to 50 percent, it is appalling that a mere 1.8 percent of the \$180 billion in Federal prime contracts go to women-owned businesses.

The argument that women just aren't involved in industries competing for Federal contracts can and should no longer be made. Women-owned businesses are found in all industry sectors and employ more workers than the Fortune 500 companies do worldwide. With receipts estimated to be 1 trillion by 1995, women-owned businesses are qualified for Federal prime contracts and subcontracts.

This amendment would not establish a set-aside program for women; it is a simple incentive that underscores the importance that should be attributed to the contributions made by the women's business sector. Furthermore, this amendment would not impinge upon the existing goals that have been established for economically and socially disadvantaged firms.

Finally, I am pleased that the administration has given its support to this long overdue goal and I thank Senators MOSELEY-BRAUN, KERRY, and WELLSTONE for recognizing the importance of a separate goal for women-owned and controlled businesses. I am hopeful that our colleagues will likewise see the wisdom in this amendment.

The PRESIDING OFFICER. Are there further amendments to be proposed?

Without objection, the committee substitute, as amended, is agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the committee substitute, as amended, was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

(The text of S. 1587, as amended, as passed, will appear in a future edition of the RECORD.)

Mr. GLENN. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. GLENN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

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

ALLOCATION OF FISCAL YEAR 1995 SPENDING AUTHORITY TO THE SUBCOMMITTEES OF THE COMMITTEE ON ARMED SERVICES

Mr. NUNN. Mr. President, under section 602(a) of the Congressional Budget Act, the statement of managers accompanying a conference report on a concurrent budget resolution includes an allocation of budget totals among the committees of the Senate and the House of Representatives that have jurisdiction over spending authority. The 602(a) allocation of the fiscal year 1995 budget totals among the Senate committees was printed in the conference report on the concurrent resolution on the budget for fiscal year 1995.

Section 602(b) of the Congressional Budget Act requires committees to allocate such spending authority among either subcommittees or programs within their jurisdiction and to report these allocations to the Senate.

The Committee on Armed Services submits the following report allocating its direct spending authority among the subcommittees in compliance with section 602(b) of the Congressional Budget Act. I ask unanimous consent that the report be included in the RECORD at this point.

The report is as follows:

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

REPORT OF THE COMMITTEE ON ARMED SERVICES, PURSUANT TO SECTION 602(b) OF THE CONGRESSIONAL BUDGET ACT OF 1974

Mr. Nunn, from the Committee on Armed Services, submitted the following report:

The Committee on Armed Services, which was allocated certain budget authority and outlays by the managers of the conference on the House Concurrent Resolution 218, reports the division of such allocations among subcommittees of the Committee for fiscal year 1995.

BACKGROUND

Under section 602(a) of the Congressional Budget Act, the statement of managers accompanying a conference report on a concurrent budget resolution includes an allocation of budget totals among the committees of the Senate and House of Representatives that have jurisdiction over spending authority.

Section 602(b) of the Act requires the committees to allocate such spending authority among either subcommittees or the programs over which they have jurisdiction and to report these allocations to the Senate.

ALLOCATION RECEIVED BY THE COMMITTEE

The direct spending authority allocation received by the Committee on Armed Services was made to this committee of original and complete jurisdiction for the federal programs and activities assumed in the allocation.

The Committee on Armed Services received the following allocation for fiscal year 1995:

Fiscal Year 1995

Direct spending authority:

	Millions
Budget Authority	\$40,588
Outlays	40,574

ALLOCATIONS MADE BY THE COMMITTEE

The Committee has made its allocations among the several subcommittees as shown in the following table. Budget authority and outlay figures are CBO baseline estimates incorporated in the budget resolution.

The total amount of funds allocated in this report is equal to the allocations made to this Committee in H. Con. Res. 218, the Concurrent Resolution on the Budget for Fiscal Year 1995.

Fiscal Year 1995

Subcommittee on Force Requirements and Personnel:

	Millions
Budget Authority	\$40,394
Outlays	40,364

Subcommittee on Military Readiness and Defense Infrastructure:

Budget Authority	194
Outlays	210

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.)

CERTIFICATION OF THE FREE AND FAIR ELECTION OF AN INTERIM GOVERNMENT IN SOUTH AFRICA—MESSAGE FROM THE PRESIDENT—PM 121

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to sections 4(a)(2) and 5(b)(1) of the South African Democratic Transition Support Act of 1993 (Public Law 103-149; 22 U.S.C. 5001 note), I hereby certify that an interim government, elected on a nonracial basis through free and fair elections, has taken office in South Africa.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 8, 1994.

REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT—PM 122

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 8, 1994.

REVISED DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 123

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with an accompanying report; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on Budget, and the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report two revised deferrals of budget authority, now totaling \$555.2 million.

The deferrals affect the Department of Agriculture. The details of the two revised deferrals are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 8, 1994.

MESSAGES FROM THE HOUSE

At 2:54 p.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 bill, in which it requests the concurrence of the Senate:

H.R. 4426. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4426. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; to the Committee on Appropriations.

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-2752. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to a deferral of budget authority; pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on Budget, the Committee on Finance.

EC-2753. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to recover costs of standardization activities; to the Committee on Agriculture, Nutrition and Forestry.

EC-2754. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act, case number 92-04; to the Committee on Appropriations.

EC-2755. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act, case number 91-08; to the Committee on Appropriations.

EC-2756. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to clean coal technology export markets and financing mechanisms; to the Committee on Appropriations.

EC-2757. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Space Launch Modernization Plan; to the Committee on Armed Services.

EC-2758. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the capability of the Army to carry out two major regional conflicts nearly simultaneously; to the Committee on Armed Services.

EC-2759. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the donation of pieces of the superstructure of the USS *Arizona* to various veteran groups; to the Committee on Armed Services.

EC-2760. A communication from the Director of the Department of Defense Ballistic Missile Defense Organization, transmitting, pursuant to law, a report relative to a Presidential Determination with respect to the

coordination of U.S. Theater Missile Defense programs with those of our allies; to the Committee on Armed Services.

EC-2761. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report relative to the evaluation of the Uniformed Services Treatment Facilities; to the Committee on Armed Services.

EC-2762. A communication from the Principal Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to contracts awarded to companies in countries that provide shipbuilding subsidies; to the Committee on Armed Services.

EC-2763. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-2764. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-2765. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the implementation of the metric system; to the Committee on Commerce, Science and Transportation.

EC-2766. A communication from the Executive Director of the United States Olympic Committee, transmitting, pursuant to law, the annual report of the Committee for calendar year 1993; to the Committee on Commerce, Science and Transportation.

EC-2767. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Flight Services Station Modernization Program in the State of Alaska; to the Committee on Commerce, Science and Transportation.

EC-2768. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the certification of Trinidad and Tobago concerning shrimp harvesting technology; to the Committee on Commerce, Science and Transportation.

EC-2769. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual/quarterly report for the strategic petroleum reserve for calendar year 1993; to the Committee on Energy and Natural Resources.

EC-2770. A communication from the Assistant Secretary of the Interior (Territorial and International Affairs), transmitting, a draft of proposed legislation to authorize the appropriation of funds for construction projects under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2771. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to hydroelectric licensing in Hawaii; to the Committee on Energy and Natural Resources.

EC-2772. A communication from the Chairwoman of the Mid-Dakota Rural Water System, transmitting, pursuant to law, the System's final engineering report dated January 1994; to the Committee on Energy and Natural Resources.

EC-2773. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Costs and Benefits of Industrial Reporting and Voluntary Targets for Energy Efficiency"; to the Committee on Energy and Natural Resources.

EC-2774. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to damaged and threatened national natural landmarks; to the Committee on Energy and Natural Resources.

EC-2775. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to the Bumping Lake Dam, Yakima Project, Washington; to the Committee on Energy and Natural Resources.

EC-2776. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a report relative to fossil forest research; to the Committee on Energy and Natural Resources.

EC-2777. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Insular Area Energy Vulnerability Study; to the Committee on Energy and Natural Resources.

EC-2778. A communication from the Secretary of Energy, transmitting, pursuant to law, the 1993 program update for the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2779. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to eight final loan applications under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-2780. A communication 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; to the Committee on Energy and Natural Resources.

EC-2781. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the condition and status of university research and training reactors; to the Committee on Energy and Natural Resources.

EC-2782. A communication from the Secretary of Energy, transmitting, pursuant to law, a notice of delay in the submission of a report relative to district heating and cooling systems; to the Committee on Energy and Natural Resources.

EC-2783. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC-2784. A communication from the Secretary of Energy, transmitting, pursuant to law, a notice of delay in submission of a report relative to cost-effective technologies to improve energy efficiency; to the Committee on Energy and Natural Resources.

EC-2785. A communication from the Secretary of Energy, transmitting, pursuant to law, a notice of delay in submission of a report relative to energy efficiency ratings; to the Committee on Energy and Natural Resources.

EC-2786. A communication from the Secretary of Energy, transmitting, pursuant to law, a notice of delay in submission of a report relative to the commercial application of renewable energy and energy efficiency

technologies; to the Committee on Energy and Natural Resources.

EC-2787. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2788. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2789. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

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. RIEGLE (for himself, Mr. JEFFORDS, Mr. HATCH, Mr. STEVENS, and Mr. COCHRAN):

S. 2165. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified adoption expenses, and for other purposes; to the Committee on Finance.

By Mr. WOFFORD (for himself and Mr. WARNER):

S. 2166. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to transfer certain excess equipment to educational institutions and training schools; to the Committee on Armed Services.

By Mr. ROCKEFELLER (by request):

S. 2167. A bill to increase, effective as of December 1, 1994, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of such veterans; to the Committee on Veterans' Affairs.

By Mrs. KASSEBAUM:

S. 2168. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the distribution of samples of prescription drugs; to the Committee on Labor and Human Resources.

By Mr. CAMPBELL:

S.J. Res. 197. A joint resolution designating June 10, 1995, as "Portuguese American Friendship Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIEGLE (for himself, Mr. JEFFORDS, Mr. HATCH, Mr. STEVENS, and Mr. COCHRAN):

S. 2165. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified adoption expenses, and for other purposes; to the Committee on Finance.

FAIRNESS FOR ADOPTING FAMILIES ACT

• Mr. RIEGLE. Mr. President, today I am introducing legislation that will assist families who are adopting a child.

This bill will allow families to deduct their expenses up to a maximum of \$5,000 for domestic adoptions and \$7,000 in the case of an international adoption.

This legislation is similar to bills that have been introduced in both the House and the Senate in recent years. In the 103d Congress, Representative ANDY JACOBS has introduced in the House a bill to provide the same assistance. In past sessions Senator HATCH has introduced this legislation and is cosponsoring this legislation along with Senator JEFFORDS.

This measure is important because of the expenses that are incurred when a family is matched up with a child in need of a home. Despite the waiting lists for adoptions, there are great numbers of children who wait every year for a good home. In some instances, these children may fit in a category of special needs and as a result qualify for financial help. But oftentimes, a child may not fit into any category as a result of rules or definitions. This tax deduction can help in these instances. In other instances, this tax change will provide for relief from associated health care costs that would have been covered if the family welcomed a child into their home as a result of a natural childbirth.

This bill is written to include provisions that will encourage employers to help with these expenses by not defining such financial assistance as income. At the same time, prohibitions are written into the Act to prevent any attempts at both receiving unreported income and also writing it off. This tax deduction will be available to all families whether or not they use the long or short tax form. Finally this tax break would be phased out beginning at an income level of \$60,000 and completely phased out at \$70,000.

Mr. President, adoption plays an important role in giving some children an opportunity to benefit from a family setting. It also allows many couples to experience the joy of raising and having a family. I hope my colleagues will join with me in supporting this important legislation and that, in turn, will help families reach their dreams. 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. 2165

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 "Fairness for Adopting Families Act".

SEC. 2. DEDUCTION FOR ADOPTION EXPENSES.

(a) DEDUCTION FOR ADOPTION EXPENSES.—
(1) IN GENERAL.—Part VII of Subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to addition itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. ADOPTION EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—

In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the taxpayer during such taxable year.

"(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The aggregate amount allowable as a deduction under subsection (a) for all taxable years with respect to the legal adoption of any single child by the taxpayer shall not exceed \$5,000 (\$7,000, in the case of an international adoption).

(2) INCOME LIMITATION.—The amount allowable as a deduction under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(A) the amount (if any) by which the taxpayer's taxable income (determined without regard to this section and section 137) exceeds \$60,000, bears to

"(B) \$10,000.

"(3) DENIAL OF DOUBLE BENEFIT.—

(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

(B) GRANTS.—No deduction shall be allowed under subsection (a) for any expenses paid from any funds received under any Federal, State, or local program.

(C) EMPLOYER PROGRAM.—No deduction shall be allowed under subsection (a) for any expenses paid by an employer which are excludable from gross income under section 137(a).

"(c) QUALIFIED ADOPTION EXPENSES.—For purposes of this section—

(1) IN GENERAL.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees (including agency fees), court costs, attorney fees, and other expenses which—

"(A) are directly related to the legal adoption of a child by the taxpayer but only if such adoption has been arranged—

"(i) by a State or local agency with responsibility under State or local law for child placement through adoption,

"(ii) by a non-profit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or

"(iii) through a private placement, and

"(B) are not incurred in violation of State or Federal law.

"(2) ADOPTION EXPENSES NOT TO INCLUDE CERTAIN AMOUNTS.—

The term 'qualified adoption expenses' shall not include any expenses in connection with—

"(A) the adoption by an individual of a child who is the child of such individual's spouse, or

"(B) travel outside the United States, unless such travel is required—

"(i) as a condition of a legal adoption by the country of the child's origin,

"(ii) to assess the health and status of the child to be adopted, or

"(iii) to escort the child to be adopted to the United States.

"(3) CHILD.—The term 'child' means an individual who at the time of adoption under this section has not attained the age of 18."

(2) CLERICAL AMENDMENT.—The table of sections for such part VII is amended by striking the item relating to section 220 and inserting the following:

"Sec. 220. Adoption expenses.
"Sec. 221. Cross reference."

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 of such Code is amended by adding after paragraph (15) the following new paragraph:

"(16) ADOPTION EXPENSES.—The deduction allowed by section 220."

(c) ADOPTION ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

"SEC. 137. ADOPTION ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The aggregate amount excludable from gross income under subsection (a) for all taxable years with respect to the legal adoption of any single child by the taxpayer shall not exceed the excess (if any) of \$5,000 (\$7,000 in the case of an international adoption).

"(2) INCOME LIMITATION.—The amount excludable from gross income under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so excludable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(A) the amount (if any) by which the taxpayer's taxable income (determined without regard to this section and section 220) exceeds \$60,000, bears to

"(B) \$10,000.

"(c) ADOPTION ASSISTANCE PROGRAM.—For purposes of this section, an adoption assistance program is a plan for an employer—

"(1) under which the employer provides employees with adoption assistance, and

"(2) which meets requirements similar to the requirements of paragraphs (2), (3), and (5) of section 127(b).

"(d) QUALIFIED ADOPTION EXPENSES.—For purposes of this section, the term 'qualified adoption expenses' has the meaning given such term by section 220(c)."

(2) CLERICAL AMENDMENT.—The table of sections for such part III is amended by striking the item relating to section 137 and inserting the following:

"Sec. 137. Adoption assistance programs.

"Sec. 138. Cross reference to other Acts."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1993.●

Mr. HATCH. Mr. President, I rise today to join Senators RIEGLE, STEVENS, COCHRAN, and JEFFORDS in introducing the Fairness for Adopting Families Act. This important bill is designed to assist American families in adopting children.

We should be grateful, Mr. President, that many prospective parents in America today form their families through adoption. Our laws should help alleviate the cost barriers associated with an adoption.

The Fairness for Adopting Families Act provides adopting families with a

desperately needed tax deduction for adoption expenses. This deduction is needed by children who are waiting to be adopted and it is needed by families who are sacrificing to finance the ever-increasing costs of adopting a child. In today's changing society, we must continue to express our support for the family unit. With the increase in teenage pregnancy, broken homes, and children born out of wedlock, adoption can provide many of these children a better chance to succeed in life. We all agree that strong families are the key to a strong America. A true pro-family policy would assist families being formed through adoption.

To many seeking to adopt a child, the costs associated with such a procedure are simply prohibitive. Prospective parents are often required to pay not only court and attorney fees but also expenses for maternity home services, hospital and physician costs, and, at times, prenatal care for the birth mother. Data provided by the National Council for Adoption show that the actual costs connected with legal adoptions can easily exceed \$15,000. Furthermore, the cost of adopting a child from another country can be even higher. It is not unheard of to pay up to \$20,000 to adopt a child.

One family in my home State of Utah illustrates the financial burden an adoption can place on a family. This family was in the process of adopting a foreign infant. All of the paperwork had been filed with the appropriate agencies when they discovered that they were required to pay a lump sum of \$13,000 within a short period of time. This was a significant amount of money for this middle-class family, and they concluded that they could not go forward with the adoption. Their insurance company would reimburse them for \$3,000 of this, but only after the adoption was finalized. Nevertheless, this heartbroken family simply could not afford to continue with the adoption and had to discontinue the proceeding. Situations like this should not have to happen. Family wealth should not be the determining factor in adopting a child. This bill recognizes the importance of the family unit by alleviating some of the cost barriers associated with adoption.

This legislation has three major features. First, it should provide a tax deduction of up to \$5,000 for domestic, unreimbursed, and legitimate adoption expenses. Similarly, a \$7,000 tax deduction is available for individuals who obtain a most costly international adoption. This deduction would be available whether the taxpayer itemizes their deductions or not. Second, the bill would exclude from an employee's gross income up to \$5,000 for domestic and \$7,000 for international adoption expenses paid by an employer. Third, it would treat any employer contribution to an adoption expense

plan as a deductible business expense. These tax deductions are specifically aimed by helping families that are prohibited from adopting because of financial reasons, so that they are gradually phased-out for families with taxable incomes above \$60,000.

This bill provides that as long as an adoption is in accordance with State and local law, the tax deduction for unreimbursed adoption expenses would be available. Each adopting family deserves our support. This is true whether the child is a healthy infant, a child with special needs, or a child from another country. We cannot arbitrarily support some children and not others. We must support all legal adoptions.

This legislation does not provide, however, a deduction for expenses for adoptions administered through illegal practices, such as through a baby broker. Many adopting parents in my own State of Utah and in other States have been defrauded by such schemes.

Two of this bill's provisions deal with the interest in adoption by many of America's employers. Corporations such as Dow Chemical, Wendy's Inc., IBM, Digital Equipment, and Honeywell, currently offer adoption benefits. This legislation will encourage more employers to establish such pro-family plans.

The bill addresses two problems now associated with employer-provided adoption benefits. The first problem is that adoption payments to employees are taxable to the employee as income. The bill excludes from an employee's income those payments. The second problem is that employers may not treat their adoption payments to employees as deductible business expenses. The bill solves this problem by clarifying that employer contributions to an adoption expense reimbursement program are ordinary and necessary business expenses.

This legislation may actually save our society money. The National Council for Adoption has shown savings in two ways. First, the bill would move thousands of children, who might otherwise have lingered in foster care, into permanent, loving homes. Second, the tax deduction encourages the shifting of medical costs to the adopting family and away from the more expensive AFDC and Medicaid programs.

Mr. President, there are thousands of children waiting to be adopted. Many are older children, children with mental or physical disabilities, sibling children who must be adopted together, or who are of minority racial or ethnic background. Generally, States classify some of these as special needs children for whom financial assistance from the Federal Government is available upon adoption. Unfortunately, the definition of special needs varies from State to State. Thus, a child who qualifies as special needs in one State may not qualify in another. The tragic result is

that some children who are difficult to place in homes do not qualify for financial adoption assistance from the Government under current law.

Mr. President, all children deserve fair treatment when administering financial assistance for adoption. Many of the families who want to adopt these children have very modest incomes and need tax breaks to help them defray the costs of providing homes to these children. Do we want to deny children our support because they are healthy and normal children?

Mr. President, I believe Congress needs to send a message to America that all children waiting for adoption are special. This bill benefits all children as well as sends the needed message.

I strongly encourage my colleagues to support this legislation. We are representatives of a society that professes a commitment to the success of the family. The Tax Code should demonstrate that commitment by allowing for the deduction of adoption expenses.

The most important resource America has is its families. We must do everything in our power to ensure their continued growth and success. Now is the time to demonstrate our pro-family values. All adoption is good, not just the adoption of children arbitrarily defined as having special needs. This legislation will greatly benefit not only children and families but society as a whole. A relatively small dollar investment in this bill will move us a long way toward strengthening the American family.

Mr. President, I ask unanimous consent that a letter from the National Council for Adoption be placed in the RECORD.

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

NATIONAL COUNCIL FOR ADOPTION,
Washington, DC, June 7, 1994.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: The National Council For Adoption supports the "Fairness for Adopting Families Act" introduced today by Senators Riegle and Hatch. We believe that Congress should eliminate the current inequities in federal law which treat families formed by adoption differently than families formed through childbirth. We applaud the persistence of Senator Hatch and his unflinching commitment to adoption as we implore all Members of Congress to pass this long overdue, non-controversial legislation, which previously passed the Senate but was not accepted by the House in Conference.

The question of fairness is raised when we compare the treatment of adoption costs to those expenses related to the conception, delivery and birth of a child—or high technology medical expenses for in-vitro conception, etc. Parents could in most cases itemize and deduct the latter costs as medical expenses. No similar relief is currently available for adoptive families. In addition, in an adoption, medical expenses related to the child's birth are not covered by the (adop-

tive) parents' health insurance, a benefit which is available to most traditionally-formed families, but are paid for out-of-pocket by adoptive families.

The costs of adoption can be very high, often prohibitively so, particularly for lower income couples who can support a child but cannot afford the average one-time costs (ranging \$5,000–\$20,000, but averaging \$9,000) for adoption of a child through a non-governmental agency.

The number of unrelated adoptions peaked in 1970, declined and for the past decade has held fairly steady at about 51,000 in 1988. Every child available for adoption is a child with a special need for a loving home. Children who are adopted do very well in life: they do well in terms of education, employability, and psychologically. Adoption produces productive citizens. Indeed, it is the wise government that subsidizes activities that will lead to a citizenry that is productive. It is the fair government that treats similarly-situated families alike.

Senator Hatch, we join you in urging your colleagues to pass the "Fairness for Adopting Families Act."

Sincerely,

WILLIAM PIERCE, PH.D.,
President.

CAROL STATUTO BEVAN,
ED.D.,
Director, Public Policy.

By Mr. WOFFORD (for himself and Mr. WARNER):

S. 2166. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to transfer certain excess equipment to educational institutions and training schools; to the Committee on Armed Services.

TOOLS FOR SCHOOLS ACT

• Mr. WOFFORD. Mr. President, the Department of Defense currently lends surplus tools to vocational schools and community colleges across the Nation. Schools across the country are using these power tools, including grinding machines, drills, and lathes to train the work force of the 21st century. But the program has been terminated—and schools are now required to return these tools to the Government at their own expense—even though the Department of Defense no longer needs these basic tools, and would probably sell them for scrap metal.

The return and replacement of these tools would cost each school thousands of dollars. For instance, the principal of the Butler Area Vocation Technical School in Butler, PA, said that his students are currently using metal working tools that they borrowed from the Department of Defense. It would cost over \$9,000 to return the tools—and over \$70,000 to replace them.

That is why today I am introducing legislation with Senator WARNER to correct this situation. The Tools for Schools Act will help schools immediately by allowing them to keep the tools they currently have on loan. This legislation will enable the Defense Logistics Agency to give surplus power tools to schools.

I am pleased to work with Senator WARNER again on an issue of concern to

youth. We worked together in creating a new version of the Civilian Conservation Corps that is now up and running, and we are again working on legislation to enable the Department of Defense to use its resources to help our young people.

Mr. President, reinventing Government must mean not only spending less but also spending more wisely. This is simple common sense legislation. This is simple, common sense legislation. The Defense Department can't use these tools. The schools can. This legislation will make this happen. In these times of tight Federal budgets and tight local budgets, we must be more creative, adaptable, and accountable in how we spend taxpayer dollars. The Tools for Schools Act would enable us to keep the tools in the schools—where they belong. It is better for the schools, better for the students, and better for the U.S. taxpayers.

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. 2166

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

SECTION 1. TRANSFER OF CERTAIN EXCESS DEPARTMENT OF DEFENSE PROPERTY TO EDUCATIONAL INSTITUTIONS AND TRAINING SCHOOLS.

(a) AUTHORITY TO TRANSFER.—Subsection (b)(1) of section 2535(b) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking out "and";

(2) by redesignating subparagraph (G) and subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) notwithstanding title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) and any other provision of law, authorize the transfer, on a nonreimbursable basis, of any such property to any nonprofit educational institution or training school whenever the program proposed by such institution or school for the use of such property will contribute materially to national defense; and"

(b) TREATMENT OF PROPERTY LOANED BEFORE SEPTEMBER 30, 1993.—Except for property determined by the Secretary to be needed by the Department of Defense, property loaned before September 30, 1993, to an educational institution or training school under section 2535(b) of title 10, United States Code, or section 4(a)(7) of the Defense Industrial Reserve Act (as in effect before October 23, 1992) shall be regarded as surplus property. Upon certification by the Secretary to the Administrator of General Services that the property is being used by the borrowing educational institution or training school for a purpose consistent with that for which the property was loaned, the Administrator may authorize the conveyance of all right, title, and interest of the United States in such property to the borrower if the borrower agrees to accept the property. The Administrator may require any additional terms and conditions in connection with a conveyance so authorized that the Administrator considers appropriate to protect the interests of the United States. •

By Mr. ROCKEFELLER (by request):

S. 2167. A bill to increase, effective as of December 1, 1994, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of such veterans; to the Committee on Veterans' Affairs.

VETERANS' BENEFITS COST-OF-LIVING ADJUSTMENT ACT OF 1994

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2167, a bill to provide a cost-of-living increase, effective December 1, 1994, in the rates of compensation for service-disabled veterans and of dependency and indemnity compensation [DIC] for the survivors of veterans who die as a result of service. The rate of increase, currently estimated to be 3 percent, would be the same as the cost-of-living adjustment [COLA] that will be provided under current law to veterans' pension and Social Security recipients. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated May 10, 1994.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

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

S. 2167

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 "Veterans' Benefits Cost-of-Living Adjustment Act of 1994".

SEC. 2. INCREASE IN RATES AND LIMITATIONS.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1994, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations provided for in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code. The increase shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of \$0.50 or more shall be rounded to the next higher dollar amount and amounts of less than \$0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (2 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1994, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, May 10, 1994.

Hon. ALBERT GORE,
President of the Senate, Washington, DC

Dear Mr. President: There is transmitted herewith a draft bill entitled the "Veterans' Benefits Cost-of-Living Adjustment Act of 1994." I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would provide a cost-of-living increase, effective December 1, 1994, in the rates of compensation for service-disabled veterans and of dependency and indemnity-compensation [DIC] for the survivors of veterans who die as a result of service. The rate of increase, currently estimated to be 3 percent, would be the same as the cost-of-living adjustment [COLA] that will be provided under current law to veterans' pension and Social Security recipients.

Compensation under title 38, United States Code, is payable only for disabilities resulting from injuries or diseases, incurred or aggravated during active service. Payments are based upon a statutory schedule of rates which vary with the degree of disability assigned by the Department of Veterans Affairs [VA], and additional amounts are payable to veterans with spouses and children if the veteran's disability is rated 30-percent or more disabling. DIC benefits are payable at statutorily directed rates to the surviving spouses of children of veterans who die of service-connected causes, or who die of other causes if they suffered service-connected total disability for prescribed periods immediately preceding their deaths. This proposed cost-of-living increase will protect these benefits against inflation.

Enactment of this increase would result in estimated additional costs of \$347 million in fiscal year 1995 and \$2 billion over the five-year period fiscal year 1995 through fiscal year 1999.

The effect of this draft bill on the deficit is:

	FISCAL YEARS					
	(In millions of dollars)					
	1995	1996	1997	1998	1999	1995-99
Outlays						

Section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, requires that the baseline for veterans' compensation assume a COLA equal

to the veterans' pension program COLA. We currently estimate a 3.0 percent COLA for veterans' pensions. The COLA increase in this draft bill would be the same as that for the veterans' pension programs. Therefore, the pay-as-you-go effect of the COLA is zero. However, if Congress were to enact a VA compensation COLA different from the increase for veterans' pension, then the difference between the two COLAs would be subject to the pay-as-you-go requirement of the Budget Enforcement Act.

We urge that the House promptly consider and pass this legislation.

The Office of Management and Budget advises that there is no objection to the submission of this legislation proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

JESSE BROWN.●

By Mrs. KASSEBAUM:

S. 2168. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the distribution of samples of prescription drugs; to the Committee on Labor and Human Resources.

PRESCRIPTION DRUG MARKETING REFORM ACT OF 1994

• Mrs. KASSEBAUM. Mr. President, today I am introducing legislation, the Prescription Drug Marketing Reform Act of 1994, to prohibit the distribution of prescription drug samples. I believe it is time to consider the public health problems posed by sampling, the substantial costs manufacturers incur in operating sampling programs, and the extent to which eliminating sampling programs could result in more funds available for the development of new drugs and in lower costs for prescription drugs.

Prescription drug sampling involves the distribution of free drug samples to physicians to introduce them to new products or to retain brand loyalty to drugs already on the market. Many companies distribute literally hundreds of millions of sample units annually. Sampling programs are labor intensive and very expensive to operate.

I recognize that drug samples may directly benefit patients. Physicians may provide them to lower-income patients who might be unable to afford prescriptions. Samples also allow physicians to begin treatment more quickly and to test the efficacy and appropriateness of a drug before writing a full prescription. My proposal would allow the Secretary of Health and Human Services to define, through regulations, exceptions to the prohibition on the distribution of drug samples when such samples may be necessary for medical care. The legislation also allows for the continuation of pharmaceutical manufacturers' patient assistance programs, under which the manufacturers make drugs available at no or discounted cost to patients who may otherwise be unable to afford them.

But samples can also pose a serious threat to public health. Sampling may inappropriately influence prescribing decisions and may result in the inappropriate disposal of large quantities of

outdated samples. Samples also contribute to the problem of drug diversion to grey markets, where samples are adulterated, repackaged in unsanitary ways, and sold to unsuspecting consumers. Although the strict regulations placed on sampling by the Prescription Drug Marketing Act of 1987 appear to have substantially reduced sample diversion, several recent FBI sting operations reveal that this public health threat has not been eliminated.

I am hopeful that the legislation I am introducing today will promote the reconsideration within the pharmaceutical industry and here in Congress of the costs and public health problems associated with sampling. I also recognize that others who share my interest in this issue may have other ways in mind to address it, and I am certainly open to discussion.

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. 2168

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

SECTION 1. SHORT TITLE AND REFERENCE.

(A) SHORT TITLE.—This Act may be cited as the "Prescription Drug Marketing Reform Act of 1994".

(b) REFERENCE.—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 Federal Food, Drug, and Cosmetic Act.

SEC. 2. PROHIBITION OF DRUG SAMPLES.

Section 503 (21 U.S.C. 353) is amended—

(1) in the first sentence of subsection (c)(1), by inserting "distribute," after "No person may";

(2) in the second sentence of such subsection, by striking "and subsection (d)";

(3) by inserting after the second sentence of such subsection the following: "For purposes of this subsection, the term 'distribute' does not include providing a drug sample to enable a practitioner licensed to prescribe a drug subject to subsection (b) or a health care professional acting under the direction and supervision of such a practitioner to provide for the dispensing of or to dispense a sample of such drug if the sample is made available to a patient in accordance with regulations of the Secretary specifying conditions under which such drug is necessary for medical care.";

(4) in paragraph (2), by inserting "distribute," after "No person may";

(5) by redesignating paragraph (3) as paragraph (4) and by adding after paragraph (2) the following:

"(3) Nothing in paragraphs (1) and (2) precludes distribution of a drug subject to subsection (b) at no cost or nominal cost pursuant to a program established by the manufacturer or distributor of such drug to provide it to specific identified patients who, for financial reasons, would not otherwise have access to such drug. The Secretary shall promulgate regulations to specify the documentation and record keeping required for such a program.", and

(6) by repealing subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 3. ENFORCEMENT.

(a) PROHIBITED ACT.—Section 301(t) (21 U.S.C. 331(t)) is amended to read as follows:

"(t) The importation of a drug in violation of section 801(d)(1), the distribution, sale, purchase, or trade of a drug or drug sample or the offer to distribute, sell, purchase, or trade a drug or drug sample in violation of section 503(c), the distribution, sale, purchase, or trade of a coupon or the offer to distribute, sell, purchase, or trade such a coupon in violation of section 503(c)(2), or the distribution of drugs in violation of section 503(d) or the failure to otherwise comply with the requirements of section 503(d)."

(b) PENALTY.—

Section 303(b) (21 U.S.C. 333(b)) is amended—

(1) in subparagraph (B), by inserting "distribute," after "knowingly";

(2) in subparagraph (C), by inserting "distributing," after "knowingly";

(3) in subparagraph (D), by striking "503(e)(2)(A)" and inserting "503(d)(2)(A)";

(4) in paragraph (5), by striking "because of the sale" through "503(c)(1)" and inserting "of a violation of section 503(c)", and

(5) by striking paragraphs (2), (3), and (4) and redesignating paragraph (5) as paragraph (2).

SEC. 4. EFFECTIVE DATE AND REGULATIONS.

The amendments made by this Act shall take effect upon the expiration of 180 days after the date of the enactment of this Act. During such 180 day period the Secretary of Health and Human Services shall promulgate regulations to implement the amendments made by this Act. If final regulations are not promulgated before the expiration of such 180 days, the Secretary may not take any action to prevent a program, established before the expiration of such days, from providing a drug or a coupon for a drug to patients who would not otherwise be able financially to use such drug.■

ADDITIONAL COSPONSORS

S. 148

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 148, a bill to amend section 337 of the Tariff Act of 1930 and title 28 of the United States Code to provide effective procedures to deal with unfair practices in import trade and to conform section 337 and title 28 to the General Agreement on Tariffs and Trade, and for other purposes.

S. 295

At the request of Mr. MCCONNELL, his name was withdrawn as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 1288

At the request of Mr. AKAKA, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy

for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1634

At the request of Mr. HEFLIN, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1634, a bill to authorize each State and certain political subdivisions of States to control the movement of municipal solid waste generated within, or imported into, the State or political subdivisions of the State, and for other purposes.

S. 1651

At the request of Mr. D'AMATO, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1651, a bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the United States Military Academy at West Point, New York.

S. 1690

At the request of Mr. PRYOR, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1819

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1819, a bill to prohibit any Federal department or agency from requiring any State, or political subdivision thereof, to convert highway signs to metric units.

S. 1879

At the request of Mr. COCHRAN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1879, a bill to provide disaster assistance to producers for certain losses due to freezing conditions in 1994, and for other purposes.

S. 1924

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 1975

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1975, a bill to establish a grant program to restore and preserve historic buildings at historically black colleges and universities, and for other purposes.

S. 1976

At the request of Mr. DODD, the names of the Senator from Utah [Mr. BENNETT] and the Senator from Florida

[Mr. MACK] were added as cosponsors of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 2029

At the request of Mr. BREAUX, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor 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. 2062

At the request of Mr. INOUE, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 2062, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes.

S. 2065

At the request of Mr. HARKIN, the names of the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. SHELBY], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 2065, a bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing regulations under the act, and for other purposes.

S. 2067

At the request of Mr. MCCAIN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2067, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

S. 2123

At the request of Mr. DORGAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2123, a bill to prohibit insured depository institutions and credit unions from engaging in certain activities involving derivative financial instruments.

S. 2156

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 178

At the request of Mrs. HUTCHISON, her name was added as a cosponsor 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 181

At the request of Mr. SIMON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE RESOLUTION 148

At the request of Mr. SIMON, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor 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 RESOLUTION 218

At the request of Mr. SIMON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Resolution 218, a resolution relative to the war in Nagorno-Karabakh.

SENATE RESOLUTION 219

At the request of Mr. BROWN, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Resolution 219, a resolution expressing the sense of the Senate regarding the issuance under title VII of the Civil Rights Act of 1964 of administrative guidelines applicable to religious harassment in employment.

AMENDMENTS SUBMITTED

FEDERAL ACQUISITION
STREAMLINING ACTHATFIELD (AND PACKWOOD)
AMENDMENT NO. 1753

Mr. HATFIELD (for himself and Mr. PACKWOOD) proposed an amendment to the bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes; as follows:

At the end of the bill, add the following new title:

TITLE X—WAIVER OF THE APPLICATION
OF THE PREVAILING WAGE-SETTING
REQUIREMENTS TO VOLUNTEERS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Community Improvement Volunteer Act of 1994".

SEC. 1002. PURPOSE.

It is the purpose of this title to promote and provide more opportunities for people who wish to volunteer their services in the construction, repair or alteration (including painting and decorating) of public buildings

and public works funded, in whole or in part, with Federal financial assistance authorized under certain Federal programs that might not otherwise be possible without the use of volunteers, by waiving the application of the otherwise application prevailing wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) to such volunteers.

SEC. 1003. WAIVER.

(a) IN GENERAL.—The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in subsection (d), and the provisions relating to wages, in any federally assisted or insured contract or subcontract for construction, shall not apply to any individual—

(1) who volunteers—

(A) to perform a service for a public or private entity for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered other than expenses, reasonable benefits, or a nominal fee (as defined in subsection (b)), but solely for the personal purpose of pleasure of the individual; and

(B) to provide such services freely and without pressure or coercion, direct or implied, from an employer;

(2) whose contribution of service is not for the benefit of any contractor otherwise performing or seeking to perform work on the same project; and

(3) who is not otherwise employed at any time under the federally assisted or insured contract or subcontract involved for construction with respect to the project for which the individual is volunteering.

(b) EXPENSES.—Payments of expenses, reasonable benefits, or a nominal fee may be provided to volunteers described in subsection (a) if the Secretary of Labor determines, after an examination of the total amount of payments made (relating to expenses, benefits, or fees) in the context of the economic realities of the specific federally assisted or insured project, that such payments are appropriate. Subject to such a determination—

(1) a payment for an expense may be received by a volunteer for items such as uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or for the cost or expense of meals and transportation;

(2) a reasonable benefit may include the inclusion of a volunteer in a group insurance plan (such as a liability, health, life, disability, or worker's compensation plan) or pension plan, or the awarding of a length of service award; and

(3) a nominal fee may not be used as a substitute for compensation and may not be tied to productivity.

The decision as to what constitutes a nominal fee for purposes of paragraph (3) shall be made on a case-by-case basis and in the context of the economic realities of the situation involved.

(c) ECONOMIC REALITY.—For purposes of subsection (b), in determining whether an expense, benefit, or fee described in such subsection may be paid to volunteers in the context of the economic realities of the particular situation, the Secretary of Labor shall not approve any such expense, benefit, or fee that has the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

(d) **CONTRACTS EXEMPTED.**—For purposes of subsection (a), the Acts or provisions described in this subsection are the following:

(1) The Library Services and Construction Act (20 U.S.C. 351 et seq.).

(2) The Indian Self-Determination and Education Association Act (25 U.S.C. 450 et seq.).

(3) Section 329 of the Public Health Service Act (42 U.S.C. 254b).

(4) Section 330 of the Public Health Service Act (42 U.S.C. 254c).

SEC. 1004. REPORT.

Not later than December 31, 1997, the Secretary of Labor shall prepare and submit to the appropriate committees of Congress a report that—

(1) identifies and assesses, to the maximum extent practicable—

(A) the projects for which volunteers were permitted to work under this title; and

(B) the number of volunteers permitted to work because of the compliance of entities with the provisions of this title; and

(2) contains recommendations with respect to Acts related to the Davis-Bacon Act that could be addressed to permit volunteer work.

GRASSLEY AMENDMENT NO. 1754

Mr. GRASSLEY proposed an amendment to the bill S. 1587, supra; as follows:

Strike out the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS

SEC. 9001. LEGAL COUNSEL FOR INSPECTORS GENERAL.

(a) **AUTHORITY TO EMPLOY COUNSEL.**—Section 3 of the Inspector General Act of 1987 (5 U.S.C. App.) is amended—

(1) in subsection (d)—

(A) by striking out “, and” at the end of paragraph (1) and inserting in lieu thereof a semicolon;

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; and”;

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

“(3) appoint a legal counsel who shall have the responsibility for providing the Inspector General with legal advice, including formal legal opinions.”; and

(2) by adding at the end the following new subsection:

“(e) Each person appointed as a legal counsel to the Inspector General of an establishment shall report to and be under the general supervision of the Inspector General and may not be required to report to, or be subject to supervision by, any other official or employee of the establishment. Only the Inspector General may evaluate the performance of a legal counsel for official purposes.”.

(b) **ABSORPTION OF COST FOR FISCAL YEAR 1994.**—In the case of a department or agency referred to in paragraph (2), funds available for fiscal year 1994 for the General Counsel of such department or agency that would be expended for such fiscal year for payment of the costs of the legal staff (including support staff) made available by the General Counsel of such department or agency to the Inspector General of that department or agency on a permanent basis shall be used for paying the costs for fiscal year 1994 for legal counsel (including support staff for legal counsel) employed by the Inspector General of such department or agency.

(2) Paragraph (1) applies to the following departments and agencies:

(A) The Department of Defense.

(B) The Department of Health and Human Services.

(C) The Department of Transportation.

(D) The Environmental Protection Agency.

(E) The Federal Emergency Management Agency.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

In the table of contents in section 2, strike out the item relating to the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS

Sec. 9001. Authority of Inspectors General to employ legal counsel.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

CONRAD (AND OTHERS) AMENDMENT NO. 1755

Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. ROTH, Mr. SASSER, Mr. BRADLEY, Mr. DORGAN, and Mr. BRYAN) proposed an amendment to the bill S. 1587, supra; as follows:

On page 438, after line 25, insert the following:

SEC. 2192. UNALLOWABILITY OF ENTERTAINMENT COSTS UNDER COVERED CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the cost principle in the Federal Acquisition Regulation that is set out in section 31.205-14 of title 48, Code of Federal Regulations, relating to unallowability of entertainment costs—

(1) by inserting in the cost principle a statement that costs made specifically unallowable under that cost principle are not allowable under any other cost principle; and

(2) by striking out “(but see 31.205-1 and 31.205-13)”.

MOSELEY-BRAUN (AND OTHERS) AMENDMENT NO. 1756

Ms. MOSELEY-BRAUN (for herself, Mr. LAUTENBERG, Mr. KERRY, Mr. WELLSTONE, Mrs. HUTCHISON, Mrs. MURRAY, and Mr. KOHL) proposed an amendment to the bill S. 1587, supra; as follows:

On page 230, between lines 13 and 14, insert the following section:

SEC. 4105. CONTRACTING AND SUBCONTRACTING WITH WOMEN-OWNED SMALL BUSINESS CONCERNS.

(a) **ESTABLISHING GOALS FOR CONTRACTING WITH WOMEN-OWNED SMALL BUSINESS CONCERNS.**—Section 15(g) of the Small Business Act (15 U.S.C. 637(g)) is amended—

(1) by inserting “, small business concerns owned and controlled by women,” in paragraph (1) after “small business concern” each time it appears;

(2) by inserting the following after the second sentence of paragraph (1): “The Government-wide goal for participation by small business concerns owned by women shall be established at not less than 5 percent of the combined total value of all prime contracts and subcontracts awarded for each fiscal year, provided that higher goals otherwise established by law shall not be reduced or limited by the foregoing.”

(3) by inserting “, small business concerns owned and controlled by women,” in paragraph (2) after “small business concern” each time it appears.

(b) **REPORTS.**—Section 15(h) of the Small Business Act (15 U.S.C. 637(h)) is amended—

(1) in inserting “, small business concern owned and controlled by women,” after “small business concern” in paragraph (1), (2)(A), and (2)(D); and

(2) by adding a new paragraph (3) to read as follows:

“(3) Five years after the date of enactment of the Federal Acquisition Streamlining Act of 1994, the President shall include in the report required by paragraph (2) an assessment of the progress made in increasing the extent of participation by small business concerns owned and controlled by women in procurement contracts and subcontracts of Federal agencies and appropriate recommendations for action based on such assessment.”

(b) **SUBCONTRACTING WITH WOMEN-OWNED SMALL BUSINESS.**—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by inserting “, small business concerns owned and controlled by women,” in paragraph (1) after “small business concern” each time it appears;

(2) by deleting “small purchase threshold” in paragraph (2) and substituting “simplified acquisition threshold”;

(3) by inserting “, small business concerns owned and controlled by women,” in paragraph (3)(A) and (D) after “small business concern” each time it appears;

(4) by inserting the following at the end of the first sentence of subparagraph (3)(C): “The term ‘small business concern owned and controlled by women’ shall mean a small business concern which is at least 51 percentum owned by one or more women; or in the case of a publicly owned business, at least 51 percentum of the stock is owned by one or more women; and whose management and daily business operations are controlled by one or more of such women.”

(5) by inserting “, small business concerns owned and controlled by women,” in paragraph (4)(D) and (E) after “small business concern” each time it appears; and

(6) in inserting “, small business concern owned and controlled by women,” in paragraph (6)(A), (C) and (F) after “small business concern” each time it appears.

MCCAIN AMENDMENT NO. 1757

Mr. ROTH (for Mr. MCCAIN) proposed an amendment to the bill S. 1587, supra; as follows:

At the appropriate place insert the following new section:

SEC. (). (a) The Administrator of the General Services Administration, no later than 120 days after enactment of this section, shall issue guidelines to ensure that Agencies promote, encourage and facilitate the use of frequent traveler programs offered by airlines, hotels and car rental vendors by federal employees who engage in official air travel, for the purpose of realizing to the maximum extent practicable cost savings for official travel.

(b) Any awards granted under such a frequent traveler program accrued through official travel shall be used only for official travel.

(c) Within one year of enactment of this section, the Administrator shall report to the Congress on efforts to promote the use of frequent traveler programs by federal employees.

SMITH (AND ROTH) AMENDMENT NO. 1758

Mr. SMITH (for himself and Mr. ROTH) proposed an amendment to the bill, S. 1587, supra; as follows:

On page 316, line 1 insert "(other than a construction contract)" after "property or services".

On page 342, line 17, insert "(other than a construction contract)" after "property or services".

HARKIN AMENDMENT NO. 1759

Mr. LEVIN (for Mr. HARKIN) proposed an amendment to the bill S. 1587, supra; as follows:

At the appropriate place in the bill insert:
UNIFORM SUSPENSION AND DEBARMENT.

(a) Within six months after the date of enactment of this Act, regulations shall be issued providing that provisions for the debarment, suspension, or other exclusion of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to Executive Order No. 12549, shall have government-wide effect. No agency shall allow a party to participate in any procurement or nonprocurement activity if any agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in a procurement or nonprocurement activity.

(b) The regulations issued pursuant to subsection (a) shall provide that an agency may grant an exception permitting a debarred, suspended, or otherwise excluded party to participate in procurement activities of that agency to the extent exceptions are authorized under the Federal Acquisition Regulation, or to participate in nonprocurement activities of that agency to the extent exceptions are authorized under regulations issued pursuant to Executive Order No. 12549.

(c) **DEFINITIONS.**—For the purposes of this Part:

(1) "Procurement activities" refers to all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation.

(2) "Nonprocurement activities" refers to all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 and the Office of Management and Budget guidelines implementing that order.

(3) "Agency" refers to executive departments and agencies.

HARKIN AMENDMENT NO. 1760

Mr. LEVIN (for Mr. HARKIN) proposed an amendment to the bill S. 1587, supra; as follows:

At the appropriate place in the bill, insert:
SEC. . PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Federal agencies shall resolve or take corrective action on all Office of Inspector General audit report findings within a maximum of six months after their issuance, or, in the case of audits performed by non-federal auditors, six months after receipt of the report by the Federal Government.

GRASSLEY AMENDMENT NO. 1761

Mr. GRASSLEY proposed an amendment to the bill S. 1587, supra; as follows:

Strike out the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS SEC. 9001. COMPTROLLER GENERAL REVIEW OF THE PROVISION OF LEGAL ADVICE FOR INSPECTORS GENERAL.

(a) **REVIEW AND REPORT REQUIRED.**—Not later than March 1, 1995 the Comptroller General of the United States shall—

(1) conduct a review of the independence of the legal services being provided to Inspectors General appointed under the Inspector General Act of 1978; and

(2) submit to Congress a report on the results of the review.

(b) **MATTERS REQUIRED FOR REPORT.**—The report shall include the following matters:

(1) With respect to each department or agency of the Federal Government that has an Inspector General appointed in accordance with the Inspector General Act of 1978 whose only or principal source of legal advice is the general counsel or other chief legal officer of the department or agency, an assessment of the extent of the independence of the legal advisors providing advice to the Inspector General.

(2) A comparison of the findings under the assessment referred to in paragraph (1) with findings on the same matters with respect to each Inspector General whose source of legal advice is legal counsel accountable solely to the Inspector General.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

In the table of contents in section 2, strike out the item relating to the heading of title IX and insert in lieu thereof the following:

TITLE IX—MISCELLANEOUS MATTERS
Sec. 9001. Comptroller General review of the provision of legal advice for inspectors general.

TITLE X—EFFECTIVE DATES AND IMPLEMENTATION

WELLSTONE AMENDMENT NO. 1762

Mr. WELLSTONE proposed an amendment to the bill S. 1587, supra; as follows:

On page 463, line 3, insert "(a) **EXTENSION OF AUTHORITY.**—" before "Section 6(e)".

On page 463, between lines 5 and 6, insert the following:

(b) **AVAILABILITY OF PROCEDURES TO SMALL BUSINESS GOVERNMENT CONTRACTORS.**—Section 6(e) of such Act is amended by inserting after the first sentence the following:

"In any case in which the contracting officer rejects a contractor's request for alternative dispute resolution proceedings, the contracting officer shall provide the contractor with a written explanation, citing one or more of the conditions in section 572(b) of title V, United States Code, or such other specific reasons that alternative dispute resolution procedures are inappropriate for the resolution of the dispute.

"In any case in which a contractor rejects a request of an agency for alternative dispute resolution proceedings, the contractor shall inform the agency in writing of the contractor's specific reasons for rejecting the request.

WELLSTONE (AND BUMPERS) AMENDMENT NO. 1763

Mr. WELLSTONE (for himself and Mr. BUMPERS) proposed an amendment to the bill S. 1587, supra; as follows:

On page 383, line 15, insert "(other than a small business concern (within the meaning

of section 3(a) of the Small Business Act))" after "No party".

On page 393, line 24, insert "(other than a small business concern (within the meaning of section 3(a) of the Small Business Act))" after "no party".

HUTCHISON AMENDMENT NO. 1764

Mr. ROTH (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1587, supra; as follows:

On page 518, between lines 13 and 14, insert the following:

SEC. 4105. DEVELOPMENT OF DEFINITIONS REGARDING CERTAIN SMALL BUSINESS CONCERNS.

(a) **REVIEW REQUIRED.**—

(1) **DEFINITIONS TO BE IDENTIFIED.**—The Administrator for Federal Procurement Policy shall conduct a comprehensive review of Federal laws, as in effect on November 1, 1994, to identify and catalogue all of the provisions in such laws that define (or describe for definitional purposes) the small business concerns set forth in paragraph (2) for purposes of authorizing the participation of such small business concerns as prime contractors or subcontractors in—

(A) contracts awarded directly by the Federal Government or subcontracts awarded under such contracts; or

(B) contracts and subcontracts funded, in whole or in part, by Federal financial assistance under grants, cooperative agreements, or other forms of Federal assistance.

(2) **COVERED SMALL BUSINESS CONCERNS.**—The small business concerns referred to in paragraph (1) are as follows:

(A) Small business concerns owned and controlled by socially and economically disadvantaged individuals.

(B) Minority-owned small business concerns.

(C) Small business concerns owned and controlled by women.

(D) Woman-owned small business concerns.

(b) **MATTERS TO BE DEVELOPED.**—On the basis of the results of the review carried out under subsection (a), the Administrator for Federal Procurement Policy shall develop—

(1) uniform definitions for the small business concerns referred to in subsection (a)(2);

(1) uniform agency certification standards and procedures for—

(A) determinations of whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) under an applicable standard for purposes contracts and subcontracts referred to in subsection (a)(1); and

(B) reciprocal recognition by an agency of a decision of another agency regarding whether a small business concern qualifies as a small business concern referred to in subsection (a)(2) for such purposes; and

(3) such other related recommendations as the Administrator determines appropriate consistent with the review results.

(c) **PROCEDURES AND SCHEDULE.**—

(1) **PARTICIPATION BY CERTAIN INTERESTED PARTIES.**—The Administrator for Federal Procurement Policy shall provide for the participation in the review and activities under subsections (a) and (b) by representatives of—

(A) the Small Business Administration (including the Office of the Chief Counsel for Advocacy);

(B) the Minority Business Development Agency of the Department of Commerce;

(C) the Department of Transportation;

(D) the Environmental Protection Agency; and

(E) such other executive departments and agencies as the Administrator considers appropriate.

(2) CONSULTATION WITH CERTAIN INTERESTED PARTIES.—In carrying out subsections (a) and (b), the Administrator shall consult with representatives of organizations representing—

(A) minority-owned business enterprises;
(B) women-owned business enterprises; and
(C) other organizations that the Administrator considers appropriate.

(3) SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register a notice which—

(A) lists the provisions of law identified in the review carried out under subsection (a);

(B) describes the matters to be developed on the basis of the results of the review pursuant to subsection (b);

(C) solicits public comment regarding the matters described in the notice pursuant to subparagraphs (A) and (B) for a period of not less than 60 days; and

(D) addresses such other matters as the Administrator considers appropriate to ensure the comprehensiveness of the review and activities under subsections (a) and (b).

(d) REPORT.—Not later than May 1, 1995, the Administrator for Federal Procurement Policy shall submit to the Committees on Small Business of the Senate and the House of Representatives a report on the results of the review carried out under subsection (a) and the actions taken under subsection (b). The report shall include a discussion of the results of the review, a description of the consultations conducted and public comments received, and the Administrator's recommendations with regard to the matters identified under subsection (b).

VA STATE HEALTH CARE REFORM PILOT PROGRAM ACT

ROCKEFELLER AMENDMENT NO. 1765

Mr. GLENN (for Mr. ROCKEFELLER) proposed an amendment to the bill (S. 1974) to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform; as follows:

On page 32, strike out lines 17 through 20 and insert in lieu thereof the following:

(B) Amounts deposited in the Fund pursuant to clauses (ii) and (iv) shall be derived from amounts appropriated to the Department of Veterans Affairs for the Veterans Health Administration for medical care.

On page 33, line 4, insert "the" after "shall deposit in".

On page 34, strike out lines 11 through 15 and insert in lieu thereof the following:

(5)(A) Notwithstanding any other provision of law, amounts in the Fund shall be available for all expenses incurred by the Veterans Health Administration in carrying out the pilot programs. Subject to subparagraph (B), the health system director for a State in which a pilot program is carried out shall determine the expenses of the pilot program for that State for purposes of this paragraph.

On page 35, strike out lines 4 through 6 and insert in lieu thereof the following:

(C) The period of availability of amounts in an account established in the Fund for a pilot program shall end on the last day of the fiscal year in which the pilot program is carried out.

On page 37, between lines 6 and 7, insert the following:

(3) Not later than 30 days after the end of any fiscal year in which a pilot program is carried out under section 3, the Secretary shall submit to the appropriate committees of Congress a report describing the amounts expended from the Department of Veterans Affairs Health Care Reform Fund established under section 3(j)(1) during that fiscal year for each pilot program so carried out.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee mark up of S. 1830, the Small Business Defense Conversion Loan Guarantee Act of 1994, and H.R. 4322, legislation to amend the Small Business Act to increase the authorization for the development company program. The mark up will occur on Tuesday, June 14, 1994, at 10 a.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, deputy staff director of the Small Business Committee at (202) 224-5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that an oversight hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Tuesday, June 21, 1994, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the proposed location of the Disney's America project and its potential impact on the Manassas National Battlefield Park and other significant historic sites in northern Virginia.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information regarding the hearing, please contact David Brooks of the Subcommittee staff at (202) 224-8115.

COMMITTEE ON ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT

Mr. FORD. 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 Subcommittee on Research and Development.

The purpose of the hearing is to receive testimony on the bill S. 2104, a bill to establish within the National Laboratories of the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program.

The hearing will take place on Tuesday, June 28, 1994 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

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, United States Senate, Washington, DC, 20510, Attention: Mr. Paul Barnett.

For further information, please contact Paul Barnett of the Committee staff at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 8, 1994, beginning at 2:30 p.m., in 485 Russell Senate Office Building on S. 1936, the Indian Integrated Resources Management Planning Act; and S. 2067, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on June 8, 1994, at 8 a.m., recessing at 12 noon, and reconvening in the afternoon and evening, for an executive session.

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

SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet on Wednesday, June 8, 1994, at 11 a.m., in closed session, to mark up the coalition defense and reinforcing forces programs for fiscal year 1995.

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

SUBCOMMITTEE ON DEFENSE TECHNOLOGY, ACQUISITION AND INDUSTRIAL BASE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Defense Technology, Acquisition and Industrial Base of the

Committee on Armed Services be authorized to meet on Wednesday, June 8, 1994, at 6 p.m., in closed session, to mark up the defense technology, acquisition, and industrial base programs for fiscal year 1995.

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

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Force Requirements and personnel of the Committee on Armed Services be authorized to meet on Wednesday, June 8, 1994, at 9:30 a.m., in closed session, to mark up the force requirements and personnel programs for fiscal year 1995.

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

SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet on Wednesday, June 8, 1994, at 4 p.m., in closed session, to mark up the military readiness and defense infrastructure programs for fiscal year 1995.

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

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet on Wednesday, June 8, 1994, at 2:30 p.m., in closed session, to mark up the nuclear deterrence, arms control, and defense intelligence programs for fiscal year 1995.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., June 8, 1994, to receive testimony on water quality and quantity problems and opportunities facing the lower Colorado River area.

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

ADDITIONAL STATEMENTS

MARLTON LIONS CLUB

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the members of the Marlton Lions Club, which will proudly celebrate its 40th anniversary on June 11 of this year, and I am pleased to share with you a bit of their remarkable history of service.

On June 11, 1954, 21 members of the community of Marlton, NJ, were granted a charter to join the International Association of Lions Clubs, the world's largest service club organization. Since that time, the Marlton Lions Club's impressive record of humanitarian accomplishments has made it an integral element of the community which it serves.

Lions worldwide, with a membership of 1.4 million in 41,700 Lions Clubs in 180 countries and geographic areas, is devoted to the eradication of preventable and reversible blindness through Campaign SightFirst. This campaign sponsors and supports numerous projects which aid the blind, provide glasses, and promote vision care. The Lions Club has also been active in conducting drug and diabetes awareness campaigns and providing opportunities for the handicapped and needy.

Over the past 40 years, the Marlton Lions Club has extended these benefits of Lionism to the community of Marlton through either sponsoring or contributing to many humanitarian projects. Some of these programs have involved drug awareness in local schools, annual scholarships, eye examinations and eyeglasses, and food baskets for the needy. Most importantly, the Marlton Lions are the only model club in New Jersey for Campaign SightFirst. The Lions Club has also participated in various events in the community of Marlton.

With their dedication to service, concern for the needs of all humanity, and selfless efforts toward bettering society, the members of the Marlton Lions Club are truly a source of pride for the entire community and the State of New Jersey. I am proud to acknowledge and praise their work, and to thank them for the important contributions they have made to the people of New Jersey. I wish to congratulate every member on this 40th anniversary and encourage the Marlton Lions Club to continue their tremendous efforts in the 40 years to come. •

THE INTERNATIONAL COMMUNITY'S FAILURE IN RWANDA

• Mr. DURENBERGER. Mr. President, I rise today to underscore the need—even at this late date—to help reduce the suffering in Rwanda and the neighboring countries where thousands of refugees have fled.

I am deeply concerned that we have not acted more quickly—and that our inaction in addressing this crisis will be repeated in some other area of the world.

Our present inaction is the direct result of the leadership vacuum that exists at the White House—a vacuum that is mirrored at the Department of State and at the National Security Council.

Instead of being a moral voice rallying support for the thousands of refu-

gees—or speaking up in righteous wrath against the genocide—the United States has been paralyzed by the same malaise that has caused the Europeans and other nations to refuse to provide direct support to stop the bloodshed.

And we cannot excuse the international community for its failure by trying to rewrite history. In this respect, I call my colleagues' attention to a recent article in the Washington Times entitled "Missing Pieces of the Rwanda Puzzle," which paints a revisionist picture of the facts about the conflict in Rwanda.

Despite what is said in this article, there is no present evidence to substantiate the allegation that regular units of the Ugandan Army are fighting in Rwanda under the banner of the Rwanda Patriotic Front [RPF].

When this rumor first surfaced, my office was in directed contact with the U.S. Ambassador to Uganda, Johnnie Carson, who confirmed the fact that the Ugandan Army was not involved in this conflict. This fact has subsequently been confirmed in conversations with the Department of State.

The conflict that has raged between the armed forces of the Government of Rwanda and the RPF has resulted in military casualties to both sides, and to civilians who have been caught in the fighting.

However, the atrocities we read about almost every day—that have been perpetrated on unarmed men, women, and children—have been largely the work of armed Hutu bands. These atrocities are being aided and encouraged by government forces.

The mass killing of unarmed civilians has not been equally the work of Hutus and Tutsis, as the Washington Times article would have us believe. The victims of these genocidal acts have been Tutsis and moderate members of the Hutu Tribe that oppose the present provisional government.

This is confirmed by those who have been lucky enough to escape the genocide, and by members of such well-known human rights organizations as Africa Watch who have been in direct contact with the events.

Nor are the events that have occurred in Rwanda the result of some outside influence, or the ambition of an African leader to establish a tribal empire in east central Africa.

Though the facts may never be known, the information at present would indicate that the plane crash which killed President Juvenal Habyarimana was, in all probability, caused by elements of his own government who were dissatisfied with his moderate approach and desire to institute a coalition government—as called for in the Arusha Accords.

Changing the facts will not change the situation. There are still thousands of refugees in camps located in neighboring countries, principally Uganda,

Tanzania, and Burundi. They are in desperate need of medical assistance and the necessities of life.

There are also still those in Rwanda who fear for their lives because of the lawlessness and roving bands of armed youths. There is still a need for safe havens where those who have survived the massacre can receive protection, medical assistance, and food.

Distortion or misstatement of the facts cannot justify the suffering that continues today.

More than 100,000 Rwandans are dead. Just as self-styled revisionist historians cannot erase the tragic fact of the 1933-45 Holocaust, no newspaper article can change the reality of what has taken place in Rwanda.

I thought it important to set the record straight.●

COMMON GOALS IN CIVIL RIGHTS

● Mr. SIMON. Mr. President, the person in charge of my Chicago office, which is the largest office I have in Illinois, is Nancy Chen, who happens to be a Chinese-American by heritage.

She was recently named to the Illinois Advisory Committee to the U.S. Commission on Civil Rights, and she gave a keynote address to a meeting of the Commission regarding the problems faced by Asian-Americans.

Because it has implications for the entire Nation, not simply for the State of Illinois, I ask that her comments be inserted into the RECORD at the end of these remarks.

Asian-Americans face problems, as she points out.

And she includes a personal comment of an experience that she had heading my office.

In her address, she says:

As the head of Senator SIMON's office, I was recently asked to meet with a constituent who was complaining about the service of my staff members. But when she saw me, she refused to deal with me because as she put it, I was not American. She also said she did not want to deal with anyone who bombed Pearl Harbor. While others may not be as insensitive and crude as this particular person, the perception that Asians are foreigners contributes to many problems we discuss here today.

I ask to insert Nancy Chen's full statement into the RECORD at this point.

The statement follows:

KEYNOTE SPEECH FOR THE ILLINOIS ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS, MAY 25, 1994

(By Nancy Chen)

I would like first to thank the members of the Illinois Advisory Committee to the U.S. Commission on Civil Rights for your authorizing this consultation project on Asian American issues in the Greater Chicago area. As a new kid on the block to the advisory committee, I am very grateful that you took on this project that is very important to the Asian American Community in Illinois and to me personally. As I understand, this consultation on Asian American issues is a his-

toric first for the Illinois Advisory Committee to undertake.

From the inception of this consultation to the actual conference, it has been a gratifying experience working with the Commission's regional staff, Connie Davis, Peter Manarik and Carolyn Whitfield, whose professionalism and enthusiasm greatly contributed toward the success of this project.

It is projected that the Asian American population will reach 20 million by the year 2020. It is the fastest growing group in America. It is important that we do not underestimate the social, economic and political impact of Asian Americans in the next 25 years, nor should we neglect the needs and concerns of this community today.

Although Asian Americans have been in this country since the middle of the last century, we are often considered a new group in the civil rights community. The U.S. Commission on Civil Rights issued an extensive report in 1992 on the Civil Rights Status of Asian Americans in the 1990s, citing wide spread discrimination and barriers in many areas. At a time when our nation is going through another inward looking stage in which anti-immigrant sentiment is not just expressed by a few, but openly used by some politicians to win votes, this consultation project offers an important and timely opportunity for the public as well as Asian Americans themselves to take a closer look at a community that still is comprised largely of immigrants.

Asian Americans grew 4 times in populations since 1965 from around 1 million to over 7 million in 1990. The Asian community in the Chicago area almost doubled its size from around 150,000 to almost 300,000 between 1980 and 1990. The uniqueness about the community here is that, it is a microcosm of the Asian community in the nation—with every major ethnic group from Asia represented, but no particular group more dominant than others as is often the case on the East or West Coasts or Hawaii, where Chinese and Japanese American communities are well established. Asian Americans here have been able to work together without the exclusion of others. The best example is the Asian Coalition Dinner hosted by a different community each year through a rotation system. The dinner, started 10 years ago by the Chinese community, has grown to become a major cultural and political event for the city, a must visit for local and statewide elected officials and candidates. The uniqueness of the Asian community here, however, does not free it from problems described by the Commission's report.

Today and tomorrow morning, you will hear the testimonies from a group of community experts and scholars on issues with both national and local perspectives.

Asian Americans here have often beemoaned the lack of political representation for the community. Unlike the African American and Latino communities in Chicago which have successfully attained greater political strength through redistricting, Asian Americans have remained largely ignorant to the process. Redistricting is a frontier which has been paid little attention, yet is so crucial for Asian Americans to achieve full political empowerment. The panelists will tell you how the redistricting affected Asian Americans' voting power in the city of Chicago and Cook County—an issue which is just beginning to be addressed by the community in the aftermath of the recent redistricting. It has certainly been a frustrating experience for Chinese Americans in South Chinatown who tried to learn

the intricacy of the politics of remapping as they attempted to stop Chinatown from being fractionalized. Sadly, they realized that they did too little and too late.

I hope that by bringing this issue to the forefront, Asian Americans will be better informed about the impact that unfair redistricting plans have to dilute their voting strength and discourage Asian American candidates from running for office. It is also important for Asian Americans to be aware that under the "one person, one vote" standard in the U.S. Constitution, Asian Americans are protected from dilution of their voting strength when we constitute a substantial percentage of the voting age population. While redistricting fights are more commonly associated with black and Hispanic districts because of the size of those communities, there will be opportunities for Asian Americans, if only to be kept intact in the district to comprise the influential swing vote. We are robbed of the opportunity to exert the maximum influence of our numbers if we are split over 2 or 3 districts, as is the case in the Chicago City Council. Let me also add that last year's U.S. Supreme Court decision in *Shaw v. Reno* which questions the validity of majority-minority districts will have future impact on Asian American political progress. The lawyers in our community should watch how it is interpreted around the country by lower courts. It is not too early for Asian Americans to be prepared for the next round of reapportionments following the Census in the year of 2000.

Perceptions about Asian Americans are often contradictory—with reports such as the one in the February issue of the *Atlantic Monthly* complaining about Southeast Asian refugees taxing our nation's welfare system on one hand, and on the other, a study published by the Center for Immigration Studies warning about Asian American professionals edging out other minority groups and whites in high paying jobs.

Asian Americans in Illinois have been fortunate that there is less confrontation and hostility directed toward them from either the public or the private sector than those who live on the West Coast. However, job discrimination, glass ceiling and misconceptions about Asian Americans have no geographic limit. In the Chicago area, these problems remain pervasive. Today, we have an opportunity to learn first hand about the conflicting images of Asian Americans—affluence vs. poverty, professionals vs. low-wage workers, etc. The working status of Asian Americans in this area ranges from unskilled workers staying at the bottom rung of the job market to those highly trained professionals who are also in the rut of becoming what many called "frozen talents", forever stuck in their technical station, feeling under-utilized and disillusioned. Being labeled as "model minority" is more a curse than a blessing for Asian Americans. This well meaning nickname for Asian Americans ignores those in our community who have not advanced and ignores the barriers we face, the promotions lost, the political appointments not secured that we would otherwise expect from our educational and economic accomplishments.

As many Asian Americans share similar civil rights concerns, the diversity in cultures and ethnicities found in the community here also present many challenges ranging from conflicts within the community to race relations with non-Asian communities. The conflicts within the community can be attributed to differences in religion and to historical animosity in the homelands. Although there have been fewer hate crimes

against Asian Americans in this area compared to nationwide statistics, there are still concerns that such incidents are under-reported because of language and cultural barriers.

A more serious problem for Asian Americans which is not shared by European or Hispanic immigrants is that we are often not considered American. As the head of Senator Simon's office, I was recently asked to meet with a constituent who was complaining about the service of my staff members. But when she saw me, she refused to deal with me because as she put it, I was not American. She also said she did not want to deal with anyone who bombed Pearl Harbor. While others may not be as insensitive and crude as this particular person, the perception that Asians are foreigners contributes to many problems we discuss here today. Anti-Asian sentiment rises whenever there is political or economic friction between the United States and an Asian country. Asian American candidates have difficulty to be accepted because of their appearance and their ancestry. The feeling that Asian Americans just do not fit into the vision of America keeps Asian Americans behind in their professions, in politics and in their overall pursuit of happiness in a country to which they or their ancestors as many as five generations back have chosen to belong.

As we look ahead to the 21st Century in which the Asian American population will have a more significant impact in our nation's workforce and economy, the issue of racial discrimination will not go away unless we begin to work on it. To achieve full equality for Asian Americans, we need a lot of allies to help work on common goals. The Asian community has begun to reach out to African American and Latino groups to build civil rights coalitions. It is also important that our policy makers do not view race relations as just black and white.

In conclusion, I want to thank all the panelists for their commitment to be here to share their insights and to contribute to this important discussion about the state of Asian America. This will be the beginning of many more dialogues that we must actively pursue to promote better understanding and better relations with everyone in our city, state and nation.●

AN OUTSTANDING FEDERAL EMPLOYEE

● Mr. LEVIN. Mr. President, Albert Zamberlan, Regional Director of the Department of Veterans Affairs, central region, is going to retire on July 1, 1994, at the end of 35 years of Government service.

Mr. Zamberlan has served as the VA Regional Director since July 1981. Prior to this appointment, he was Director of VA medical centers in Clarksburg, WV; Allen Park and Ann Arbor, MI. He also served as district director of the VA's former Medical District 14, which included VA medical centers in Ann Arbor, Allen Park, Battle Creek, and Saginaw, MI.

Throughout his career, Mr. Zamberlan has been recognized for superior performance and received numerous awards. In 1993, he received the Under Secretary's Honor Award, the highest award bestowed upon an individual in the Department of Veterans

Affairs, Veterans Health Administration. In 1992, Mr. Zamberlan received the Secretary's Fifth Annual Equal Employment Opportunity Award. He received the Distinguished Service Award from Federally Employed Women, Inc., for his outstanding support for the advancement of women in 1987.

Mr. Zamberlan also was presented the 1984 Presidential Distinguished Executive Rank Award for outstanding leadership in the VA, the highest honor granted to a Federal employee for performance. In 1983, the Association of Military Surgeons of the United States honored him with the Ray E. Brown Award, the highest healthcare executive award.

I have personally worked with Mr. Zamberlan, more fondly known as Z, to help the Administration deal more effectively with patients suffering from post traumatic stress syndrome. We have also worked together to help homeless veterans in our State.

I am proud to recognize Mr. Zamberlan's many fine contributions to veterans and the Veterans Administration, and I wish him good health and great success in his future endeavors.●

SINKING INTO THE MUD

● Mr. SIMON. Mr. President, hatreds hurt everyone, and they distort our thinking. When a person is hated, it is easy to hate in return.

In reading the Jerusalem Report the other day, I came across a column by Anne Roiphe with the heading "Sinking Into the Mud" and the subhead: "One of the terrible things about this round of anti-Semitism is that it makes me hate back and just as widely, just as ignorantly."

It is sad to note that hatred toward groups, of whatever background, seems to be rising in our country.

I urge my colleagues to read the column by Anne Roiphe, and I ask that it be inserted into the RECORD at this point.

The column follows:

SINKING INTO THE MUD

Louis Farrakhan is not the last Haman or even the most remarkable but he does break the heart. "Again," we sigh, "You," we think, "not you too," as images of Abraham Joshua Heschel standing at the side of Martin Luther King, and Schwerner and Goodman lying dead in a Southern ditch float through our heads. Farrakhan referred to the "narrow-minded common Jew" and stated, "The Jews cannot defeat me. I will grind them and crush them into little bits."

We don't believe that major programs will spill out of Harlem (Crown Heights was most likely a singular event). But we do know that Farrakhan stirs up hatred, that he repeats and his followers repeat every vile anti-Semitic smear known to history and some that are reinvented for our time. Steve Cokely, a Farrakhan sympathizer, a black activist in Chicago, gave a series of lectures in which he said that Jewish doctors have

deliberately injected black children with the AIDS virus. How many times in our history have we been accused of starting or spreading plague, small-pox, typhus etc? AIDS intentionally spread by Jewish doctors is just the newest form of the oldest blood libel. We really shouldn't be surprised but we are.

Now I am in the bus and I see the well-dressed, mild-looking black man opposite me pull out of his briefcase a book called "The Protocols of Zion," or I overhear on the subway a young black man complaining about Jewish control of the movies, and I sit silently, look away, feel afraid. I have a friend who no longer wants her seven-year-old son to wear his yarmulke on Broadway. She thinks that with his yarmulke on he is a target for a crazy black person. The air we breathe, the communal air of our cities has been poisoned. This does not mean that every black looks at every Jew with hatred but enough do. The American pluralistic song begins to offend the ear with its sour notes. I begin to believe as I shop at the Korean vegetable store, as I head off to the bookstore, as I go downtown to the dentist, that I am moving through a fog of innuendo, bigotry and hatred.

This is new to America, well perhaps not entirely new; Father Coughlin, Bilbo, the great anti-Semites of the desperate 1930s probably had a similar effect in the metropolis. But it's new for me, born in 1936. I always felt safe here as a Jew. The polite anti-Semitism of the social sort, country clubs closed, restricted apartments, never seemed to affect the way we lived and what we did with our minds. I always felt that the European barbarism would not cross the ocean. I believed that equality and brotherly love, if not yet in every mind, was a social goal that we were always steadily if slowly approaching. Hah! (Yes, I know Herzl told me so a long time ago.)

And of course my own dormant racism rises to the bait. Now I look at a gaggle of black teenagers waiting in line ahead of me at the movies and I don't think of their academic ambitions, nor am I amused by their young hormones racing as they tease one another. I avoid eye contact. I wonder if they're carrying drugs or guns. I do not think of them as colleagues on my life journey. One of the terrible things about this round of anti-Semitism is that it makes me hate back and just as widely, just as ignorantly.

There has always been anti-shwartz feeling in the Jewish world. It came from the mouths of a generation imitating the worst in a profoundly racist American community. It was an infection caught from the American social grid. Now it has flared up in response to Farrakhan and his well-dressed followers who like undertakers come to bury us. The shock we feel about comparing catastrophes, defending ourselves against accusations of greediness or slave-trading, has left us numb, turning inward.

So while the historians and sociologists pundit on about the tribal nature of man and the root causes of the fires of bigotry, we who live on day to day in this ragged American dream, attempt to find personal ways to hold on to our balance, continue to care for the child who needs a better school or a better health clinic, remember that we had a vision of a good life, decent housing, fair opportunity, and that vision was not just for ourselves and was never intended to fence anyone out. I will not let Farrakhan take from me my stand with Abraham Joshua Heschel and my old-fashioned desire to overcome everyone's anguish. I don't want to be

dragged into the mud. Will I be able to help it?*

RECOGNITION FOR NEVADA FINALISTS IN THE WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION PROGRAM

• Mr. REID. Mr. President, on April 30–May 2, 1994 more than 1,200 students from 47 States and the District of Columbia were in our Nation's Capital to compete in the national finals of the We the People . . . The Citizen and the Constitution Program. I am proud to announce that the class from Edward C. Reed High School from Sparks represented the State of Nevada and won the Best in the West regional competition. These young scholars worked diligently to reach the national finals by winning district and State competitions. The distinguished members of the team representing Nevada are:

Abigail Abraham, Denise Arnold, Tammy Charlton, Eric Evangelista, Nathan Exline, Lorainne Forbush, Kathy Freeman, Cami Frey, Joseph Halli, Christina Heidman, Moses Hernandez, Clay Hill, and Scott Hislop.

Also Kimiko Ishibashi, Elizabeth Kitchen, Melissa Leavister, Tammy McClusker, Shawn Mitchell, David Moyer, Sean O'Hair, David Parsons, Stasi Taylor, Cory Von Pinnon, Tara Wilson, Sean Yancey, and Jonathan Young.

I also would like to recognize their teacher Mr. Denton Gehr II, who deserves much of the credit for the success of the team. The district coordinator Ms. Judy Simpson and the State coordinator, Ms. Phyllis Darling, have also contributed much time and effort to help the team reach the national finals and win the Best in the West regional competition.

The We the People . . . the Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the county to demonstrate their knowledge of constitutional issues.

The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am proud of these students representing the State of Nevada and commend them and their teacher for their hard work. They are headed for a bright future, and I wish them continued success in all of their endeavors.*

INTERVIEW WITH HISTORIAN RONALD TAKAKI

• Mr. SIMON. Mr. President, anyone who has any sensitivity at all under-

stands that we have to reach out and understand one another more than we have been doing.

Recently, I picked up the spring edition of the magazine *Teaching Tolerance* and read an interview with Dr. Ronald Takaki, a professor of ethnic studies at the University of California and the author of several books.

His insights into our culture, where we are and where we must go, are useful to any thoughtful American.

I particularly like his reflections on the common belief that "Asian Americans have made it" with an implied insult to African-Americans.

His comments about race and immigration are also significant.

I ask to insert Dr. Takaki's interview in the CONGRESSIONAL RECORD at this point.

The interview follows:

REFLECTIONS FROM A DIFFERENT MIRROR

Ronald Takaki is one of the nation's foremost scholars of multicultural studies. The grandson of Japanese immigrant plantation laborers in Hawaii, he holds a Ph.D. in American history from the University of California, Berkeley, where he has been a professor of ethnic studies for over two decades.

Takaki is the author of the critically acclaimed *Iron Cages: Race and Culture in Nineteenth-Century America* and the prize-winning *Strangers From a Different Shore: A History of Asian Americans*, which was cited in 1989 by the *New York Times Book Review* as one of the year's Notable Books. His most recent book, *A Different Mirror: A History of Multicultural America*, is a lively and dramatic retelling of the nation's history through the eyes and voices of the many different peoples who together compose it.

Takaki spoke by telephone from his office in Berkeley with *Teaching Tolerance* staff writer David Aronson in August 1993.

Q. How did you decide to become a historian and to focus on issues of multiculturalism?

A. I grew up in a small valley on the island of Oahu, Hawaii, playing with kids whose parents came from all over the world: China, Japan, Hawaii, Portugal, Puerto Rico and Korea. We all thought of ourselves as Americans. We spoke pidgin English to each other and thought nothing about the fact that our parents spoke different languages.

But when we went to school, our textbooks and our teachers did not explain the diversity of our community. Why were we here? What was the meaning of our racially diverse valley, which was a corner of this place called the United States of America?

So I became a historian largely in search of my own roots. I realized that the traditional historians had offered me, and many people like me, a mirror which had rendered us invisible, that had excluded us from the definition of what it meant to be an American. "American" meant having European ancestry; "American" meant white—and I could just look at myself in the morning and know that this was not true, this was not accurate.

Q. Why is it important that we—as Americans—recognize our multicultural heritage?

A. I think there are two reasons. The first is intellectual. Recognizing our diversity invites us to reach towards a more accurate understanding of our past and our present.

The second is social. I remember listening to Rodney King during those days of rage in

Los Angeles in April 1992. His lips were trembling, and he was saying, "We can get along, we can work it out." I think the question we have to ask is, "Well, how do we get along, how do we work it out?" I don't believe we will until we learn more about one another.

Q. What do you think accounts for the persistence of racism and prejudice in America?

A. The making of America as a multicultural society represents a contradiction. On the one hand, this country began with the English invasion and settlement of the New World. The English settlers who arrived here envisioned a homogeneous society. When John Winthrop sailed across the Atlantic with his fellow Puritans aboard the *Arbella*, he gave a sermon, and in the sermon he declared to his fellow settlers, "We shall be as a city on a hill. The eyes of the world are upon us."

Well, this was to be a city upon the hill, but it would not be a city that included Native Americans or African Americans—or later, Chicanos or Asian Americans. Jefferson articulated this vision as well. Shortly after the purchase of Louisiana, he wrote a letter to James Monroe in which he stated that he looked forward to the day when this continent would be covered by the same people, sharing the same values.

So on the one hand, there was this vision of a homogeneous Anglo-American society. Yet on the other, this was an expanding nation that would incorporate Native American lands and Native Americans themselves, that would require labor imported from Africa and, later, from Mexico and Asia. But as laborers entered the society, they brought their vision of America to these shores, and they defined America as a multicultural society. "This is our country, too," they said. "We belong here as well."

Q. Critics contend that multiculturalism, pushed too far, can lead to divisiveness. How would you respond?

A. The answer depends on the kind of multiculturalism you're talking about. The particularistic approach emphasizes the study of a specific group, such as Chicanos or Native Americans. I can see how this approach could separate a group from the larger society and from other groups.

A pluralistic approach emphasizes a comparative analysis of American society. We need to examine the broad range of ethnic and racial groups that characterize the people of the United States. This approach says that we need to study not only this particular group or our individual group, but others as well, and how the paths of other groups have criss-crossed in the making of America.

Q. You have argued against extolling Asian Americans as a "model" minority. Why not celebrate Asian American success?

A. For one thing, Asian Americans have not made it. The pundits and the journalists and sociologists have created a mythology. If you look at reality, you realize that you can't lump all Asian Americans together. We're a very diverse community. We include not only fifth-generation Chinese Americans, but also refugees from Laos—the Hmong and the Hmu—who have welfare rates as high as 80 percent. So it's a disservice to this diversity to say that all Asians have made it.

But there's also something pernicious about this celebration. What this celebration does, almost invariably, is condemn African Americans for their failure. Asian American success has become a way to discipline African Americans—a way of saying to African Americans, "Look at the Asians. They made it on their own, without welfare, without political agitation or affirmative action."

This is a way of providing instruction to African Americans on how they should behave, on what strategies they should pursue: They should not pursue political activism but instead should emphasize individualism, thrift and hard work. It pits these groups against each other and generates resentment.

Q. What do you make of the current anti-immigrant backlash?

A. What's not mentioned in this anti-immigrant backlash is the "R" word—race. I don't think you would have critics clamoring to close the gates if it were not for the fact that 80 percent of immigrants coming to the U.S. come from Latin America and Asia. This is leading to the changing colors of America.

The anti-immigrant pundits who say there are too many immigrants are saying there are too many people of color in America. If these immigrants were coming from Europe, I don't think there would be this backlash against them.

I think there is a kind of nervousness, a kind of perplexity, an anxiousness within middle-class white America that someday soon, in the 21st century, whites will become a minority of the total U.S. population. Whites already are a minority in virtually every major city across this country, and politicians can appeal to this nervousness, this fear.

But I think this distracts us; it derails us from pursuing the real problems in our society. The reason so many of us have these fears and these anxieties is due to the economic context. I think if we were in a period of prosperity, we would not be bashing immigrants. The problem is not the immigrants—it's the economy.

Q. What can schools do to help combat racism and prejudice?

A. I think schools are a crucial—probably the most crucial—site for inviting us to view ourselves in a different mirror. I think schools have the responsibility to teach Americans about who we are and who we have been. This is where it's important for schools to offer a more accurate, a more inclusive multicultural curriculum.

The classroom is the place where students who come from different ethnic or cultural communities can learn not only about themselves but about one another in an informed, systematic and non-intimidating way. I think the schools offer us our best hope for working it out. I would be very reluctant to depend upon the news media or the entertainment media, which do not have a responsibility to educate.

Q. How, finally, can the American promise become a reality and not, in Langston Hughes' phrase, a dream deferred?

A. We will have to free ourselves from the legacy of racism. One way to begin is to acknowledge this legacy, this reality of racism in our past. I think many of our historians are engaging in denial: They want to try to deny this past.

I think we should face this past and face it bravely. Indeed, once we confront it, once we acknowledge it, it no longer has so much power over us. Because we become aware of its presence in the past, we become, by extension, aware of its presence in our own time. Then, finally, we can address it.●

RETIREMENT OF DWIGHT C. STORKE, JR.

● Mr. SARBANES. Mr. President, the State of Maryland will soon lose a

friend and truly devoted steward of this country's National Parks System, Dwight C. Storke, Jr. Dwight Storke, a native Virginian, has decided to retire after a 23-year career with the National Park Service, after working 7 years as superintendent of the Thomas Stone National Historic Site in Charles County, MD. We in Maryland are sorry to see him go.

Over the years, I have had the pleasure of working with Dwight and I can attest to his willingness to go above and beyond the call of duty in our State's effort to preserve the Thomas Stone National Historic Site and its surrounding grounds. This property, also known as Habre-de-Venture, was the home of Thomas Stone throughout most of his politically active life as an American Revolutionary, member of the Continental Congress, and a signer of the Declaration of Independence. Built by Stone in 1771, the manor house is an excellent example of colonial period Maryland architecture. Under Dwight's leadership, the Thomas Stone House is now in the process of becoming fully restored and has been opened up to the public for the first time since it was established in 1978.

Dwight Storke's contributions to our national parks have not been limited to his work with Habre-de-Venture. He has not only played an instrumental role in the progress of heritage tourism throughout southern Maryland, but has also shared his leadership and talent with the State of Virginia. From 1971 to 1987 he held several positions at the George Washington Birthplace National Monument, including park technician, interpretive specialist, and chief of visitor services where he developed one of the best interpretive programs in the entire National Park Service. He has also served as the superintendent of the Richmond Battlefield Park and Maggie L. Walker National Historic Site.

Mr. President, on behalf of the citizens of Maryland, I am pleased to have this opportunity to express my appreciation for Mr. Storke's exceptional service. It is my firm conviction that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those who have had the opportunity to serve their fellow citizens. Throughout his career, Dwight Storke has exemplified a steadfast commitment to meeting this demand and we in Maryland are pleased to join in wishing him the very best in all his future endeavors.●

REACH OUT TO A CHILD

● Mr. SIMON. Mr. President, I would like to acknowledge the efforts of the Federal Home Loan Mortgage Corporation, Freddie Mac. Freddie Mac has expanded its successful Washington, DC-based community service program, Reach Out to a Child, to Chicago.

The focus of the Reach Out to a Child program, called the Second City Project, is at-risk children. Funding for both the Washington, DC, program and the new Chicago program come from Freddie Mac's sponsorship of the Run for Shelter—a series of 5K—3.1 mile—races in five cities across the country. The runs have raised over \$1 million for programs devoted to assuring the physical, emotional, and moral development of children, youth, and families at risk.

Chicago has been selected by Freddie Mac because of the large influx of children into the city's child welfare system over the past 10 years. Based on the same format as the Washington Reach Out to a Child Program, the Second City Project will focus on four specific areas of work with kids: First, child abuse and neglect prevention; second, family preservation; third, foster care; and fourth, adoption.

Freddie Mac attributes the success of the Washington project to its local partnerships. This same model will be used to establish the Second City project. Three organizations in Chicago have agreed to partner with Freddie Mac. Here are some of the partnerships' programs:

Illinois Department of Children and Family Services: Development of a city-wide foster parent recruitment program;

National Committee to Prevent Child Abuse:

1. HEALTHY FAMILIES AMERICA

Home support and education to new parents directed at helping them cope with the stresses and responsibilities of parenthood. Freddie Mac's Foundation' contributed \$250,000 toward its implementation.

2. FAMILY LIFE NEWSLETTER

Providing education and information about community events in an easy-to-read format. The circulation of this publication will be increased from 600 to 14,000 copies quarterly.

3. HOTLINE 21

A parent education series on a Chicago cable access channel. Programming will be expanded from 13 to 52 weeks.

4. BETTER BOYS FOUNDATION

Reaches out to youth and families through education, guidance, family counseling, intervention, and resident services.

Emergency Reception Center/Columbus-Maryville Children's Reception Center: These facilities provide protective services care and short term emergency care for foster children.

These types of community based programs have a significant impact on communities across the country. I am pleased that Freddie Mac has selected Chicago for its new Reach Out to a Child Program and I applaud their commitment, as well as the creativity and commitment of the Chicago partners.●

"CENTURION" ATTACK SUBMARINE

● Mr. D'AMATO. Mr. President, yesterday, as in the past, I sought to hammer home my concerns regarding the affordability of the *Centurion* attack submarine. Those concerns have led me to conclude that the *Centurion* program should be redefined as a "proof of principle" effort. The class should be limited to no more than three prototypes, one each of an attack, ballistic missile, and cruise missile variant.

This approach has the virtue of: first, proving beyond doubt whether affordability issues have been adequately addressed; second, assuring that the promise of modularity is achievable; and, third preserving the submarine industrial base.

A prototype program would avoid prematurely locking the Navy into serial production of a design that might well prove unaffordable, unexecutable, or both, facing Congress with the choice of either terminating the program or bankrupting the Navy.

Affordability remains the paramount issue. The Navy is long on assertion, but short on hard data concerning *Centurion* costs. The actuals associated with a prototype program will leave no room for debate about cost. Either the *Centurion* will be affordable or it won't.

Similarly, modularity, cornerstone to both affordability and design flexibility, is a packaging and fabrication strategy without precedent. What looks good on paper may not be feasible in the ways. A prototype affords industry the opportunity to take modularity to extremes while committing the Navy to nothing.

If the proof of principal effort is successful, we can jump immediately into full production. If not, the lessons learned can feed into the follow-on generation of submarine. Either way, design and production teams remain busy, thus preserving the submarine industrial base.

Austerity must be an invitation to creativity. Cost must drive every decision. Prototyping would allow industry and the Navy to push the margins, reaping successes and learning from failures without the pressures and restrictions of a production program. The alternative, a commitment now to *Centurion* acquisition, forecloses technological options that might be the difference between a submarine that is affordable and producible and one that is not.●

TRIBUTE TO PRESIDENT LEE TENQ-HUI

● Mr. SIMON. Mr. President, I would like to join in congratulating President Lee Tenq-hui, President of the Republic of China on Taiwan, on the anniversary of his inauguration which took place May 20, 1990.

The prosperity of President Lee's country—the United States sixth larg-

est trading partner with the world's second-largest hard-currency reserves—is fairly widely known. Less appreciated is Taiwan's remarkable democratic transformation of recent years, in which Lee Teng-hui has played a vital part. In the words of the State Department's annual human rights report, "*** in 1993 Taiwan continued its rapid progress toward a pluralistic system truly representing the island's population. Open political debate and a freewheeling print media contributed to a vigorous democratic environment."

These developments, which stand out in contrast to repression and human rights abuses on the mainland, are worthy of America's approbation and support. As I said in a floor statement May 19, our giving the cold shoulder to a free multiparty system on Taiwan is inconsistent with our concern not to offend the dictators of the People's Republic. President Lee deserves U.S. respect and official acknowledgement, not the backhanded treatment he received when his plane refueled in Hawaii on May 4.

It was my privilege to meet President Lee recently in South Africa at the inaugural ceremonies for President Nelson Mandela. On that occasion, it was my pleasure to introduce President Lee to Vice President AL GORE.

In extending my congratulations to President Lee, I would extend to him and the people of Taiwan my conviction that the day is coming when the United States Government will officially acknowledge them as the friends and allies they so clearly are.●

TAKING A LOOK AT TRENDS IN ADOLESCENT CRIME AND IN CRIME PREVENTION

● Mr. SIMON. Mr. President, the John D. and Catherine T. MacArthur Foundation, along with the National Institute of Justice [NIJ] has selected Chicago for an exciting and potentially very helpful longitudinal study. "The Project on Human Development in Chicago Neighborhoods" will review, over 8 years, trends in violence and crime among a very diverse and large number of kids and young adults throughout the city of Chicago. The study will be examining important questions about crime prevention: Which approaches to crime prevention work best and; what can the system do to accomplish the goal of reducing crime? Factors that will be looked at include family life, education, community institutions, environmental factors, and other social considerations.

The MacArthur Foundation and the NIJ will sponsor this study, each contributing \$2 million per year for 5 years. It is my hope that several offices at the Department of Health and Human Services will also provide a stable source of funding, as well as other

private sector sources that are currently being pursued.

A distinctive aspect of the study is its unusually large and representative sample of individuals. Eleven thousand residents will be chosen from over 150,000 citizens within 77 different neighborhoods in the city of Chicago. Participants will range from birth up until the age of 24, encompassing all races and ethnicities, as well as an equal number of both males and females. Participants may be interviewed up to three times a year over the next 8 years, giving the study a complete set of information from birth through age 32. No other study has been able to gather such comprehensive information on this issue.

Results of the study will be published on a yearly basis, enabling the researchers to obtain feedback from the communities involved. Ultimately, the study will provide the United States with very valuable information on how to control the growing crime rate among this Nation's younger population.

This is an exciting time for Chicago, as well as for the rest of the country, as we begin a process that should over time give us greater insight and direction in how to stop the increasing incidence of individual and community violence in this country.

Mr. President, I know many of my colleagues share my sense of enthusiasm and hope about this study and its results. I would like to share three articles on this study and ask that they be printed in full in the RECORD.

The material follows:

[From the Chicago Defender, Feb. 24, 1994]
STUDY LOOKS AT DYNAMICS OF PREVENTION OF
CRIME

(By Marian Moore)

Nipping criminal behavior in the bud, by way of pinpointing factors which drive an individual to steal or kill, is among the key issues that will be targeted in an eight-year Chicago-based study unveiled by area researchers Wednesday.

Although recognizing that prevention is the key to curtailing incidents of violence, substance abuse and other crimes, researchers from the Project on Human Development suggested that some forms of prevention, particularly for juveniles, work better than others.

But the question, as indicated by researchers of the \$4 billion-a-year study, is "Which approaches to prevention will work best?"

"When this project sees its full potential, it will become the landmark study against which policy decisions affecting our nation's young people will be made for decades to come," said Professor Felton Earls of the Harvard School of Public Health, also one of the leaders in the study.

Other questions the researchers will attempt to answer in their study include why some neighborhoods are safe while others are crime-ridden and why some individuals resort to a life of crime while their neighbors are law-abiding citizens.

"Some might say these are questions to which we already know the answers," Earls stated.

"The fact is, much policy is based upon best guesses, many of them conflicting with one another.

"Our work will attempt to replace impressions and opinions with statistically valid facts, to the extent possible. We are, after all, working with human beings."

Furthermore, the study will attempt to find if there are certain periods of life in which given social/environmental factors come into play.

The study also will identify those things schools, families and the government can do to positively impact social development.

More important, the report will look at what point in life these efforts are effective. The study will be based on information gathered from 11,000 Chicago residents.

In an effort to target a group which best represents the makeup of the city, researchers will randomly select individuals representing various communities as well as different ethnic and socioeconomic groups.

"We chose Chicago for this work because we feel it is unique among American cities," said Dr. John Holton, who will oversee the study's research staff.

"This city has neighborhoods with easily identified boundaries which provide a sense of stability, despite the considerable problems that exist here."

While other sources of funding are being sought for the human development study, the National Institute of Justice as well as MacArthur Foundation each will contribute \$2 million a year toward the project for the next five years.

[From the Chicago Sun-Times, Feb. 24, 1994]

STUDY HERE TO MEASURE INFLUENCE ON YOUTHS

(By Neil Steinberg)

A massive study will analyze factors influencing, for good and ill, development of young people in Chicago, the MacArthur Foundation will announce today.

Dubbed the Project on Human Development in Chicago Neighborhoods, or the City Project for short, the multimillion-dollar study will be made in each of the city's 77 neighborhoods over the next eight years. More than 120,000 people will be screened to find 11,000 young people, ranging from birth to 24 years old, to participate.

Over eight years, researchers will examine how family, neighborhood, school and other elements shape the growth of children and young people.

The MacArthur Foundation and the U.S. Justice Department has committed \$20 million to the first five years of the study and other funding sources are being sought.

Chicagoans will not have to wait until the next century to get feedback.

"What we intend to do is report the evolving, ongoing results from the study," said Professor Felton Earls of the Harvard School of Public Health, one of the leaders of the study. "Every year we should make reports to the city, not just to provide information, but to get feedback on how the information is used, both by people who run agencies and people who work in the communities."

The screenings for participants will begin within a month. One of the most important initial goals, Earls said, particularly in fractured communities, is building the trust needed to get people to cooperate in such a lengthy study.

"We hope to work within each community to get community leaders in that area to support the study," Earls said. "When we approach a person in the community [it is im-

portant] to have some endorsements from local leaders they know and respect."

Earls disagreed with the notion that the problems of urban youth are already clear and that the millions spent on the study could better be applied to known problems.

"People have a sense that we know what to do, but an analysis of the juvenile court system, of public schools, of recreational facilities, suggests just the opposite," Earls said. "The problems of youth are getting worse, not better, despite keen efforts on the part of many people."

[From the Chicago Tribune, Feb. 24, 1994]

GOING TO THE ROOTS OF VIOLENCE

(By Charles Storch)

Some young Chicagoans explode into crime and violence, while others lead more productive lives. What sets some off and what keeps the others in check is the subject of a major new study of this city's people and neighborhoods.

The study, which could begin as early as March, is projected to take eight years and cost about \$32 million. It will involve keeping track over that time of some 11,000 children and young adults, who will be chosen from an initial screening of some 150,000 Chicagoans.

Its backers, the John D. and Catherine T. MacArthur Foundation of Chicago and the National Institute of Justice, the research arm of the U.S. Justice Department, are calling it the "largest research project ever undertaken to study what it means to grow up in a major American city."

Accordingly to details of the project released Wednesday, researchers are seeking a clearer understanding of what individual, family and environmental factors lead children and young adults into juvenile delinquency, crime, violence, drug abuse and other anti-social behavior. Equally, they want to highlight those influences on socially acceptable and productive behavior.

They also hope to learn why some neighborhoods have lower crime rates than others and how all neighborhoods can be made safer.

There have been countless past studies on one or more aspects of crime and juvenile delinquency in the city and elsewhere, and many were out of date by the time they were published and served no end but to gather dust on some official's desk.

That this study attempts to be more comprehensive than its predecessors is obvious from its title, "The Project on Human Development in Chicago Neighborhoods." Its leaders believe the study's findings will be timely and useful.

As a result of years of planning, they believe they have dramatically cut the time between data collection and analysis and therefore will be able to begin publishing results by as early as next year.

"In the first year, we should be able to characterize what kinds of problems [related to children and young adults] exist in neighborhoods throughout Chicago and how they relate to neighborhood characteristics," said Felton Earls, a professor at Harvard University's School of Public Health and Medical School, who is director of the project.

As a child psychiatrist, Earls is deeply grounded in the family's role in child development. But he said in an interview that he has come to appreciate the importance of neighborhood social organizations—formally established associations or just people on the same block who keep an eye on a neighbor's kid—in keeping children to the straight and narrow.

"We're not going to get very far lowering the crime rates in the United States until we learn to attend to the properties of neighborhood social organizations," he said.

The study's co-director is Yale University sociology professor Albert J. Reiss Jr. Helping plan and implement the study were a "core scientific group" of experts from many academic disciplines and institutions across the country.

Hometown pride may be hurt that no Chicago university or academic is spearheading the project. The University of Chicago can at least note that one of its sociology professors, Robert Sampson, is a member of the core group and that Reiss is a former graduate student and faculty member.

The project will be run from Harvard's School of Public Health and from an office in Chicago, which will be headed by John K. Holton, former Chicago director of the National Committee to prevent child abuse.

Holton said that, in about a month, approximately 40 interviewers will begin going door to door and screen about 150,000 people from each of Chicago's neighborhoods and each of its racial and income classes. Holton said the sample group of 11,000 people, ranging in age from those conceived but not yet born to those as old as 24, will be selected in a few months. Subjects may be offered about \$10 an hour to participate.

Holton said subjects will be interviewed as many as two or three times a year over the next eight years. Information about the subjects also will be gleaned from interviews with their parents, guardians and teachers. Neighborhood leaders and residents will be interviewed about their communities.

A principal reason Chicago was selected for the study is that its neighborhoods are considered more stable than those of other major cities.

Members of Mayor Richard Daley's office and the Police Department have been briefed on the study. MarySue Barrett, the mayor's policy chief, said, "We feel this can be an incredible contribution to data we have on crime trends and the effectiveness of intervention, especially as Chicago is launching its community policing program."

Using a so-called accelerated longitudinal approach, researchers will study the different age groups in the sample group simultaneously. The effect will be as if a single group of people were studied from birth to age 32, but the time required will be just eight years.

"If we took 32 years to complete our study," said Reiss, "by the time we were done, society would have changed so much that the results would have limited value."

The University of Chicago's Sampson said many previous studies of crime and delinquency have focused on adolescence or early childhood and not such a wide age range. He said the new study will break new ground in including an equal number of males and females in its sample.

Sampson said this study also is distinguished by its large sample size, its investigation of all income levels within racial and ethnic groups, its interdisciplinary approach and its equal focus on individuals and communities.

The study has been under consideration for about 10 years and serious planning began in 1987. The study is budgeted to cost about \$4 million a year.

A MacArthur Foundation spokesman said the giant philanthropy and the National Institute for Justice have each committed to provide \$10 million to cover the first five years of the project. He said the backers may

be joined by other foundations and government agencies in financing the last three years.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar Nos. 944 to and including 964.

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

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

The nominations, considered and confirmed, en bloc, are as follows:

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.

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.

Joseph R. Paolino, Jr., of Rhode Island, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Frank G. Wisner, of the District of Columbia, a Career Member of the Senator Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

INTER-AMERICAN FOUNDATION

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.

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)

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

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.

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)

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Jan Piercy, of Illinois, to be United States Executive Director of the International Bank for Reconstruction and Development.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Sally A. Shelton, of Texas, to be an Assistant Administrator of the Agency for International Development.

THE JUDICIARY

Theodore Alexander McKee, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Billy Michael Burrage, of Oklahoma, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma.

Terry C. Kern, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Vanessa D. Gilmore, of Texas, to be United States District Judge for the Southern District of Texas.

DEPARTMENT OF JUSTICE

Florence M. Cauthen, of Alabama, to be United States Marshal for the Middle District of Alabama 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.

Dallas S. Neville, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for the term of four years.

John R. O'Connor, of Connecticut, to be United States Marshal for the District of Connecticut 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 vice Charles E. Healey.

Robert Bruce Robertson, of Oklahoma, to be United States Marshal for the Eastern District of Oklahoma for the term of four years.

Michael R. Bromwich, of the District of Columbia, to be Inspector General, Department of Justice.

STATEMENT ON THE NOMINATION OF JOSEPH PAOLINO, JR.

Mr. PELL. I strongly endorse the nomination of the former mayor of Providence, RI, Joseph R. Paolino, Jr., to be Ambassador to Malta. I have the highest regard for Joe, and am delighted that President Clinton has chosen him to represent the United States in Malta.

Malta is located at an important crossroads in the central Mediterranean between Tunisia, Libya, and Italy. Its economy is thriving, and there appear to be good opportunities for increased commercial relations between the United States and Malta. I believe it is particularly appropriate that President Clinton has nominated Joe Paolino, an individual with a strong background in economic development, and a respected member of the Italo-American community, for this post.

After serving as an intern in my office years ago, Joe embarked upon a distinguished career in public service in Rhode Island and has become one of our State's most capable and experienced young leaders. Elected to the Providence City Council at the age of 24, Joe became in 1984 the youngest mayor in the city's history. Most recently, Joe directed Rhode Island's Department of Economic Development. Throughout this entire period, Joe has been a prominent leader of the Italo-American community, not only at the State, but at the national level.

I have always been impressed with Joe's energy, drive, and desire to serve. He has excelled at every job he has had, and I have every confidence that Joe will tackle his new assignment with

the same vigor that has served him so well in his previous duties.

I would urge my colleagues to approve this nomination.

CAUTION IN SOUTH ASIA: THE NOMINATION OF FRANK WISNER AS AMBASSADOR TO INDIA

Mr. PRESSLER. Mr. President, on May 17, 1994, the Foreign Relations Subcommittee on East Asian and Pacific Affairs held a confirmation hearing for Ambassador Frank Wisner to fill the long-vacant post of United States Ambassador to India. During this hearing, I asked Ambassador Wisner a number of detailed questions regarding the proliferation of nuclear weapons in the South Asia region. As I am sure you are aware, Mr. President, the proliferation of weapons and the Chinese military buildup, specifically, are of particular concern to India. Consequently, if confirmed, Ambassador Wisner must be prepared to face this issue and other regional weapons proliferation concerns.

I have a long-standing interest in the problem of proliferation of nuclear weapons in unstable regions of the world. South Asia is one such region. The proliferation of nuclear weapons is the most critical national security issue facing the United States today. It is of paramount interest that the United States demonstrate a unified position on this issue.

I was troubled by Ambassador Wisner's responses to my questions at his initial hearing last week. His responses regarding the Chinese weapons buildup vividly demonstrated that the current administration currently does not have a unified policy regarding nuclear non-proliferation. When Ambassador Wisner responded to my questions on the ever expanding Chinese military machine, the Ambassador stated unequivocally, "We cannot say that China is engaged * * * in a major arms buildup." Yet, I have read repeatedly in major national and international newspapers that the opposite is true. What is the real story?

It is difficult for me, as a Member of Congress, to explain to my constituents in my home State of South Dakota the inconsistencies between the administration's position on the Chinese nuclear weapons buildup and reports from the major national media. When I meet with my constituents at town meetings and foreign policy forums, they ask, "What is the real story?" My constituents are informed. They read the New York Times, the Washington Post, and the Wall Street Journal. I owe it to my constituents to find correct answers to their questions. They deserve to know the real story.

That is why I repeatedly raised nuclear proliferation questions with Ambassador Wisner. While some may believe that my questions regarding the Chinese buildup were irrelevant to Ambassador Wisner's nomination as United States Ambassador to India, we

must recognize the circuitous nature of regional nuclear arms proliferation. There is a chain reaction of nuclear weapons acquisition in South Asia. India, fearing China, built a bomb. Pakistan, partially because it considered India's nuclear program a threat to its national security, developed its own nuclear program. While both Indian and Pakistan may believe this tit-for-tat nuclear policy lowers the risk of conflict, should a hot conflict erupt in the region, the stakes would be much higher with nuclear weapons figured into the calculation.

As one nation obtains the technology and the components necessary to construct nuclear weapons, it is politically difficult for another country that feels threatened by the first to withstand the temptation to strengthen its own nuclear programs. This competition substantially increases the possibility that disputes between nations could end in an atomic clash. I fear this could happen in South Asia.

Ambassador Winston Lord, in testimony before the East Asian and Pacific Affairs Subcommittee on May 4, 1994, stated that increased Chinese military spending does not threaten the United States. According to Ambassador Lord,

[T]hose countries near China have more concern earlier about implications of military buildup than we do. What China is doing now is from a relatively low technology base and projection base. It does not immediately threaten us, nor do they have aggressive intentions to.

What Ambassador Lord fails to recognize is that a regional nuclear threat from China is our problem.

First, China currently is developing a new generation of nuclear weapons capable of reaching the United States. Second, even if China currently does not have the projection capabilities necessary to launch a nuclear attack against the United States, we cannot ignore the threat of a Chinese nuclear buildup to nations in the South Asia region, such as India and Pakistan. Ambassador Wisner and the administration must recognize the importance of Chinese military expansion and how that may affect the region as a whole.

Additionally, I have had reservations about confirming Ambassador Wisner because of his role in the administration's recent attempts to waive the Pressler amendment and allow Pakistan to receive up to 38 F-16 fighter aircraft. I regarded this move as the State Department's effort to kill the Pressler amendment. Delivering up to 38 F-16's, several P-3's and some number of T-38 trainers to Pakistan at this juncture only would encourage other nations to develop limited nuclear arsenals. What this administration in effect has said is that it is OK for an unstable nation to have some nuclear capability.

The United States has never advocated limited nuclear capability for

any country. According to the terms of the Nuclear Non-Proliferation Treaty [NPT], only the permanent five members of the Security Council are authorized to have nuclear weapons. Why this administration would pursue such a calamitous policy escapes me. I have learned that Ambassador Wisner was the architect of the administration's policy change toward Pakistan. Naturally, I have been troubled by this.

After Ambassador Wisner's confirmation hearing on May 17, 1994, I was not satisfied completely with his handling of questions regarding nuclear proliferation in South Asia. While I believed—and continue to believe—Ambassador Wisner did a find job as our U.S. Ambassador to Egypt, I did not feel confident at the time that he was fully prepared to be Ambassador to India, given the current state of nuclear proliferation in the region. Because of these misgivings, I requested an extension of Ambassador Wisner's confirmation hearing.

At his second hearing, I again questioned the Ambassador about discrepancies between media reports and administration reports on Chinese military expansion. Regrettably, Ambassador Wisner's responses were similar to those he gave in the first hearing. After this second hearing, however, I felt somewhat more at ease with the Ambassador's position on South Asian nuclear proliferation. I explained my need for straight answers. I explained to him the importance of these issues to my constituents, as well as all Americans.

I believe that it is extremely important to regional security that the ambassadorial post to India is filled. I will continue to raise questions with the administration about the South Asian regional arms race. Constituents in South Dakota and in all 50 States need assurances that U.S. representatives in that region are serving our national security interests.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

VETERANS BENEFITS AND SERVICES AMENDMENTS OF 1994

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 435, S. 1626, a bill relating to the VA Home Loan Guarantee Program.

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

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1626) to amend title 38, United States Code, to revise the veterans' home loan program.

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 amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits and Services Amendments of 1994".

SEC. 2. REVISION IN COMPUTATION OF AGGREGATE GUARANTY FOR HOME LOANS.

Section 3702(b) of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph (1):

"(1) the loan has been repaid in full, or the Secretary has been released from liability as to the loan, or if the Secretary has suffered a loss on the loan, the loss has been paid in full; or";

(2) in paragraph (2), by striking out "; or" and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

SEC. 3. AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.

(a) LOANS.—Section 3710(a) of title 38, United States Code, is amended by adding after paragraph (10) the following:

"(11) To refinance in accordance with subsection (e) of this section an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d) of this section."

(b) AMOUNT OF GUARANTY.—Section 3710(e)(1) of such title is amended—

(1) in the matter above subparagraph (A), by inserting "or subsection (a)(11)" after "subsection (a)(8)"; and

(2) by amending subparagraph (C) to read as follows:

"(C) the amount of the loan may not exceed—

"(i) an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 3703(c)(3)(A) of this title) as may be authorized by the Secretary, under regulations which the Secretary shall prescribe, to be included in such loan; or

"(ii) in the case of a loan for a purpose specified in such subsection (a)(11), an amount equal to the sum of the amount referred to with respect to the loan under clause (i) of this subparagraph and the amount specified under subsection (d)(2) of this section;"

(c) FEE.—Section 3729(a)(2)(E) of such title is amended by inserting "3710(a)(11)," after "3710(a)(9)(B)(i)."

SEC. 4. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) EXPANSION OF ERA.—Section 101(29) of title 38, United States Code, is amended to read as follows:

"(29) The term 'Vietnam era' means—

"(A) the period beginning February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period; and

"(B) the period beginning August 5, 1964, and ending on May 7, 1975, in all other cases."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994. No person shall be entitled to receive by reason of the amendment made by subsection (a) any benefits for any period before such date.

SEC. 5. EXCLUSION OF CERTAIN PAYMENTS TO ALASKA NATIVES FROM DETERMINATION OF ANNUAL INCOME FOR PURPOSES OF ELIGIBILITY FOR PENSION.

Section 1503(a) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10)(B) and inserting in lieu thereof "; and"; and

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

"(11) cash, stock, land, or other interest referred to in subparagraphs (A) through (E) below paragraph (3) of section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)), whether attributable to the disposition of real property, profits from the operation of real property, or otherwise, that is received from a Native Corporation under such Act (43 U.S.C. 1601 et seq.)."

SEC. 6. AUTHORITY TO ENTER INTO AGREEMENT FOR USE OF PROPERTY AT EDWARD HINES, JR., DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs may enter into a long-term lease or similar agreement with the organization known as the The Caring Place at Loyola, Inc., a not-for-profit organization operating under the laws of the State of Illinois, to permit that organization to establish on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Medical Center, Hines, Illinois, a facility to provide temporary accommodations for family members of severely ill children who are being treated at the Loyola University of Chicago Medical Center.

(b) **TERMS OF AGREEMENT.**—An agreement under subsection (a)—

(1) shall ensure that there shall be no cost to the Federal Government as a result of the property use authorized under that subsection;

(2) may permit the use of the property without rent; and

(3) shall, to the extent practicable, ensure that one room of the facility is available for the use of a veteran (at no cost to the veteran) as temporary accommodations for the veteran while the veteran's severely ill child is treated at the Loyola University of Chicago Medical Center.

Amend the title so as to read: "To amend title 38, United States Code, to permit home loan guaranties for energy efficiency improvements, to extend the period of the Vietnam era, to exclude certain payments to Alaska natives from annual income determinations for pension purposes, and for other purposes."

Mr. **ROCKEFELLER.** Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to support the pending measure, S. 1626, the proposed Veterans Benefits and Services Amendments of 1994.

Mr. President, S. 1626 as it comes before the Senate, which I will refer to as the "committee bill," is derived from four bills: S. 1626, which I introduced, relating to the VA home loan program; S. 677, introduced by Senator **PAUL SIMON**, authorizing the establishment of a Ronald McDonald House at the Hines VA Medical Center; S. 792, introduced by Senator **ALFONSE M. D'AMATO**, relating to the statutory date for the beginning of the Vietnam era; and S. 1958, introduced by my good

friend, the ranking minority member of the committee, Senator **FRANK H. MURKOWSKI**, relating to the treatment of Alaska Corporation dividends in calculating VA pension. The Committee on Veterans' Affairs met on April 14, 1994, and voted unanimously to report this bill.

The committee bill includes provisions which would (a) repeal the requirement that a veteran dispose of a home acquired with a VA-guaranteed loan before his or her loan entitlement can be restored; (b) permit the cost of energy conservation improvements to be included in a VA-guaranteed loan refinanced for purposes of reducing the interest rate; (c) change the statutory date for the beginning of the Vietnam era from August 5, 1964, to February 28, 1961; (d) require that Alaska Native Corporation dividends paid under the Alaska Native Claims Settlement Act be excluded from the calculation of annual income for purposes of determining VA pension eligibility; and (e) authorize the establishment of a facility on the grounds of the Hines VA Medical Center to provide temporary accommodations for family members of severely ill children being treated at a nearby university hospital.

REVISION IN COMPUTATION OF AGGREGATE GUARANTY FOR HOME LOANS

Mr. President, section 2 of the committee bill, which is derived from section 2 of S. 1626 as introduced, would repeal the requirement that a veteran dispose of a home acquired with a VA-guaranteed loan before his or her loan entitlement can be restored.

Mr. President, under current law, a veteran may not get VA financing to purchase a home if the veteran owns a house acquired with a VA-guaranteed loan, even if the loan has been paid off. Section 3702(b) of title 38, United States Code, provides that a veteran's loan guaranty entitlement cannot be restored unless two conditions have been met: First, the prior VA-guaranteed loan has been paid off or the VA has been released from liability and has recovered any losses incurred on the loan; and second, the house purchased with the prior loan has been sold or destroyed.

Often veterans need to purchase a new home without having sold an existing one. During a divorce, for example, a veteran may need to buy a separate home and leave the existing one to his spouse and children. In some cases, a veteran is transferred to a new location by his or her employer and must buy a new home before the old one has been sold. It is the committee's view that, where the VA has no outstanding liability or loss on a prior loan, the VA home loan program should be flexible enough to accommodate the needs of families in transition and the loan guaranty entitlement should be restored so as to enable a veteran to purchase a new primary residence.

Mr. President, section 2 of the committee bill would amend current law so as to repeal the requirement that a veteran dispose of a home acquired with a VA-guaranteed loan before his or her loan entitlement can be restored. Full payment of a prior VA-guaranteed loan or release of the VA from liability and compensation for any loss incurred by VA will continue to be a precondition to restoration of the entitlement. This change will give VA greater flexibility in the administration of the home loan program which should enable VA to better meet veterans' needs with no increased risk or liability to VA.

AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS

Mr. President, section 3 of the committee bill, which is derived from section 3 of S. 1626 as introduced, would permit the cost of energy conservation improvements to be included in a loan refinanced for purposes of reducing the interest rate.

The Veterans Home Loan Program Amendments of 1992, Public Law 102-547, directed VA to carry out a program through which the cost of energy efficiency improvements could be included in certain VA-guaranteed loans. The cost of energy efficiency improvements that may be included in a VA-guaranteed loan is limited to \$3,000 or to \$6,000 if reduced utility bills will offset the increase in loan payments attributable to the energy improvements.

Under the program, veterans can borrow money to make energy improvements when they purchase a house or when they take out a VA-guaranteed loan secured by a mortgage on the house. However, under this program, energy improvement costs may not be included in loans taken out for the purpose of refinancing an existing loan in order to reduce the interest rate. Such interest rate reduction loans typically do not involve an income verification or property appraisal because the effect is to reduce the veteran's payments under an existing loan. Thousands of veterans have refinanced their VA-guaranteed loans during the past 2 years, but we were unable to take advantage of the energy efficiency program.

Mr. President, section 3 would permit the cost of energy efficiency improvements to be included in a loan refinanced for the purpose of reducing the interest rate. While the committee recognizes that adding the cost of energy improvements will increase the amount of the loan in relation to the value of the property, it believes that any increased risk from an increase in the loan-to-value ratio would be slight and would be offset to a significant degree by the reduced payments resulting from lower interest rates.

EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS

Mr. President, section 4 of the committee bill, derived from S. 792 as introduced, would amend section 101(29) of title 38 so as to change the statutory beginning date of the Vietnam era from August 5, 1964, to February 28, 1961, for those who served in the Republic of Vietnam. For those who served elsewhere, the Vietnam era would begin on August 5, 1964.

The committee has reported and the Senate has passed provisions similar to section 4 on three earlier occasions—as section 8 of S. 2514 during the 98th Congress, as section 201 of S. 876 during the 99th Congress, and as section 701 of S. 2011 during the 100th Congress. However, our counterparts in the House have not agreed to include the provisions in the compromise agreements reached on the legislation involved, and thus, the provisions have not been enacted.

Currently, section 101(29) of title 38 defines the Vietnam era as beginning on August 5, 1964, for all veterans. That date coincides with the Gulf of Tonkin incident and the approximate date of adoption of the Gulf of Tonkin Resolution by the Congress. While this is certainly a watershed event in our involvement in Vietnam, many United States service members were serving in Vietnam well before that date.

Mr. President, section 4 of the committee bill would change the starting date of the Vietnam era for title 38 purposes to February 28, 1961, for those who served in the Republic of Vietnam.

Mr. President, the proposed February 28, 1961, date has been used in other statutory contexts. For example, it is the date set forth in Public Law 89-257 after which United States service personnel could accept awards from the Government of the Republic of Vietnam for service in Vietnam. The Armed Services Committees of the Senate and House report that this date was selected because that was the approximate date on which American military advisers began to accompany Vietnamese counterparts on military missions.

February 28, 1961, is also the date selected by the Department of the Army for the award of the Combat Infantryman's Badge and the Combat Medical Badge. In addition, this date is used in section 112 of the Internal Revenue Code relating to the treatment of income for tax purposes for members of the Armed Forces serving in Vietnam in certain circumstances, and in section 239(a) of the Immigration and Nationality Act relating to expedited naturalization based on wartime service.

Mr. President, at the committee's March 24, 1994, hearing, this provision received wide support from the veterans service organizations. Although VA supported this proposal in the past, it declined to take a position on section 4 due to the potential cost involved in

expanding the definition of the Vietnam era. Since the hearing, the Congressional Budget Office has estimated that changing the date would not result in a significant cost to the Federal Government.

EXCLUSION OF CERTAIN PAYMENTS TO ALASKA NATIVES FROM DETERMINATION OF ANNUAL INCOME FOR PURPOSES OF ELIGIBILITY FOR PENSION

Mr. President, section 5 of the committee bill, which is derived from S. 1958, would require that Alaska Native Corporation dividends paid under the Alaska Native Claims Settlement Act be excluded from the calculation of annual income for purposes of determining VA pension eligibility.

Mr. President, this provision was developed by the ranking Republican member of the committee, Senator MURKOWSKI, and I defer to him to describe the specific contents of this provision.

AUTHORITY TO ENTER INTO AGREEMENT FOR USE OF PROPERTY AT THE EDWARD HINES, JR., DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. President, section 6 of the committee bill, which is derived from S. 677, would authorize the Secretary of Veterans Affairs to enter into a long-term lease or similar agreement with the not-for-profit organization known as The Caring Place at Loyola, Inc., in order to establish a facility on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Medical Center, Hines, IL. The purpose of such a facility would be to provide temporary accommodations for family members of severely ill children who are being treated at the Loyola University of Chicago Medical Center. The long-term lease or similar agreement would be at no cost to VA.

Current law restricts VA from entering into an agreement to lease VA land or buildings longer than 3 years. However, in this case, a 3-year lease or similarly limited agreement would severely impede the ability of The Caring Place to seek contributions and financial assistance from private sources. Thus, section 6 would authorize the Secretary to enter into a long-term lease or similar agreement with The Caring Place to establish a facility on VA grounds.

Mr. President, VA has expressed to the committee that it has no long-range plans for using the site proposed for The Caring Place and would agree to a long-term lease for this project. In fact, VA also provided the land upon which the Medical School at Loyola was built, and has forged a longstanding relationship with the medical school and others in the local community. The committee notes that the proposed site for The Caring Place would be close to the VA day care center and a large park, and would potentially enhance the functions of these existing facilities.

The provision was modified during the committee markup so as to require, to the extent possible, that 1 of the 16 planned bedrooms within The Caring Place be designated for priority use for veterans with seriously ill children being treated at the Loyola University of Chicago Medical Center. The committee understands that, while The Caring Place anticipates charging a nominal daily rental fee under normal circumstances, veteran users will not be charged for use of this room.

CONCLUSION

Mr. President, I thank the Senators who introduced the various bills incorporated into S. 1626 for their support of services to veterans. I also thank the members of the committee for their support of S. 1626 and the members of the majority and minority committee staff who worked on this measure.

I urge my colleagues to give their unanimous support to S. 1626 as reported and assist the Nation's veterans and their families.

Mr. MUKOWSKI. Mr. President, initially I want to thank my colleague, Senator JAY ROCKEFELLER, for his cogent explanation of the provisions of this important piece of legislation, and for his leadership as chairman of the Veterans' Affairs Committee.

With these comments, I will not cover ground which Senator ROCKEFELLER has already explored so eloquently in his statement. Rather, I will concentrate on a portion of the bill in which I have a particular interest—the provisions relating to VA's pension program, and the treatment of dividends received by Alaska Native veterans from Alaska Native corporations under this program. Those provisions were originally contained in S. 1958, which I introduced on March 22, 1994, and which was cosponsored by my colleagues, Senators STEVENS and AKAKA. To reduce that bill—and section 5 of S. 1626, which incorporates the substance of S. 1958—to their most essential terms, they require the Department of Veterans Affairs [VA] to implement the intent of Congress as expressed when it enacted, and subsequently amended, the Alaska Native Claims Settlement Act [ANCSA].

To fully explain why this legislation is necessary, I need to outline briefly the general terms of ANCSA and, in particular, a critical provision of the statute relating to needs-based Federal benefits programs. The overall purpose of ANCSA, as stated in section 2(a) of the legislation itself, is to provide a "a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims." ANCSA was, and remains, an unusual—indeed, a landmark—piece of legislation in resolving Native land claims. In the words of our colleague, Senator BINGAMAN, ANCSA adopted,

*** a novel, experimental approach in [the Federal Government's] relationship

with Native Americans. It departed from the conventional method of *** settling tribal land claims [by] creating *** a framework for *** administering Native lands and funds through a *** [Native]-run corporate structure.—S. Rpt. No. 100-201 45 (Additional Views).

To summarize, under ANCSA Native Alaskans received a combination of cash, mineral lease proceeds, and land in exchange for the extinguishment of their aboriginal land claims. Those assets, however, were not distributed directly to individual Native Alaskans when ANCSA was enacted in 1971. Rather, ANCSA authorized the creation of 12 Native owned and operated regional corporations to administer those assets for the benefit of Alaska Native shareholders. These corporations continue to exist today, and they distribute funds received in settlement of Native land claims, and funds generated from corporate earnings, to Native village corporations and to Alaska Native shareholders.

When ANCSA was enacted, the question arose as to whether these distributions should be taken into account in determining whether an Alaska Native would be eligible to receive Federal Food Stamp assistance. The Congress concluded—wisely, I think—that it would not be fair to penalize Alaska Natives for settling their land claims by causing them to lose eligibility for food stamps as a result of receiving settlement payments. Thus, ANCSA, as originally enacted, contained a provision, codified at 43 U.S.C. section 1626(b), which stated that “in determining the eligibility of any household to participate in the food stamp program, any compensation, remuneration, revenue, or other benefit received by any member of any such household shall be disregarded.” It was only when ANCSA was amended in 1988 that this compensation disregard provision was expanded.

As was stated in the Senate Report accompanying the 1988 amendments to ANCSA:

Currently, section 29 of ANCSA directs that any compensation, remuneration, revenue of other benefit received pursuant to ANCSA “shall be disregarded” in determining eligibility to participate in the Food Stamp Program. *Natives have been denied benefits or have received diminished benefits in other Federal or federally-assisted programs, because of benefits received under ANCSA.* Accordingly, the new subsection (c) in this section clarifies the present protections as including all Federal or federally-assisted programs. It also specifically exempts dividends up to \$2,000 per individual per year and dividends and distribution of stock from consideration in eligibility determinations. Application of less restrictive eligibility tests are not prohibited by this language. S. Rpt. 100-201 at 39 (emphasis added).

Based on this clear expression of intent to broaden and expand the already-existing disregard provisions within section 29 of ANCSA, the statute was amended to read as follows:

In determining the eligibility of a household, an individual Native, or a descendant of a Native *** to—

* * * * *

(3) receive financial assistance or benefits, based on need, under any Federal program or federally-assisted program, none of the following received from a Native corporation, shall be considered or taken into account as an asset or resource:

(A) cash (including cash dividends on stock received from a Native corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per annum;

(B) stock (including stock issued or distributed by a Native corporation as a dividend or distribution on stock);

(C) a partnership interest;

(D) land or an interest in land (including land or an interest in land received from a Native corporation as a dividend or distribution on stock); and

(E) an interest in a settlement trust.—43 U.S.C. section 1626(c) (emphasis added).

It seems to me, Mr. President, that the law could hardly be clearer. By any reading of this statute, and the explanation of it contained in the Senate Energy and Natural Resources Committee's Report, one can only conclude that ANCSA payments are to be disregarded not only for purposes of Food Stamps, but for any and all Federal needs-based benefits programs. To the extent that the words of the statute, or the Senate's expression of purpose, might have admitted to any ambiguity—and, frankly, I do not see how anyone could contend that they do—the requirement that ANCSA be construed in a fashion sympathetic to Native interests, see, e.g., *Cape Fox Corp. v. U.S.*, 4 Cl. Ct. 223, 231 (1983), would require that any such ambiguity be resolved to require the disregarding of ANCSA payments. When one considers that the needs-based benefit program in question is a veterans program—a program which embodies a long-standing tradition of resolving doubt in the veteran's favor—the door should have been slammed, I think, on any thought that ANCSA dividends might be used to reduce pension benefits to which a veteran might be eligible.

Unfortunately, the VA's General Counsel has taken a differing view. In two separate legal opinions, the General Counsel has stated, in effect, that despite the foregoing, VA shall take ANCSA dividends into account for purposes of determining eligibility for, and the amount of benefit received under, VA's veterans pension program. In my view, Mr. President, this conclusion is totally erroneous.

As is made clear in ANCSA, payments received under ANCSA—whether they be cash, cash dividends—up to \$2,000 per year, stock dividends, land, whatever—are not to be considered or taken into account for purposes of determining eligibility for “benefits, based on need, under any Federal program.” Equally, ANCSA payments are not to be taken into account for purposes of diminishing needs-based Fed-

eral benefits. VA's pension program—which is not a retirement pension program but is, rather, an income maintenance program which assures that wartime veterans who are permanently and totally disabled due to nonservice connected disability will not be forced to live below subsistence income levels—is clearly a benefit, based on need. And yet, VA allows payments received pursuant to ANCSA to be taken into account in determining if one is eligible to receive pension benefits.

To illustrate, under current VA policy a veteran having an annual income of \$6,000 who would otherwise be eligible for pension would be disqualified if he or she were to receive \$2,000 per year in cash dividends under ANCSA. Equally—and more importantly for practical purposes—VA offsets ANCSA dividends on a dollar-for-dollar basis when it computes the amount of pension benefits to be paid. So, for example, a VA pension recipient who would otherwise receive \$7,397 per year in pension benefits would only receive \$5,397 if he or she were also to be a recipient of \$2,000 per year in ANCSA distributions. This despite the clear indication of congressional intent to the contrary.

My colleagues might ask how VA justifies such action. I am told that VA's General Counsel reasons that ANCSA says that cash paid to Alaska Natives shall not be taken into account as assets or resources. A person's assets or resources, VA continues, are akin to his or her net worth and, therefore, Congress intended, according to VA, that ANCSA payments not be taken into account for determining eligibility only for means tested benefits programs that rely on net worth computations—not annual income computations—in determining eligibility. Since eligibility for VA pension programs is governed by the applicant's annual income, not his or her net worth, VA concludes that ANCSA's directive that Native corporation dividends be disregarded does not apply to VA pension programs, even though eligibility is based on need.

Mr. President, the Congress had no such income versus net worth distinction in mind when it expanded the disregard provision of ANCSA. It had in mind something much more direct: it wanted to preclude ANCSA payments from causing Alaska Natives to be ineligible for food stamps, and any other needs-based Federal benefits, and it wanted to assure that such benefits would not be diminished as a result of ANCSA receipts. Section 5 of S. 1626 would see to it that that clear intent would be put into effect by forbidding VA from taking ANCSA payments into account for purposes of its pension programs.

I am pleased, Mr. President, that members of the Committee on Veterans' Affairs have been supportive of this provision, and I am equally

pleased that VA has expressed no opposition to it. I ask that the Members of the Senate also support this provision—and that they support enactment of S. 1626 in its entirety. Finally, Mr. President, I want to express my gratitude to the committee's distinguished chairman, Senator ROCKEFELLER, and to his able staff for facilitating the approval of this legislation.

The PRESIDING OFFICER. Without objection, the substitute is agreed to.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. Without objection, the bill is considered read for the third time.

The bill was read for the third time.

VETERANS HEALTH IMPROVEMENTS ACT OF 1993

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 297, H.R. 3313, the House companion, that all after the enacting clause be stricken, and the text of S. 1626, as amended, be inserted in lieu thereof; that the bill be deemed read the third time, passed; that the motion to reconsider be laid upon the table, and any statements appear at the appropriate place in the RECORD.

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

So the bill (H.R. 3313) was deemed read the third time, and passed, as follows:

H.R. 3313

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 "Veterans Benefits and Services Amendments of 1994".

SEC. 2. REVISION IN COMPUTATION OF AGGREGATE GUARANTY FOR HOME LOANS.

Section 3702(b) of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph (1):

"(1) the loan has been repaid in full, or the Secretary has been released from liability as to the loan, or if the Secretary has suffered a loss on the loan, the loss has been paid in full; or";

(2) in paragraph (2), by striking out "or" and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

SEC. 3. AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.

(a) LOANS.—Section 3710(a) of title 38, United States Code, is amended by adding after paragraph (10) the following:

"(11) To refinance in accordance with subsection (e) of this section an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d) of this section."

(b) AMOUNT OF GUARANTY.—Section 3710(e)(1) of such title is amended—

(1) in the matter above subparagraph (A), by inserting "or subsection (a)(11)" after "subsection (a)(8)"; and

(2) by amending subparagraph (C) to read as follows:

"(C) the amount of the loan may not exceed—

"(i) an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 3703(c)(3)(A) of this title) as may be authorized by the Secretary, under regulations which the Secretary shall prescribe, to be included in such loan; or

"(ii) in the case of a loan for a purpose specified in such subsection (a)(11), an amount equal to the sum of the amount referred to with respect to the loan under clause (i) of this subparagraph and the amount specified under subsection (d)(2) of this section."

(c) FEE.—Section 3729(a)(2)(E) of such title is amended by inserting "3710(a)(11)," after "3710(a)(9)(B)(i)."

SEC. 4. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) EXPANSION OF ERA.—Section 101(29) of title 38, United States Code, is amended to read as follows:

"(29) The term 'Vietnam era' means—

"(A) the period beginning February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period; and

"(B) the period beginning August 5, 1964, and ending on May 7, 1975, in all other cases."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994. No person shall be entitled to receive by reason of the amendment made by subsection (a) any benefits for any period before such date.

SEC. 5. EXCLUSION OF CERTAIN PAYMENTS TO ALASKA NATIVES FROM DETERMINATION OF ANNUAL INCOME FOR PURPOSES OF ELIGIBILITY FOR PENSION.

Section 1503(a) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10)(B) and inserting in lieu thereof "and"; and

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

"(11) cash, stock, land, or other interest referred to in subparagraphs (A) through (E) below paragraph (3) of section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)), whether attributable to the disposition of real property, profits from the operation of real property, or otherwise, that is received from a Native Corporation under such Act (43 U.S.C. 1601 et seq.)."

SEC. 6. AUTHORITY TO ENTER INTO AGREEMENT FOR USE OF PROPERTY AT EDWARD HINES, JR., DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) IN GENERAL.—The Secretary of Veterans Affairs may enter into a long-term lease or similar agreement with the organization known as The Caring Place at Loyola, Inc., a not-for-profit organization operating under the laws of the State of Illinois, to permit that organization to establish on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Medical Center, Hines, Illinois, a facility to provide temporary accommodations for family members of severely ill children who are being treated at the Loyola University of Chicago Medical Center.

(b) TERMS OF AGREEMENT.—An agreement under subsection (a)—

(1) shall ensure that there shall be no cost to the Federal Government as a result of the property use authorized under that subsection;

(2) may permit the use of the property without rent; and

(3) shall, to the extent practicable, ensure that one room of the facility is available for the use of a veteran (at no cost to the veteran) as temporary accommodations for the veteran while

the veteran's severely ill child is treated at the Loyola University of Chicago Medical Center.

The title was amended so as to read:

To amend title 38, United States Code, to permit home loan guaranties for energy efficiency improvements, to extend the period of the Vietnam era, to exclude certain payments to Alaska natives from annual income determinations for pension purposes, and for other purposes.

MEASURE INDEFINITELY POSTPONED—S. 1626

Mr. GLENN. Mr. President, I ask unanimous consent that Calendar No. 435, S. 1626, be indefinitely postponed.

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

VA STATE HEALTH CARE REFORM PILOT PROGRAM ACT

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 436, S. 1974, a bill relating to the VA State Health Care Reform Pilot Program Act.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1974) to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform.

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 amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "VA State Health Care Reform Pilot Program Act".

SEC. 2. PURPOSE OF PILOT PROGRAMS.

The purpose of this Act is to authorize the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform in order to evaluate the most appropriate means of enabling the Department health care system to participate in such systems and in the National health care system contemplated under any plans for National health care reform.

SEC. 3. HEALTH CARE PILOT PROGRAMS.

(a) IN GENERAL.—The Secretary may carry out pilot programs on the participation of the Department of Veterans Affairs health care system in the health care systems of States that have adopted comprehensive health benefit plans. The Secretary shall carry out any pilot program under this Act in accordance with the provisions of this Act.

(b) STATES ELIGIBLE FOR DESIGNATION.—(1) The Secretary shall designate each of not more than five States as a location for a pilot program under this Act. The Secretary shall complete the designation of States as locations for pilot programs not later than 30 days after the date of the enactment of this Act.

(2) The Secretary may designate a State as a location for a pilot program under this Act if the Secretary determines that—

(A) the State has enacted, or will soon enact, a statute establishing or providing for a comprehensive health benefit plan; and

(B) the participation of the health care system of the Department under the plan is feasible and appropriate in light of the purpose of this Act.

(c) DEPARTMENT PARTICIPATION IN STATE HEALTH BENEFIT PLANS.—(1) To the maximum extent practicable, the Secretary shall provide eligible persons under each pilot program under this Act with the comprehensive package of basic health care benefits that would otherwise be available to such persons under the comprehensive health benefit plan of the State in which the pilot program is carried out. The Secretary shall provide such benefits through the health care system of the Department in such State as if such system were a provider of such benefits under such plan.

(2) Notwithstanding any other provision of law, a State may not prohibit the participation of the Department under the comprehensive health benefit plan of the State under a pilot program unless the chief executive officer of the State certifies to the Secretary that—

(A) the benefits to be provided by the Department under the pilot program do not meet requirements for quality of benefits established by or provided under the plan; or

(B) the location of Department facilities (including facilities providing services by contract or agreement with the Secretary) in the State is such that the proximity of eligible persons to such facilities does not meet requirements so established for such proximity.

(3) Not later than 30 days after the designation of a State as a location for a pilot program under this Act, and at such other times as the Secretary may determine, the Secretary and the health system director for that State shall jointly determine the regulations under the authority of the Secretary the waiver or modification of which is necessary in order to facilitate the carrying out of the pilot program. Upon such determination, the Secretary shall waive or modify the application of such regulations to the pilot program.

(4) The Secretary shall furnish any eligible person living in a State in which a pilot program is carried out (including any eligible person electing to receive benefits under the pilot program and any eligible person not electing to receive benefits under the pilot program) with the health care benefits for which such person is eligible under chapter 17 of title 38, United States Code, notwithstanding that the comprehensive package of basic health care benefits provided under the comprehensive health benefit plan of the State does not otherwise include such health care benefits. The Secretary shall furnish any health care benefits under this paragraph in accordance with the provisions of that chapter.

(d) HEALTH SYSTEM DIRECTOR.—(1) The Secretary shall designate a health system director for each State in which a pilot program is carried out under this Act. To the maximum extent feasible, the Secretary shall delegate to the health system directors the responsibilities of the Secretary under this Act.

(2)(A) Subject to subparagraph (B), the Secretary shall designate an individual as health system director for a State from among nominees for that position selected by a panel composed of individuals who are senior management personnel of the Department medical centers located in that State.

(B) An individual selected for nomination to be a health system director of a State under subparagraph (A) shall be—

(i) the director or chief of staff of a Department medical center located in the State in which the pilot program is carried out; or

(ii) any other individual having experience with the Department medical system that is equivalent to the experience with that system of an individual in a position referred to in clause (i).

(e) ADMINISTRATIVE REORGANIZATION.—The Secretary may carry out any administrative reorganization of an office, facility, activity, or function of the health care system of the Department in a State in which a pilot program is carried out that the Secretary and the health system director jointly determine to be necessary in order to facilitate the carrying out of the pilot program. Section 510(b) of title 38, United States Code, shall not apply to any such administrative reorganization.

(f) PROVISION OF BENEFITS.—(1)(A) Except as provided in subparagraph (B), the Secretary shall provide health care benefits under a pilot program—

(i) through the direct provision of such services by the health care system of the Department in the State in which the pilot program is carried out; or

(ii) by contract or other agreement in accordance with paragraph (2).

(B) The Secretary may exclude facilities of the Department from participation in a pilot program. Any facilities so excluded shall continue to provide health care benefits to veterans and other persons eligible for such benefits in accordance with the provisions of laws administered by the Secretary.

(2) The health system director of a pilot program may enter into contracts and agreements for the provision of health care services and contracts and agreements for other services with respect to the pilot program under paragraph (1)(A)(ii). Any such contract or agreement (including any lease) shall not be subject to the following provisions of law:

(A) Section 8110(c) of title 38, United States Code, relating to contracting of services at Department health-care facilities.

(B) Section 8122(a)(1) of such title, relating to the lease of Department property.

(C) Section 8125 of such title, relating to local contracts for the procurement of health-care items.

(D) Section 702 of title 5, United States Code, relating to the right of review of agency wrongs by courts of the United States.

(E) Sections 1346(a)(2) and 1491 of title 28, United States Code, relating to the jurisdiction of the district courts of the United States and the United States Court of Federal Claims, respectively, for the actions enumerated in such sections.

(F) Subchapter V of chapter 35 of title 31, United States Code, relating to adjudication of protests of violations of procurement statutes and regulations.

(G) Sections 3526 and 3702 of such title, relating to the settlement of accounts and claims, respectively, of the United States.

(H) Subsections (b)(7), (e), (f), (g), and (h) of section 8 of the Small Business Act (15 U.S.C. 637(b)(7), (e), (f), (g), and (h)), relating to requirements with respect to small businesses for contracts for property and services.

(I) The provisions of law assembled for purposes of codification of the United States Code as section 471 through 544 of title 40 that relate to the authority of the Administrator of General Services over the lease and disposal of Federal Government property.

(J) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), relating to the procurement of property and services by the Federal Government.

(K) Chapter 3 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), relating to the procurement of property and services by the Federal Government.

(L) Office of Management and Budget Circular A-76.

(3)(A) Notwithstanding any other provision of law, contracts and agreements for the provision of health care services under this subsection may include contracts and other agreements with insurers, health care providers, or other individuals or entities that provide health care services.

(B) Contracts and agreements under this paragraph may be entered into without prior review by the Central Office of the Department.

(4)(A) Contracts and agreements under this subsection for services other than the services referred to in paragraph (3) (including contracts and agreements for procurement of equipment, maintenance and repair services, and other services related to the provision of health care services) shall not be subject to prior review by the Central Office if the amount of such contracts or agreements is less than \$250,000.

(B) Contracts and agreements for services under this paragraph shall be subject to prior review by the Central Office if the amount of such contracts or agreements is \$250,000 or greater. If the Central Office fails to approve or reject a contract or agreement under this clause within 30 days of its submittal to the Central Office, such contract or agreement shall be deemed approved by the Central Office.

(g) DEPARTMENT PERSONNEL.—(1) Notwithstanding any other provision of law and to the extent necessary to carry out the purpose of a pilot program, the Secretary may—

(A) appoint personnel to positions in the health care system of the Department in the State in which the pilot program is carried out in accordance with such standards for such positions as the Secretary may establish; and

(B) promote and advance personnel serving in such positions in accordance with such standards as the Secretary may establish.

(2) Not later than 60 days after the designation of a State as a location for a pilot program under this Act, or at such other time as the Secretary may determine, the Secretary shall request authority from the Director of the Office of Management and Budget to permit the Secretary to employ a number of full time equivalent employees in the health care system of the Department in that State which exceeds the number of such employees that would otherwise be authorized for such employment by the Director.

(3) Notwithstanding any other provision of law, employees of the Department at facilities of the Department under a pilot program shall not, during the carrying out of the pilot program, be subject to any reduction in the number of full time employees of the Department or as a result of a reduction in the number of full time employees of the Federal Government.

(h) ELIGIBLE PERSONS.—(1) A person eligible for health care benefits under a pilot program is any person residing in a State in which a pilot program is carried out as follows:

(A) Any veteran.

(B) Any spouse or child of a veteran.

(C) Any individual eligible for care under paragraph (2) or (3) of section 1713(a) of title 38, United States Code.

(2) Notwithstanding any other provision of law, a State may not require that any person other than a person referred to in paragraph (1) be eligible for health care benefits through the Department under a pilot program.

(i) COPAYMENTS AND OTHER CHARGES.—(1) Except as provided in paragraph (2), the Secretary may collect from or on behalf of any individual receiving health care benefits from the Secretary under a pilot program under this Act a premium, deductible, copayment, or other charge with respect to the provision of a benefit under the pilot program. The amount of the premium,

deductible, copayment, or other charge collected with respect to a benefit provided under a pilot program may not exceed the maximum amount otherwise permitted for a premium, deductible, copayment, or other charge with respect to that benefit under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(2)(A) Except as provided in subparagraph (B), the Secretary shall not collect under the pilot programs premiums, deductibles, copayments, and other charges with respect to the benefits provided by the Department to the following:

(i) Veterans with compensable service-connected disabilities.

(ii) Veterans whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty.

(iii) Veterans who are in receipt of, or who, but for a suspension pursuant to section 1151 of title 38, United States Code (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veterans' continuing eligibility for such care is provided for in the judgment or settlement provided for in such section.

(iv) Veterans who are former prisoners of war.

(v) Veterans of the Mexican border period or of World War I.

(vi) Veterans who are unable to defray the expenses of necessary care, as determined in accordance with section 1722(a) of such title.

(B) The Secretary may collect premiums, deductibles, copayments, and other charges with respect to benefits provided under a pilot program to veterans referred to in subparagraph (A) from any third party obligated to provide, or to pay the expenses of, such benefits to or for such veterans under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(j) FUNDING.—(1) There is established in the Treasury a fund to be known as the Department of Veterans Affairs Health Care Reform Fund (hereafter referred to in this subsection as the "Fund").

(2)(A) Notwithstanding any other provision of law, amounts shall be deposited in the Fund as follows:

(i) Amounts collected under a pilot program in accordance with subsection (i).

(ii) Amounts made available to a pilot program based upon a determination under paragraph (3).

(iii) Amounts transferred to the Fund with respect to a pilot program under paragraph (4).

(iv) Such other amounts as the Secretary and the health system directors of the pilot programs jointly determine to be necessary in order to carry out the pilot programs.

(v) Such other amounts as may be appropriated to the pilot programs.

(B) The Secretary shall make available amounts under clauses (ii) and (iv) of subparagraph (A) from amounts appropriated to the Department of Veterans Affairs for the provision of health care services.

(C) The Secretary shall establish and maintain a separate account under the Fund for each pilot program carried out under this Act. Any deposits and expenditures with respect to a pilot program shall be made to or from the account established and maintained with respect to that pilot program.

(3)(A) For each year of the operation of a pilot program under this Act, the Secretary shall deposit in account of the Fund for the pilot program an amount (as determined by the Secretary) equal to the amount that would otherwise be made available to the health care system of the Department in the State in which the pilot program is carried out for the payment of

the cost of health care services by such system in that State in that year. The Secretary shall deposit such amount at the beginning of such year.

(B) The costs referred to in subparagraph (A) shall not include costs relating to the provision by the Secretary of the following services:

(i) Services relating to post-traumatic stress disorder.

(ii) Services relating to spinal-cord dysfunction.

(iii) Services relating to substance abuse.

(iv) Services relating to the rehabilitation of blind veterans.

(v) Services relating to prosthetics.

(4) Funds deposited in the Medical-Care Cost Recovery Fund established under section 1729(g) of title 38, United States Code, during any fiscal year in an amount in excess of the Congressional Budget Office baseline (as of the date of the enactment of this Act) for deposits in that fund for that fiscal year shall not be subject to paragraph (4) of section 1710(f), 1712(f), or 1729(g) (as the case may be) of that title, but shall be transferred to the fund established under this subsection. Such transfer for any fiscal year shall be made at any time that the total of amounts so received less amounts estimated to cover the expenses, payments, and costs described in paragraph (3) of section 1729(g) of that title is in excess of the applicable Congressional Budget Office baseline.

(5)(A) Notwithstanding any other provision of law, the health system director for a State in which a pilot program is carried out shall determine the costs for which amounts in the Fund may be expended in carrying out the pilot program.

(B)(i) Except as provided in clause (ii), the costs of carrying out a pilot program under this paragraph shall include any costs of marketing and advertising under the program, costs of legal services provided to such pilot program by the General Counsel of the Department of Veterans Affairs, and costs relating to acquisition (including acquisition of land), construction, repair, or renovation of facilities.

(ii) Costs under this subparagraph shall not include any costs relating to a major medical facility project or a major medical facility lease as such terms are defined in subparagraphs (A) and (B) of section 8104(a)(3) of title 38, United States Code, respectively.

(C) Amounts in the Fund for the payment of costs of a pilot program under this subsection shall be available for such purpose without fiscal year limitation.

(k) TERMINATION.—A pilot program carried out under this Act shall terminate not later than 2 years after the date of the commencement of provision of benefits under the pilot program.

SEC. 4. REPORTS ON PILOT PROGRAMS.

(a) COLLECTION OF INFORMATION.—(1) The Secretary shall collect such information with respect to the provision of health care benefits under each pilot program as is necessary to permit the Secretary to evaluate the pilot program in light of the purpose of the pilot program under this Act.

(2) The information collected by the Secretary under paragraph (1) shall include aggregated data on the following:

(A) The number of persons participating in each pilot program, including the age, sex, health status, disability ratings (if any), employment status, and incomes of such persons.

(B) The nature of benefits sought by such persons under each pilot program.

(C) The nature and quantity of benefits provided to such persons under each pilot program.

(D) The cost to the Department of providing such benefits under each pilot program.

(b) REPORTS.—(1) Not later than 14 months after the date of the completion of the designa-

tion of States as locations for pilot programs under this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the progress of the Secretary in carrying out the pilot programs. Such report shall include the information referred to in subsection (a)(2) on the date of the report.

(2) Not later than November 30 of the year of the termination of the final pilot program under this Act, the Secretary shall submit to the committees referred to in paragraph (1) a report on the pilot programs carried out under this Act. The report shall include the following:

(A) The information referred to in subsection (a)(2), together with the comments and conclusions of the Secretary with respect to such information.

(B) An assessment by the Secretary of the utility of each pilot program for carrying out the purpose of this Act.

(C) An assessment by the Secretary of appropriate means of integrating the health care system of the Department into the health care systems of States that have enacted health care reform and into the National health care system contemplated under any plans for National health care reform.

(D) Such other information, assessments, and conclusions as the Secretary considers appropriate.

SEC. 5. DEFINITIONS.

For the purposes of this Act—

(1) The terms "Secretary", "Department", "veteran", "child" and "spouse" have the meanings given such terms in paragraphs (1), (2), (4), and (31) of section 101 of title 38, United States Code, respectively.

(2) The term "comprehensive health benefit plan", in the case of a State, means a plan or system established under the law of the State that—

(A) attempts to ensure the access of residents of the State to a comprehensive package of basic health care benefits; and

(B) ensures such access by providing that such benefits shall be provided directly or by contract by public and private entities.

(3) The term "comprehensive package of basic health care benefits" means the health care benefits provided for by a State under the comprehensive health benefit plan of the State.

(4) The term "health care system of the Department", in the case of a State designated as a location for a pilot program, means the facilities and personnel of the Department located in that State that provide health care services under chapter 17 of title 38, United States Code.

Mr. ROCKEFELLER. Mr. President, as the chairman of the Committee on Veterans' Affairs, I strongly urge my colleagues to support the passage of the pending measure, S. 1974, the proposed VA State Health Care Reform Pilot Program Act, as reported by the committee on May 23, 1994, and as it will be amended by an amendment I will offer shortly.

In response to public support for reforming our health care system, several States are enacting their own reform legislation. I applaud these State legislators, who have moved forward to provide their citizens with health care security. I truly believe that Congress will follow their examples, and pass legislation that will give that security to all Americans. In the meantime, however, we have the opportunity to make reforms in VA health care in those States where health care reform is underway.

Without this legislation, the VA medical system cannot participate fully in health care reform efforts in specific States, because current Federal law makes it virtually impossible for VA facilities to do so. These restrictions rob VA of the kinds of experiences and information it will need to thrive under national health care reform. The VA State Health Care Reform Pilot Program Act would address this problem by allowing VA to take part in State-enacted health care reform legislation. The VA would be able to gather essential information that will be useful in preparing for national health care reform, at the same time that it improves access to services for veterans in those States, thereby helping VA avoid any loss of market share while we continue to develop overall reform.

The committee held a hearing on February 9, 1994, on VA's participation in State health care reform programs to determine the impediments to VA's involvement in State activities and discuss what could be done to facilitate VA's participation. Testimony was received from VA officials and representatives of the Paralyzed Veterans of America and the National Association of VA Chiefs of Staff. Five directors or chiefs of staff from VA medical centers in States that have initiated or soon will initiate health care reform activities also testified.

In addition to the hearing, committee staff members have met with VA central office officials, VA medical center administrators from across the country, and numerous veterans service organizations. On the basis of the hearing and these discussions, I introduced the VA State Health Care Reform Pilot Program Act.

Mr. President, I will at this time summarize the provisions of the bill. Detailed descriptions of all the provisions are set forth in the committee's report accompanying S. 1974 (S. Rept. 103-268).

SUMMARY OF PROVISIONS

The bill contains freestanding provisions that would:

First, authorize VA to select up to five States with comprehensive health benefit plans in place, or where such plans are imminent, to participate in the pilot program for 2 years.

Second, require VA to designate States as locations for pilot programs not later than 30 days after enactment.

Third, prohibit States from excluding the participation of VA facilities in pilot program States unless the chief executive officer of the State certifies to the Secretary that: the benefits to be provided by the Department do not meet State requirements for quality, or the location of Department facilities or those facilities providing services by contract for the Department do not meet State health care reform requirements established regarding proximity to enrollee.

Fourth, require the Secretary to designate a health system director for each State in the pilot program, who is either a director or chief of staff of a Department medical center located in that State, or another individual having similar experience with the Department medical system.

Fifth, require the Secretary and the health system director for a State participating in the pilot program to determine, within 30 days after the designation of the State as a pilot site, regulations under the authority of the Secretary which should be waived, after which the Secretary shall waive such regulations.

Sixth, authorize the Secretary to provide health care benefits under a pilot program: through the direct provision of care, or by contract.

Seventh, authorize the Secretary to exclude any facilities of the Department in a State from participation in a pilot program.

Eighth, waive certain laws and regulations that could interfere with the ability of VA facilities to enter into contracts and agreements for health care services or for other services.

Ninth, authorize the VA health system director to contract out for medical services needed for the pilot program without prior review from VA central office.

Tenth, require that contracts for nonmedical services above \$250,000 would be reviewed by central office, but would be automatically approved if central office did not make a decision within 30 days. Contracts below \$250,000 would not require prior review by central office.

Eleventh, authorize the Secretary to (1) appoint personnel to positions in the health care system of a pilot site, and (2) establish systems to promote and advance personnel serving in such positions.

Twelfth, require VA facilities in the selected States to offer comprehensive care as defined by the comprehensive package of health care benefits established by the State. This care would be free to all compensable service-connected veterans and to all veterans with incomes below the current levels that apply to VA inpatient care, approximately \$20,000 for a single veteran.

Thirteenth, require the Secretary to (1) request authority from the Office of Management and Budget to hire additional employees in VA facilities in pilot States, and (2) ensure that employee levels in the pilot sites not be subject to any reduction in the number of full-time VA employees.

Fourteenth, specify that any resident in a State named as a pilot site who is a veteran, a spouse or child of a veteran, or a person eligible for CHAMPVA benefits shall be eligible for health care benefits.

Fifteenth, authorize VA to collect employer contributions and other

third-party payments for enrollees' care.

Sixteenth, establish a VA Health Care Reform Fund in the Treasury into which the following would be deposited: First, amounts equal to the amounts a VA facility in a State would receive in a fiscal year if it was not participating in the pilot program; second, amounts collected by VA facilities in the States under the pilot program; third, amounts collected by third-party reimbursement efforts which exceed a projected baseline; fourth, other amounts that the VA health system director and the Secretary allocate; and fifth, amounts that may be appropriated to the pilot programs.

Seventeenth, ensure that funds allocated for services relating to spinal cord dysfunction, post traumatic stress disorder, blind rehabilitation, substance abuse, and prosthetics remain separate from the VA Health Care Reform Fund.

Eighteenth, authorize VA to conduct marketing and advertising for the pilot programs.

Nineteenth, require VA to collect the following information on the pilot programs: First, demographics about the enrollees; second, the nature of benefits requested by enrollees; third, nature and quantity of provided benefits; and fourth, the cost of providing such benefits.

Twentieth, require VA to submit to Congress: First, a report on the progress of the Secretary in carrying out the pilot programs not later than 14 months after the date of designation of the sites; and second, a followup report including comments and conclusions of the Secretary not later than November 30 of the year of the termination of the final pilot program.

In addition, S. 1974, as it will be amended by a technical amendment that I will offer, developed in cooperation with my good friend from Maryland [Ms. MIKULSKI] would clarify a number of appropriation issues in the bill as reported.

CONCLUSION

Mr. President, in closing, I thank our Committee's ranking Republican member, Senator MURKOWSKI, for his invaluable cooperation and help with this bill. I also am grateful to other members of the committee for their support and cooperation on this measure.

Mr. President, the VA State Health Care Reform Pilot Program would provide VA with essential information and experiences regarding how it needs to change in order to survive and thrive under health care reform. In doing so, it will also help us repay the debt we owe to our Nation's veterans, by strengthening and improving the VA medical system that serves them.

AMENDMENT NO. 1765

(Purpose: To revise certain provisions relating to the funding of the pilot programs.)

Mr. GLENN. Mr. President, on behalf of Senator ROCKEFELLER, I send an

amendment to the desk and ask unanimous consent that the Senate proceed to its immediate consideration, and that the amendment be agreed to.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] for Mr. ROCKEFELLER proposes an amendment numbered 1765.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 32, strike out lines 17 through 20 and insert in lieu thereof the following:

(B) Amounts deposited in the Fund pursuant to clauses (ii) and (iv) shall be derived from amounts appropriated to the Department of Veterans Affairs for the Veterans Health Administration for medical care.

On page 33, line 4, insert "the" after "shall deposit in".

On page 34, strike out lines 11 through 15 and insert in lieu thereof the following:

(5)(A) Notwithstanding any other provision of law, amounts in the Fund shall be available for all expenses incurred by the Veterans Health Administration in carrying out the pilot programs. Subject to subparagraph (B), the health system director for a State in which a pilot program is carried out shall determine the expenses of the pilot program for that State for purposes of this paragraph.

On page 35, strike out lines 4 through 6 and insert in lieu thereof the following:

(C) The period of availability of amounts in an account established in the Fund for a pilot program shall end on the last day of the fiscal year in which the pilot program is carried out.

On page 37, between lines 6 and 7, insert the following:

(3) Not later than 30 days after the end of any fiscal year in which a pilot program is carried out under section 3, the Secretary shall submit to the appropriate committees of Congress a report describing the amounts expended from the Department of Veterans Affairs Health Care Reform Fund established under section 3(j)(1) during that fiscal year for each pilot program so carried out.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 1765) was agreed to.

The PRESIDING OFFICER. Without objection, the substitute, as amended, is agreed to and the bill will be deemed read for the third time.

The bill was deemed read for a third time.

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 420, H.R. 4013, the House companion, that all after the enacting clause be stricken and the text of S. 1974, as amended, be inserted in lieu thereof; that the bill be deemed read a third time, 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 (H.R. 4013) was deemed read a third time and passed, as follows:

H.R. 4013

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 "VA State Health Care Reform Pilot Program Act".

SEC. 2. PURPOSE OF PILOT PROGRAMS.

The purpose of this Act is to authorize the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform in order to evaluate the most appropriate means of enabling the Department health care system to participate in such systems and in the National health care system contemplated under any plans for National health care reform.

SEC. 3. HEALTH CARE PILOT PROGRAMS.

(a) IN GENERAL.—The Secretary may carry out pilot programs on the participation of the Department of Veterans Affairs health care system in the health care systems of States that have adopted comprehensive health benefit plans. The Secretary shall carry out any pilot program under this Act in accordance with the provisions of this Act.

(b) STATES ELIGIBLE FOR DESIGNATION.—(1) The Secretary shall designate each of not more than five States as a location for a pilot program under this Act. The Secretary shall complete the designation of States as locations for pilot programs not later than 30 days after the date of the enactment of this Act.

(2) The Secretary may designate a State as a location for a pilot program under this Act if the Secretary determines that—

(A) the State has enacted, or will soon enact, a statute establishing or providing for a comprehensive health benefit plan; and

(B) the participation of the health care system of the Department under the plan is feasible and appropriate in light of the purpose of this Act.

(c) DEPARTMENT PARTICIPATION IN STATE HEALTH BENEFIT PLANS.—(1) To the maximum extent practicable, the Secretary shall provide eligible persons under each pilot program under this Act with the comprehensive package of basic health care benefits that would otherwise be available to such persons under the comprehensive health benefit plan of the State in which the pilot program is carried out. The Secretary shall provide such benefits through the health care system of the Department in such State as if such system were a provider of such benefits under such plan.

(2) Notwithstanding any other provision of law, a State may not prohibit the participation of the Department under the comprehensive health benefit plan of the State under a pilot program unless the chief executive officer of the State certifies to the Secretary that—

(A) the benefits to be provided by the Department under the pilot program do not meet requirements for quality of benefits established by or provided under the plan; or

(B) the location of Department facilities (including facilities providing services by contract or agreement with the Secretary) in the State is such that the proximity of eligible persons to such facilities does not meet requirements so established for such proximity.

(3) Not later than 30 days after the designation of a State as a location for a pilot program under this Act, and at such other times as the Secretary may determine, the Secretary and the health system director for that State shall jointly determine the regulations under the authority of the Secretary the waiver or modification of which is necessary in order to facilitate the carrying out of the pilot program. Upon such deter-

mination, the Secretary shall waive or modify the application of such regulations to the pilot program.

(4) The Secretary shall furnish any eligible person living in a State in which a pilot program is carried out (including any eligible person electing to receive benefits under the pilot program and any eligible person not electing to receive benefits under the pilot program) with the health care benefits for which such person is eligible under chapter 17 of title 38, United States Code, notwithstanding that the comprehensive package of basic health care benefits provided under the comprehensive health benefit plan of the State does not otherwise include such health care benefits. The Secretary shall furnish any health care benefits under this paragraph in accordance with the provisions of that chapter.

(d) HEALTH SYSTEM DIRECTOR.—(1) The Secretary shall designate a health system director for each State in which a pilot program is carried out under this Act. To the maximum extent feasible, the Secretary shall delegate to the health system directors the responsibilities of the Secretary under this Act.

(2)(A) Subject to subparagraph (B), the Secretary shall designate an individual as health system director for a State from among nominees for that position selected by a panel composed of individuals who are senior management personnel of the Department medical centers located in that State.

(B) An individual selected for nomination to be a health system director of a State under subparagraph (A) shall be—

(i) the director or chief of staff of a Department medical center located in the State in which the pilot program is carried out; or

(ii) any other individual having experience with the Department medical system that is equivalent to the experience with that system of an individual in a position referred to in clause (i).

(e) ADMINISTRATIVE REORGANIZATION.—The Secretary may carry out any administrative reorganization of an office, facility, activity, or function of the health care system of the Department in a State in which a pilot program is carried out that the Secretary and the health system director jointly determine to be necessary in order to facilitate the carrying out of the pilot program. Section 510(b) of title 38, United States Code, shall not apply to any such administrative reorganization.

(f) PROVISION OF BENEFITS.—(1)(A) Except as provided in subparagraph (B), the Secretary shall provide health care benefits under a pilot program—

(i) through the direct provision of such services by the health care system of the Department in the State in which the pilot program is carried out; or

(ii) by contract or other agreement in accordance with paragraph (2).

(B) The Secretary may exclude facilities of the Department from participation in a pilot program. Any facilities so excluded shall continue to provide health care benefits to veterans and other persons eligible for such benefits in accordance with the provisions of laws administered by the Secretary.

(2) The health system director of a pilot program may enter into contracts and agreements for the provision of health care services and contracts and agreements for other services with respect to the pilot program under paragraph (1)(A)(ii). Any such contract or agreement (including any lease) shall not be subject to the following provisions of law:

(A) Section 8110(c) of title 38, United States Code, relating to contracting of services at Department health-care facilities.

(B) Section 8122(a)(1) of such title, relating to the lease of Department property.

(C) Section 8125 of such title, relating to local contracts for the procurement of health-care items.

(D) Section 702 of title 5, United States Code, relating to the right of review of agency wrongs by courts of the United States.

(E) Sections 1346(a)(2) and 1491 of title 28, United States Code, relating to the jurisdiction of the district courts of the United States and the United States Court of Federal Claims, respectively, for the actions enumerated in such sections.

(F) Subchapter V of chapter 35 of title 31, United States Code, relating to adjudication of protests of violations of procurement statutes and regulations.

(G) Sections 3526 and 3702 of such title, relating to the settlement of accounts and claims, respectively, of the United States.

(H) Subsections (b)(7), (e), (f), (g), and (h) of section 8 of the Small Business Act (15 U.S.C. 637(b)(7), (e), (f), (g), and (h)), relating to requirements with respect to small businesses for contracts for property and services.

(I) The provisions of law assembled for purposes of codification of the United States Code as section 471 through 544 of title 40 that relate to the authority of the Administrator of General Services over the lease and disposal of Federal Government property.

(J) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), relating to the procurement of property and services by the Federal Government.

(K) Chapter 3 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), relating to the procurement of property and services by the Federal Government.

(L) Office of Management and Budget Circular A-76.

(3)(A) Notwithstanding any other provision of law, contracts and agreements for the provision of health care services under this subsection may include contracts and other agreements with insurers, health care providers, or other individuals or entities that provide health care services.

(B) Contracts and agreements under this paragraph may be entered into without prior review by the Central Office of the Department.

(4)(A) Contracts and agreements under this subsection for services other than the services referred to in paragraph (3) (including contracts and agreements for procurement of equipment, maintenance and repair services, and other services related to the provision of health care services) shall not be subject to prior review by the Central Office if the amount of such contracts or agreements is less than \$250,000.

(B) Contracts and agreements for services under this paragraph shall be subject to prior review by the Central Office if the amount of such contracts or agreements is \$250,000 or greater. If the Central Office fails to approve or reject a contract or agreement under this clause within 30 days of its submittal to the Central Office, such contract or agreement shall be deemed approved by the Central Office.

(g) DEPARTMENT PERSONNEL.—(1) Notwithstanding any other provision of law and to the extent necessary to carry out the purpose of a pilot program, the Secretary may—

(A) appoint personnel to positions in the health care system of the Department in the State in which the pilot program is carried out in accordance with such standards for such positions as the Secretary may establish; and

(B) promote and advance personnel serving in such positions in accordance with such standards as the Secretary may establish.

(2) Not later than 60 days after the designation of a State as a location for a pilot program under this Act, or at such other time as the Secretary may determine, the Secretary shall re-

quest authority from the Director of the Office of Management and Budget to permit the Secretary to employ a number of full time equivalent employees in the health care system of the Department in that State which exceeds the number of such employees that would otherwise be authorized for such employment by the Director.

(3) Notwithstanding any other provision of law, employees of the Department at facilities of the Department under a pilot program shall not, during the carrying out of the pilot program, be subject to any reduction in the number of full time employees of the Department or as a result of a reduction in the number of full time employees of the Federal Government.

(h) ELIGIBLE PERSONS.—(1) A person eligible for health care benefits under a pilot program is any person residing in a State in which a pilot program is carried out as follows:

(A) Any veteran.

(B) Any spouse or child of a veteran.

(C) Any individual eligible for care under paragraph (2) or (3) of section 1713(a) of title 38, United States Code.

(2) Notwithstanding any other provision of law, a State may not require that any person other than a person referred to in paragraph (1) be eligible for health care benefits through the Department under a pilot program.

(i) COPAYMENTS AND OTHER CHARGES.—(1) Except as provided in paragraph (2), the Secretary may collect from or on behalf of any individual receiving health care benefits from the Secretary under a pilot program under this Act a premium, deductible, copayment, or other charge with respect to the provision of a benefit under the pilot program. The amount of the premium, deductible, copayment, or other charge collected with respect to a benefit provided under a pilot program may not exceed the maximum amount otherwise permitted for a premium, deductible, copayment, or other charge with respect to that benefit under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(2)(A) Except as provided in subparagraph (B), the Secretary shall not collect under the pilot program premiums, deductibles, copayments, and other charges with respect to the benefits provided by the Department to the following:

(i) Veterans with compensable service-connected disabilities.

(ii) Veterans whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty.

(iii) Veterans who are in receipt of, or who, but for a suspension pursuant to section 1151 of title 38, United States Code (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veterans' continuing eligibility for such care is provided for in the judgment or settlement provided for in such section.

(iv) Veterans who are former prisoners of war.

(v) Veterans of the Mexican border period or of World War I.

(vi) Veterans who are unable to defray the expenses of necessary care, as determined in accordance with section 1722(a) of such title.

(B) The Secretary may collect premiums, deductibles, copayments, and other charges with respect to benefits provided under a pilot program to veterans referred to in subparagraph (A) from any third party obligated to provide, or to pay the expenses of, such benefits to or for such veterans under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(j) FUNDING.—(1) There is established in the Treasury a fund to be known as the Department of Veterans Affairs Health Care Reform Fund

(hereafter referred to in this subsection as the "Fund").

(2)(A) Notwithstanding any other provision of law, amounts shall be deposited in the Fund as follows:

(i) Amounts collected under a pilot program in accordance with subsection (i).

(ii) Amounts made available to a pilot program based upon a determination under paragraph (3).

(iii) Amounts transferred to the Fund with respect to a pilot program under paragraph (4).

(iv) Such other amounts as the Secretary and the health system directors of the pilot programs jointly determine to be necessary in order to carry out the pilot programs.

(v) Such other amounts as may be appropriated to the pilot programs.

(B) Amounts deposited in the Fund pursuant to clauses (ii) and (iv) shall be derived from amounts appropriated to the Department of Veterans Affairs for the Veterans Health Administration for medical care.

(C) The Secretary shall establish and maintain a separate account under the Fund for each pilot program carried out under this Act. Any deposits and expenditures with respect to a pilot program shall be made to or from the account established and maintained with respect to that pilot program.

(3)(A) For each year of the operation of a pilot program under this Act, the Secretary shall deposit in the account of the Fund for the pilot program an amount (as determined by the Secretary) equal to the amount that would otherwise be made available to the health care system of the Department in the State in which the pilot program is carried out for the payment of the cost of health care services by such system in that State in that year. The Secretary shall deposit such amount at the beginning of such year.

(B) The costs referred to in subparagraph (A) shall not include costs relating to the provision by the Secretary of the following services:

(i) Services relating to post-traumatic stress disorder.

(ii) Services relating to spinal-cord dysfunction.

(iii) Services relating to substance abuse.

(iv) Services relating to the rehabilitation of blind veterans.

(v) Services relating to prosthetics.

(4) Funds deposited in the Medical-Care Cost Recovery Fund established under section 1729(g) of title 38, United States Code, during any fiscal year in an amount in excess of the Congressional Budget Office baseline (as of the date of the enactment of this Act) for deposits in that fund for that fiscal year shall not be subject to paragraph (4) of section 1710(f), 1712(f), or 1729(g) (as the case may be) of that title, but shall be transferred to the fund established under this subsection. Such transfer for any fiscal year shall be made at any time that the total of amounts so received less amounts estimated to cover the expenses, payments, and costs described in paragraph (3) of section 1729(g) of that title is in excess of the applicable Congressional Budget Office baseline.

(5)(A) Notwithstanding any other provision of law, amounts in the Fund shall be available for all expenses incurred by the Veterans Health Administration in carrying out the pilot programs. Subject to subparagraph (B), the health system director for a State in which a pilot program is carried out shall determine the expenses of the pilot program for that State for purposes of this paragraph.

(B)(i) Except as provided in clause (ii), the costs of carrying out a pilot program under this paragraph shall include any costs of marketing and advertising under the program, costs of legal services provided to such pilot program by

the General Counsel of the Department of Veterans Affairs, and costs relating to acquisition (including acquisition of land), construction, repair, or renovation of facilities.

(ii) Costs under this subparagraph shall not include any costs relating to a major medical facility project or a major medical facility lease as such terms are defined in subparagraphs (A) and (B) of section 8104(a)(3) of title 38, United States Code, respectively.

(C) The period of availability of amounts in an account established in the Fund for a pilot program shall end on the last day of the fiscal year in which the pilot program is carried out.

(k) **TERMINATION.**—A pilot program carried out under this Act shall terminate not later than 2 years after the date of the commencement of provision of benefits under the pilot program.

SEC. 4. REPORTS ON PILOT PROGRAMS.

(a) **COLLECTION OF INFORMATION.**—(1) The Secretary shall collect such information with respect to the provision of health care benefits under each pilot program as is necessary to permit the Secretary to evaluate the pilot program in light of the purpose of the pilot program under this Act.

(2) The information collected by the Secretary under paragraph (1) shall include aggregated data on the following:

(A) The number of persons participating in each pilot program, including the age, sex, health status, disability ratings (if any), employment status, and incomes of such persons.

(B) The nature of benefits sought by such persons under each pilot program.

(C) The nature and quantity of benefits provided to such persons under each pilot program.

(D) The cost to the Department of providing such benefits under each pilot program.

(b) **REPORTS.**—(1) Not later than 14 months after the date of the completion of the designation of States as locations for pilot programs under this Act, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the progress of the Secretary in carrying out the pilot programs. Such report shall include the information referred to in subsection (a)(2) on the date of the report.

(2) Not later than November 30 of the year of the termination of the final pilot program under this Act, the Secretary shall submit to the committees referred to in paragraph (1) a report on the pilot programs carried out under this Act. The report shall include the following:

(A) The information referred to in subsection (a)(2), together with the comments and conclusions of the Secretary with respect to such information.

(B) An assessment by the Secretary of the utility of each pilot program for carrying out the purpose of this Act.

(C) An assessment by the Secretary of appropriate means of integrating the health care system of the Department into the health care systems of States that have enacted health care reform and into the National health care system contemplated under any plans for National health care reform.

(D) Such other information, assessments, and conclusions as the Secretary considers appropriate.

(3) Not later than 30 days after the end of any fiscal year in which a pilot program is carried out under section 3, the Secretary shall submit to the appropriate committees of Congress a report describing the amounts expended from the Department of Veterans Affairs Health Care Reform Fund established under section 3(j)(1) during that fiscal year for each pilot program so carried out.

SEC. 5. DEFINITIONS.

For the purposes of this Act—

(1) The terms "Secretary", "Department", "veteran", "child" and "spouse" have the

meanings given such terms in paragraphs (1), (2), (4), and (31) of section 101 of title 38, United States Code, respectively.

(2) The term "comprehensive health benefit plan", in the case of a State, means a plan or system established under the law of the State that—

(A) attempts to ensure the access of residents of the State to a comprehensive package of basic health care benefits; and

(B) ensures such access by providing that such benefits shall be provided directly or by contract by public and private entities.

(3) The term "comprehensive package of basic health care benefits" means the health care benefits provided for by a State under the comprehensive health benefit plan of the State.

(4) The term "health care system of the Department", in the case of a State designated as a location for a pilot program, means the facilities and personnel of the Department located in that State that provide health care services under chapter 17 of title 38, United States Code.

Mr. GLENN. Mr. President, I ask unanimous consent that Calendar No. 436, S. 1974 be indefinitely postponed.

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

THE CALENDAR

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 443 and No. 444, en bloc, that the committee amendments and the committee substitute amendment where appropriate be agreed to en bloc; that the bills be deemed read a third time, passed and the motion to reconsider be laid upon the table en bloc; that the consideration of these items appear separately in the RECORD and that any statements appear at the appropriate place as though read.

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

UNORGANIZED BOROUGHS ACT OF 1994

The Senate proceeded to consider the bill (S. 761) to amend the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

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

[That notwithstanding]

SECTION 1. Notwithstanding any other provision of law, section 6(c) of Public Law 94-565 (31 U.S.C. 6901(2)), as amended by Public Law 98-63 (97 stat. 323), is further amended by:

(1) striking the phrase "borough existing in Alaska on October 20, 1976" and inserting in lieu thereof "any organized or unorganized borough in Alaska"; and

(2) by inserting after "general statistical purposes." the following new sentence: "The

boundary of any unorganized borough in Alaska shall be the same as the census area boundaries used by the Secretary of Commerce in the decennial census."

SEC. 2. Not later than one year after the date of enactment of this Act, the Secretary of the Interior shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a study assessing whether or not units of government most directly affected by the loss of tax revenues, including but not limited to school districts, receive an equitable share of payments upon the expiration of payments pursuant to 31 U.S.C. 6904. The study shall include any recommendations the Secretary deems desirable based on the findings of the study.

The committee amendments were agreed to.

So the bill (S. 761) as amended, was deemed read a third time and passed, as follows:

S. 761

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

SECTION 1. Notwithstanding any other provision of law, section 6(c) of Public Law 94-565 (31 U.S.C. 6901(2)), as amended by Public Law 98-63 (97 Stat. 323), is further amended by:

(1) striking the phrase "borough existing in Alaska on October 20, 1976" and inserting in lieu thereof "any organized or unorganized borough in Alaska"; and

(2) by inserting after "general statistical purposes." the following new sentence: "The boundary of any unorganized borough in Alaska shall be the same as the census area boundaries used by the Secretary of Commerce in the decennial census."

SEC. 2. Not later than one year after the date of enactment of this Act, the Secretary of the Interior shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a study assessing whether or not units of government most directly affected by the loss of tax revenues, including but not limited to school districts, receive an equitable share of payments upon the expiration of payments pursuant to section 6904 of title 31, United States Code. The study shall include any recommendations the Secretary deems desirable based on the findings of the study.

SHENANDOAH VALLEY NATIONAL BATTLEFIELDS PARTNERSHIP ACT OF 1994

The Senate proceeded to consider the bill (S. 1033) to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shenandoah Valley National Battlefields Partnership Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1990 Congress enacted legislation directing the Secretary of the Interior to prepare a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley;

(4) the study, which was completed in 1992, found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(5) the preservation and interpretation of these sites will make a vital contribution to the understanding of the heritage of the United States;

(6) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(7) partnerships between Federal, State, and local governments and their regional entities, and the private sector offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) create partnerships among Federal, State, and local governments and their regional entities, and the private sector to preserve, conserve, enhance and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

SEC. 4. DEFINITIONS.

As used in this Act, the term—

(1) "battlefields" means the Shenandoah Valley National Battlefields established under section 5;

(2) "Commission" means the Shenandoah Valley National Battlefields Commission established in section 9;

(3) "historic core" means the area surrounding each unit of the battlefields as depicted on the map referenced in section 5(a) that encompasses important components of a conflict and that provides a strategic context and geographic setting for understanding the conflict;

(4) "plan" means the Shenandoah Valley National Battlefields plan approved by the Secretary pursuant to section 6;

(5) "Secretary" means the Secretary of the Interior; and

(6) "Shenandoah Valley" means the Shenandoah Valley in the Commonwealth of Virginia.

SEC. 5. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS.

(a) ESTABLISHMENT.—(1) To carry out the purposes of this Act, there is hereby established the Shenandoah Valley National Battlefields in the Commonwealth of Virginia. The battlefields shall consist of approximately 1,863 acres of lands and interests therein as generally depicted on the map entitled "Shenandoah Valley National Battlefields", numbered SHVA / 80,000 and dated April 1994, comprising units at Cedar Creek, Cross Keys, Fisher's Hill, McDowell, New Market, Opequan, Port Republic, Second Kernstown, Second Winchester, and Tom's Brook.

(2) The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the Commission and in the appropriate offices of the National Park Service.

(3) The Secretary may, with the advice of the Commission and following an opportunity for public comment, make minor revisions to the boundaries of the battlefields.

(b) ADMINISTRATION.—The Secretary shall administer the battlefields in accordance with this Act and with provisions of law generally applicable to the National Park System, including the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act approved August 21, 1935 (49 Stat. 666). The Secretary shall protect, manage, and administer the battlefields for the purposes of preserving and interpreting their natural, cultural and historic resources and of providing for public understanding and appreciation of the battlefields in such a manner as to perpetuate these qualities and values for future generations.

(c) LAND ACQUISITION.—(1) Except as otherwise provided in this subsection, the Secretary is authorized to acquire lands and interests therein within the boundaries of the battlefields by donation, purchase with donated or appropriated funds, or exchange: Provided, That no lands or interests therein may be acquired except with the consent of the owner thereof.

(2) Lands or interests therein within the battlefields that are owned by the Commonwealth of Virginia or a political subdivision thereof, may be acquired only by donation or exchange.

(3) The Secretary may not accept donations of lands or interests therein acquired through condemnation.

SEC. 6. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS PLAN.

(a) IN GENERAL.—The battlefields shall be managed by the Secretary pursuant to this Act and the Shenandoah Valley National Battlefields plan developed by the Commission and approved by the Secretary, as provided in this section.

(b) SPECIFIC PROVISIONS.—The plan shall include—

(1) recommendations of potential boundary modifications to the battlefields, including modifications to the boundaries of the historic core of each unit, and the potential addition of new units;

(2) provisions for the management, protection, and interpretation of the natural, cultural, and historic resources of the battlefields, consistent with the purposes of this Act;

(3) recommendations to the Commonwealth of Virginia (and political subdivisions thereof) for the management, protection, and interpretation of the natural, cultural, and historic resources of the historic core areas;

(4) the information described in section 12(b) of Public Law 91-383 (16 U.S.C. 1a-7(b)) (pertaining to the preparation of general management plans);

(5) identification of appropriate partnerships between the Secretary and other Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this Act;

(6) proposed locations for visitor contact and major interpretive facilities, including proposals for one interpretive facility in the upper Shenandoah Valley and one in the lower Shenandoah Valley;

(7) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the battlefields and historic core areas; and

(8) provisions for a uniform valley-wide historical marker and wayside exhibit program, including a provision for marking, with the consent of the owner, historic structures and properties contained within the historic core areas,

as identified on the map referred to in section 5(a), that contribute to the understanding of the battlefields.

(c) PREPARATION OF DRAFT PLAN.—(1) Not later than 2 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of subsection (b).

(2) Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

(A) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;

(B) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the battlefields; and

(C) at least one public hearing in the vicinity of the battlefields in the upper Shenandoah Valley and one public hearing in the vicinity of the battlefields in the lower Shenandoah Valley is conducted by the Commission with respect to the draft plan.

(d) REVIEW OF PLAN BY THE SECRETARY.—The Secretary shall review the draft plan, and, not later than 90 days after the date on which the draft plan is submitted, shall either—

(1) approve the plan; or

(2) reject the plan and recommend modifications to the Commission that would make the plan acceptable.

SEC. 7. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—In furtherance of the purposes of this Act, the Secretary may establish partnerships and enter into cooperative agreements concerning lands and interests therein within the battlefields and historic core areas with other Federal, State, or local agencies, and private persons and organizations.

(b) HISTORIC MONUMENTS.—The Secretary may enter into agreements with the owners of property in the battlefields and historic core areas on which historic monuments and tablets commemorating the battles have been erected prior to the date of enactment of this Act. The Secretary may make funds available for the maintenance, protection, and interpretation of the monuments and tablets pursuant to such agreements.

SEC. 8. GRANT PROGRAM.

(a) IN GENERAL.—(1) Within the battlefields and historic core areas, the Secretary may award grants and provide technical assistance to property owners to provided for the preservation and interpretation of the natural, cultural, and historic resources within the battlefields and historic core areas.

(2)(A) The Secretary, after consultation with the Commission, may award grants and provide technical assistance to governmental entities to assist with the planning, development, and implementation of comprehensive plans, land use guidelines, regulations, ordinances or other appropriate documents that are consistent with and designed to protect the historic character of the battlefields and historic core areas.

(B) The Commission shall conduct a regular review of approved plans, guidelines, regulations, ordinances, or documents. If the Commission finds that any such plan, guideline, regulation, ordinance, or document or the implementation thereof is no longer consistent with the protection of the historic character of the battlefields and historic core areas, after consultation with the affected governmental entity, the Commission may recommend that the Secretary withdraw approval and suspend any grant authority pursuant to this section.

(C) The Secretary, after consultation with the Commission, shall suspend any grant awarded under this paragraph if the Secretary has determined that such plans, guidelines, regulations,

ordinances, or documents are modified in a manner that is inconsistent with the protection of the historic character of the battlefields and historic core areas.

(b) **COST SHARE.**—The Federal share of any grant made under this section shall be matched by non-Federal funds on a one-to-one basis.

(c) **ADDITIONAL CONDITIONS.**—The Secretary may require such additional terms and conditions before awarding any grant as the Secretary determines to be necessary.

SEC. 9. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS COMMISSION.

(a) **ESTABLISHMENT.**—There is hereby established the Shenandoah Valley National Battlefields Commission.

(b) **MEMBERSHIP.**—The commission shall be composed of 19 members, to be appointed by the Secretary as follows:

(1) 5 members representing local governments of communities in the vicinity of the battlefields, after considering recommendations made by appropriate local governing bodies.

(2) 10 members representing property owners within the battlefields or historic core areas (1 member within each unit).

(3) 1 member with demonstrated expertise in historic preservation.

(4) 1 member who is a recognized historian with expertise in Civil War history.

(5) The Governor of Virginia, or a designee of the Governor, *ex officio*.

(6) The Director of the National Park Service, or a designee of the Director, *ex officio*.

(c) **APPOINTMENTS.**—Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment. Any member of the Commission appointed for a definite term may serve after the expiration of the term until the successor of the member is appointed.

(d) **ELECTION OF OFFICERS.**—The Commission shall elect one of its members as Chairperson and one as Vice Chairperson. Terms of the Chairperson and Vice Chairperson shall be 2 years. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(e) **VACANCY.**—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.

(f) **QUORUM.**—A majority of the Commission shall constitute a quorum.

(g) **MEETINGS.**—The Commission shall meet not less than quarterly, or at the call of the Chairperson or a majority of the members of the Commission. Notice of meetings and agendas shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Commission meetings shall be held at various locations throughout the Shenandoah Valley and in a manner that ensures adequate public participation.

(h) **STAFF OF THE COMMISSION.**—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(i) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(j) **FEDERAL AGENCIES.**—Upon request of the Commission, the head of any Federal agency may detail to the Commission, on a reimbursable basis, personnel of the agency to assist the Commission in carrying out its duties.

(k) **SUBPOENAS.**—The Commission may not issue subpoenas or exercise any subpoena authority.

(l) **EXPENSES.**—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses rea-

sonably incurred in carrying out the responsibilities of the Commission under this Act.

(m) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(n) **GIFTS.**—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

SEC. 10. DUTIES OF THE COMMISSION.

The Commission shall—

(1) develop the plan referred to in section 6, in consultation with the Secretary;

(2) advise the Secretary on the administration of the battlefields;

(3) assist the Commonwealth of Virginia, or any political subdivision thereof, or any non-profit organization, in the management, protection, and interpretation of the natural, cultural and historical resources within the historic core areas: Provided, however, That the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision thereof; and

(4) take appropriate action to encourage protection of the natural, cultural, and historic resources within the battlefields and historic core areas by landowners, local governments, organizations, and businesses.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION.**—There are authorized to be appropriated such sums as are necessary to carry out this Act, except that no more than \$250,000 may be appropriated for the establishment and operation of the Commission.

(b) **AVAILABILITY OF FUNDS.**—Funds made available under subsection (a) shall remain available until expended.

The committee amendment was agreed to.

So the bill (S. 1033) as amended, was deemed read a third time and passed.

ORDERS FOR TOMORROW

Mr. GLENN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11:30 a.m., June 9; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 12 noon, with Senators permitted to speak therein for up to 10 minutes each; that at 12 noon, the Senate proceed to the consideration of Calendar No. 282, S. 1491, the Airport and Airway Improvement Act authorization.

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

RECESS UNTIL TOMORROW AT 11:30 A.M.

Mr. GLENN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:16 p.m., recessed until tomorrow, Thursday, June 9, 1994 at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 1994:

DEPARTMENT OF STATE

GEORGE CHARLES BRUNO, OF NEW HAMPSHIRE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

DEPARTMENT OF STATE

ROBERT A. PASTOR, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.
CARL BURTON STOKES, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

AFRICAN DEVELOPMENT FOUNDATION

ERNEST GIDEON GREEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 22, 1995, VICE EDWARD JOHNSON.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

JAMES SWEENEY, OF NEW MEXICO, TO BE A SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT MATTERS, UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY, WITH THE RANK OF AMBASSADOR, VICE NANCY M. DOWDY, RESIGNED.

DEPARTMENT OF JUSTICE

MICHAEL JOHNSTON GAINES, OF ARKANSAS, TO BE A COMMISSIONER OF THE U.S. PAROLE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING NOVEMBER 1, 1997, VICE VICTOR M.F. REYES.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

KENNETH MALERMAN JARIN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL OF THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998, VICE ROBERT M. JOHNSON, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

ANNE C. PETERSEN, OF MINNESOTA, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION, VICE FREDERICK M. BERNTHAL.

COMMODITY FUTURES TRADING COMMISSION

SHEILA C. BAIR, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 1995, VICE WENDY LEE GRAMM, RESIGNED.

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 1999, VICE SHEILA C. BAIR, TERM EXPIRED.

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE WENDY LEE GRAMM, RESIGNED.

THE JUDICIARY

JAMES L. DENNIS, OF LOUISIANA, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES CLARK, RETIRED.

DAVID F. HAMILTON, OF INDIANA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE S. HUGH DILLIN, RETIRED.

NAPOLÉON A. JONES, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE EARL B. GILLIAM, RETIRED.

SARAH S. VANCE, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE HENRY A. MENTZ, JR., RETIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JAMES L. JAMERSON xxx-xx-xx

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN E. JACKSON, JR. xxx-xx-xx

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ALBERT J. EDMONDS xxx-xx-xx

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS R. GRIFFITH xxx-xx-xx.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. PETER A. KIND xxx-xx-xx.
LT. GEN. DONALD M. LIONETT xxx-xx-xx.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. ANTHONY C. ZINNI xxx-xx-xx.
IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVE OFFICERS OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372 OF TITLE 10, UNITED STATES CODE, PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 10 MARCH 1994 AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF 7 YEARS OF PROMOTION SERVICE AND 21 YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8308(B) OF TITLE 10.

CHAPLAIN CORPS

To be lieutenant colonel

GEORGE B. BARNETT xxx-xx-xx.
GREG W. CARLSON xxx-xx-xx.
JAMES R. COOKE xxx-xx-xx.
DESMOND G. CROTTY xxx-xx-xx.
WARREN H. DAVIS xxx-xx-xx.
WILLIAM W. DURDEN xxx-xx-xx.
RAND EBERHARD xxx-xx-xx.
ALAN M. KALINSKY xxx-xx-xx.
DAVID E. MARKWALDER xxx-xx-xx.
DANIEL J. PREZ xxx-xx-xx.
BOBBY LEE SMITH xxx-xx-xx.
DONALD W. SWEITH xxx-xx-xx.
STEVEN D. TITENSON xxx-xx-xx.
RIDLEY NORTMAN USHERWOOD xxx-xx-xx.
DENNIS O. WRETLIND xxx-xx-xx.

JUDGE ADVOCATE

To be lieutenant colonel

BRUCE W. BECKER xxx-xx-xx.
ROBERT A. BERSAK xxx-xx-xx.
CHRISTOPHER L. BURNHAM xxx-xx-xx.
DOROTHY K. CANNON xxx-xx-xx.
GREGORY G. COLBY xxx-xx-xx.
RONNIE D. COMPTON xxx-xx-xx.
DANIEL L. DUROCHER xxx-xx-xx.
KENNETH J. EMANUEL xxx-xx-xx.
TIMOTHY I. FINAN xxx-xx-xx.
THOMAS W. HARTMANN xxx-xx-xx.
ALAN R. JACKSON xxx-xx-xx.
FOREST G. KEATON xxx-xx-xx.
RAYMOND L. KERN xxx-xx-xx.
HARVEY A. KORNSTEIN xxx-xx-xx.
DAVID L. KRAMER xxx-xx-xx.
MICHAEL J. KRAMER xxx-xx-xx.
KEVIN J. KUHN xxx-xx-xx.
LINDA L. LEWIS xxx-xx-xx.
THOMAS D. RATHGEB xxx-xx-xx.
JAMES C. RUSSICK xxx-xx-xx.
DOUGLAS A. SHROPSHIRE, JR. xxx-xx-xx.
KINGSTON E. SMITH xxx-xx-xx.
JOHN V. SULLIVAN xxx-xx-xx.
CURTIS E. WATKINS xxx-xx-xx.
RONALD C. WHITE xxx-xx-xx.
TIMOTHY P. WILE xxx-xx-xx.
TERRANCE WINDHAM xxx-xx-xx.
ROBERT A. YOUNG xxx-xx-xx.
ARTHUR P. ZAPOLSKI xxx-xx-xx.

THE FOLLOWING CADETS, U.S. MILITARY ACADEMY, FOR APPOINTMENT IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 531 AND 541, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

REGULAR AIR FORCE

To be second lieutenant

TODD E. COMBS xxx-xx-xx.
KAR P. LAU xxx-xx-xx.
ROBBIE J. PASSINELLI xxx-xx-xx.
MICHAEL A. PETERS xxx-xx-xx.
ZACHARY A. SIKES xxx-xx-xx.
SHON P. WILLIAMS xxx-xx-xx.

THE FOLLOWING MIDSHIPMEN, U.S. NAVAL ACADEMY, FOR APPOINTMENT IN THE U.S. AIR FORCE, UNDER THE

PROVISIONS OF SECTIONS 531 AND 541, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

REGULAR AIR FORCE

To be second lieutenant

KRISTINE C. BURKS xxx-xx-xx.
TOBIN G. BUTLER xxx-xx-xx.
JENNIFER A. MENDEL xxx-xx-xx.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3370, AND 1552:

ARMY PROMOTION LIST

To be colonel

GEORGE R. ALLEN xxx-xx-xx.

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A), 3366, AND 1552:

ARMY PROMOTION LIST

To be lieutenant colonel

WILLIAM A. CARDOZA xxx-xx-xx.
STEVEN KALLENBACH xxx-xx-xx.
LARRY R. LEIBROCK xxx-xx-xx.
HAROLD B. THOMPSON xxx-xx-xx.
JOHN C. THOMPSON xxx-xx-xx.
ROBERT L. WALLACE xxx-xx-xx.
THOMAS E. WOLFORD xxx-xx-xx.

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

TERRENCE R. BRAND xxx-xx-xx.
KENNETH R. HESTER xxx-xx-xx.
PAUL A. JOHNSON xxx-xx-xx.
ROBERT M. KELLY xxx-xx-xx.
DAVID J. LAY xxx-xx-xx.
MICHAEL R. VANPATTEN xxx-xx-xx.

MEDICAL SERVICE CORPS

To be colonel

WILLIAM C. STALEY xxx-xx-xx.

ARMY NURSE CORPS

To be colonel

PAULETTE K. DUNSTER xxx-xx-xx.
JOHN D. DUSENBERRY xxx-xx-xx.

CHAPLAIN CORPS

To be colonel

LOUIS H. ALBRECHT xxx-xx-xx.

ARMY PROMOTION LIST

To be lieutenant colonel

PHILIP E. VERMEER xxx-xx-xx.

MEDICAL CORPS

To be lieutenant colonel

JAMES F. BEATTIE, JR. xxx-xx-xxxx.
DORCAS M. EAVES xxx-xx-xx.
VIVIAN F. NIDSMITH xxx-xx-xx.
ROQUE C. HIGH-LANAUSSE xxx-xx-xx.
DEAN G. SIENKO xxx-xx-xx.

MEDICAL SERVICE CORPS

To be lieutenant colonel

BARRY J. APPLEBY xxx-xx-xx.
ROBERT R. EMBREY, III xxx-xx-xx.
STEVEN J. PETERSEN xxx-xx-xxxx.

CHAPLAIN CORPS

To be lieutenant colonel

EDWARD R. P. KANE xxx-xx-xx.
PAUL R. LEMO xxx-xx-xx.
JOSEPH P. RAVENHILL xxx-xx-xx.
DONALD L. WRIGHT xxx-xx-xx.

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

GEORGE A. YANTHIS xxx-xx-xx.

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

WILLIAM D. BERTOLIO xxx-xx-xx.
JOHN M. GUNDY xxx-xx-xx.
JAMES D. HAGIN, JR. xxx-xx-xx.

ROBERIC L. HAWORTH xxx-xx-xx.
RICHARD F. HOUSER xxx-xx-xx.
JAMES R. MORGAN xxx-xx-xx.
DANIEL E. REEVES xxx-xx-xx.
DREW H. WOODAL xxx-xx-xx.

THE JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

RICHARD S. KWIECIAK xxx-xx-xx.
MYRON T. STEELE xxx-xx-xx.

ARMY PROMOTION LIST

To be lieutenant colonel

MARK O. AINSCOUGH xxx-xx-xx.
EDWIN C. ALLEN, JR. xxx-xx-xx.
ROMA J. AMUNDSON xxx-xx-xx.
JOHN F.P. ANGEL xxx-xx-xx.
DONALD A. BULLERMAN xxx-xx-xx.
GENEVA C. CARTER xxx-xx-xx.
GARY R. CHICOINE xxx-xx-xx.
JOHN T. DAVIS xxx-xx-xx.
WALTER K. DYER xxx-xx-xx.
GREGORY B. EDWARDS xxx-xx-xx.
RAYMOND J. GODLESKI, JR. xxx-xx-xx.
DAVID F. GUNN xxx-xx-xx.
CHRISTOPHER M. HAMLIN xxx-xx-xx.
HARRY P. HAROLDSON xxx-xx-xx.
JAMES E. KELLY xxx-xx-xx.
DIANNE S. LANGSFORD xxx-xx-xx.
RICHARD K. LINTON xxx-xx-xx.
WILLIAM D. MAY xxx-xx-xx.
JOHN P. MCEVOY, JR. xxx-xx-xx.
DANIEL J. MCHALE xxx-xx-xx.
RONALD L. MILLER xxx-xx-xx.
JULIAN H. ROMERO xxx-xx-xx.
DAVID F. SARNOWSKI xxx-xx-xx.
JOHNNY M. SAVAGE xxx-xx-xx.
LARRY J. STUDER xxx-xx-xx.
RICHARD TODAS xxx-xx-xx.
DENNIS L. TOLMAN xxx-xx-xx.
DONALD W. VENN II xxx-xx-xx.
DAVID B. WILLIAMSON, SR. xxx-xx-xx.
PETER K. WILSON xxx-xx-xx.
MICHAEL L. WOOD xxx-xx-xx.
RICHARD S.W. YOUNG xxx-xx-xx.
THADDEUS ZEBROWSKY xxx-xx-xx.

IN THE MARINE CORPS

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTIONS 531 AND 2107:

UNITED STATES MARINE CORPS CONFIRMATION LIST

To be second lieutenant

GEOFFREY H. BARKER CHRISTOPHER J. LAUER
WILLIAM A. BARNES THOMAS S. LITTLE II
JOSEPH B. FREDDELE GIAN F. MACONE
TRAVIS L. HOMIAK SCOTT A. MCCOY
LOUIE A. LANGE III DAN B. TURNER III
MICHAEL A. LARRAZOLO

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

UNITED STATES MARINE CORPS CONFIRMATION LIST

To be second lieutenant

WESLEY F. AHLGREN LARRY G. PAIGE II
MARCUS C. BRADSHAW MICHAEL A. PARKER
JEFFREY S. CERTAIN ROBERT C. POWERS
ALFRED B. CONNABLE DOUGLAS G. SCHAFFER
DANIEL L. LANG JOSEPH J. STEPHENS II
JEFFREY J. MARES OTTO H. WESTHASSEL

THE FOLLOWING-NAMED U.S. AIR FORCE ACADEMY GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE SECTION 541:

To be second lieutenant

WILLIAM C. ALLEN CHARLES R. MCGREGOR
DEAN G. CONASTER KIRK D. NOTHELDER
JACK C. EAST FREDERIK W.
KURT I. GORDON VANWEEZENDONK
GORDON J. LIMB PAUL A. WAGNER, JR.

THE FOLLOWING-NAMED U.S. MILITARY ACADEMY GRADUATE FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 541 AND 5585:

UNITED STATES MARINE CORPS CONFIRMATION LIST

To be second lieutenant

TODD C. YANT

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE

32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

- THOMAS F. ASTALDI
RUSSELL C. AXTELL
JAMES F. BARNETTE
FREDERICK J. BARRATTI
FRED M. BASTION, JR.
BILLY C. BEARDEN
GREGORY J. BECKER
WILLIAM J. BOARDLEY
PETER W. BORGOS
MASON R. BROOKS
JERRY G. BURTNETT
MITCHELL J. CATOE
LAWRENCE J. CERFOGLIO
DAVID W. CHERRY
JOHN S. CHILDRESS
CHARLES E. CHINNOCK, JR.
DAVID O. CLARK
RICHARD H. CLEVENGER
JOHN S. COULTHARD
THEODORE E. DODSON
THOMAS DONALDSON, JR.
WILLIAM J. DRZAL
JAY D. FULLER
RUSSELL V. GATTIN
JAMES A. GIBBONS
CHARLES A. HEADLEY
RICHARD W. HEASLIP
BARNEY L. HITT, III
RONALD A. HOPFMEYER
WILBUR D. HOWARD, JR.
JEROME L. HUME
STEPHEN D. KELL
ROGER W. LARSEN
ROBERT B. LEVINE
DAVID A. LUNDY
JOHN W. MARSHALL, JR.
KENNETH M. MATHIAS
HENRY L. MILLER
DOUGLAS R. MOORE
MARVIN B. MORGAN
ROBERT S. PROWSE
JAMES B. ROBERTS
BEN F. ROBINSON, JR.
LAWRENCE D. RUSCONI
LEON SIMMONS, JR.
WARD D. SNEARLY
STEVEN C. SPEER
BRADLEY A. STONESIFER
WILLIAM G. STRATHEIMER, JR.
KENNETH J. STROMQUIST
JEFFREY D. STUARD
MICHAEL SWANIK, JR.
ROGER F. TAYLOR
ANDREW J. THOMPSON, IV
DONALD L. WHITEHEAD
RONALD L. WILCOX
JAMES K. WILSON
ANTHONY N. WYLIE

JUDGE ADVOCATE

To be colonel

- WILLIAM G. ALEXANDER
ARMANDO O. MONACO, II

MEDICAL CORPS

To be colonel

- WILLIAM L. CARVETH
JAMES R. HILDEBRAND
DAVID A. PERDZOCK
PRIMUS J. SKUMATZ, JR.
DEAN E. SORENSEN
STEWART A. VERNOOY, JR.
RAYMOND L. WEBSTER

NURSE CORPS

To be colonel

- CAROL M. BROOKSHIRE
SUSAN J. TROYER
RUTH A. WONG

BIOMEDICAL SCIENCE CORPS

To be colonel

- JAMES A. MCANDREW, JR.
GEORGE W. SIEBERT, III

IN THE ARMY

THE FOLLOWING-NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

- PETER M. ABBRUZZESE
ALFRED A. ACENAS
JAMES S. ADAMS
MICHAEL A. ADAMS
ARTHUR A. ADDLEMAN
THOMAS ADDYMAN, JR.
JENNIFER M. AHRNS
MICHAEL J. ALAIN
SHERRY L. ALBRIGHT
JAMES R. ALCOCK
JONATHAN W. ALEXANDER

- NICHOLAS G. ALEXANDER
DEBORAH S. ALFRED
JONATHAN W. ALLEN
DANIEL P. ALLMACHER
JON W. ALTHOFF
JOHN E. AMADEO
JEFFREY J. AMATO
EDWARD ANDERSON IV
SUE H. ANKENY
GARY P. ANTOSH
CHARLES APPLEBY III
BYRON J. ARCEAUX
JOSEPH A. ASHER
JEFFREY A. ATKINSON
ADAM J. AUGUSTOWSKI
ANTONIO D. AUSTIN
VANCE L. AVERA
BRIAN S. AXELSEN
MICHAEL AXELSEN II
ALEJANDRO AYALA
CRISTINA R. BAGAY
BYRON P. BAGGETT
BRIAN P. BAILEY
JAMES J. BAILEY
RICHARD J. BAILEY
TOMMY BAILEY, JR.
CARLETON BAILIFF, JR.
DANE BAIRD, JR.
JOHN BAKER, JR.
ROBERT S. BAKER
ROBERT A. BALDWIN
TODD L. BANBY
SALVATORE S. BARBARIA
ROBERT S. BARBER
THOMAS P. BARKER
ANDREW M. BARNES
JACKQUILINE M. BARNES
MAREN P. BARNEY
DANIEL J. BARRIOS
MILTON BARTLEY, JR.
KIMBERLY A. BARTLOW
BRAUM P. BARTON
LUKE J. BASSETT
BASSEY BASSEY III
STEVEN M. BASSO
HERNANDEZ P. BATHISTA
JOHN BATSON, JR.
RICHARD E. BATTERSBY
BRADLEY K. BAUCOM
JEFFERY S. BAUM
CHAD A. BEASINGER
JONATHAN R. BEASLEY
OWEN J. BEAUDOIN
STEVEN D. BEAUMONT
GUILLAUME M. BEAURPERE
LESLIE D. BEGLEY
CHRIS M. BELL
JAIME L. BELL
CHARLES BELLINGER, JR.
TIMOTHY M. BENNATO
DANIEL T. BENNETT
DAVID J. BERGER
TARA L. BERGERON
CARL L. BERGMANN
LEE F. BERLIN
ENRICO Z. BERMUDEZ
KRISTAN S. BERNARD
RACHEL A. BERRY
MICHELLE L. BIEN
JONATHAN D. BIGGER
CHRISTINE M. BIRKEL
CYNTHIA L. BISHOP
MICHAEL J. BISSON
PATRICK K. BIXEL
EVELYN J. BLACK
RONALD C. BLACK
EDWARD BLACKMAN
TIMOTHY G. BLACKWELL
TOWNSEND BLANCHARD
JOSEPH D. BLANDING
IRIZARRY H. BLAS
ROBERT B. BLEGEN
MATTHEW A. BOAL
MARY K. BOESEN
ROD L. BOLES
TROY A. BOLLMAN
PETER A. BOOKER
MATTHEW J. BORDENET
EUGENE BORDINGER, JR.
TIMOTHY B. BORGERDING
RALPH BORJA II
AIDA T. BORRAS
DOMINIC BOSCAGLIA
GLEN A. BOUCHER
STEVEN T. BOWER
JOSEPH A. BOWMAN
CHARLES W. BOWSER
DARRIN M. BOWSER
JOHN C. BOYARSKI
SCOTT D. BOYD
KRISTI A. BOYERS
MICHAEL L. BREINER
JEROME S. BRENNEMAN
MATTHEW S. BRENNER
DARBY J. BREWER
WILLIAM BREWSTER, JR.
CHRIS M. BRIAND
MARIE A. BRIDY
JOHN A. BRINKER
ADRIAN G. BROCKINGTON
ROBERT E. BROOKS

- DEIRDRE G. BROWN
CARLOS J. BROWN
GEORGE N. BROWN
MYRTTITH A. BROWN
JONATHAN B. BROWNE
MICHAEL C. BRUENS
COREY L. BRUMSEY
JASON A. BRYAN
KATHRYN A. BRYAN
CRAIG S. BUDINICH
DARLENE M. BUZZINSKI
ALFRED T. BUFFINGTON
DOUGLAS W. BURBEY
KEVIN P. BURKE
WILLIAM BURKE III
TODD A. BURKHARDT
ERIC L. BURROUGHS
TURNER I. BURSON
STEVEN E. BUSCH
MATTHEW M. BUTCHER
ANTOINETTE R. BUTLER
KEVIN J. BUTLER
AARON T. BUTTS
BRANN G. CALVETTI
JULIA C. CAMPBELL
DANIEL H. CANON
MICHAEL A. CARGILL
TRAVIS D. CARLISLE
ANDREW T. CARLSON
ELIZABETH A. CARMOLA
JON CARRICO, JR.
CHARLES R. CARSON
PAMELA J. CARTER
MICHELLE R. CASEY
DAVID M. CASSELLA
JAMES P. CASTELLI
MARCUS A. CASTILLA
FRAZARIEL I. CASTRO
SHANNON CECCHINI
RAY M. CERALDE
CHARLES K. CHANG
DAVID R. CHARPENTIER
DAVID C. CHIARENZA
CHRISTOPHER M. CHILDS
MATTHEW C. CHRISTENSON
CHAD Q. CHRISTMAN
MICHAEL R. CHUPAS
JOSEPH CLARK, JR.
JAMES C. CLARKE
RICHARD CLAYTON, JR.
JARED L. CLEARY
ANTHONY T. CLEMENTE
MOJICA J. CLEMENTE
GEORGE CLEVELAND II
JAMES S. CLIFFORD
JENNIFER B. CLIFFORD
RONALD E. CLOW
GEORGE D. COFFEE
SCOTT E. COHEN
ROLANDA D. COLBERT
GREGORY J. COLE
LEVORN S. COLLINS
STEVEN COLLINS
ANTHONY C. COMELLO
AIME L. COMPISI
RONNIE L. CONEY
CLINTON J. CONZEMIOUS
BRIAN E. COOK
CYNTHIA N. COOK
DAVID J. COOMBS
DORIAN A. COOPER
ROBERT CORDRAY
DAVID M. CORLETT
REBECCA CORRING
JAMES T. COSSON
CHRISTOPHER T. COVATTA
TERRY G. CRANK
JEFF S. CRAFO
BARBARA R. CRAWFORD
MICHAEL A. CRAWFORD
ERIC S. CRIDER
FREDERICK L. CRIS
ROBBIE J. CROSS
DONALD O. CROW
JASON R. CUMBIE
ANDREW B. CUNNEY
CHRISTINE A. CURRAN
JENNIFER L. CURTIS
RICHARD L. CURTIS
TERRY L. CYFERS
JOSEPH F. DAILEY
JOHN D. DALBEY
JILL N. DALE
CHRISTINE R. DALVE
CHRISTINE M. DALY
KEVIN K. DAMON
HERBERT DANIEL, JR.
ERIC B. DARRINGTON
WAYNE E. DARSOW
GLENN P. DAUBERT
RICHARD B. DAVENPORT
FORTI J. DAVILA
AMUDU B. DAVIS
AVERY E. DAVIS
JAMAL D. DAVIS
JULI A. DAVIS
RICHARD DAVIS, JR.
WILLIAM A. DAVIS
WILLIE E. DAVIS
JOHNATON L. DAWBISH
SHARY A. DAY

JAMES C. DEAK, xxx-xx-x.
 LEONARD T. DEAVEY, xxx-xx-x.
 JAMES A. DELAPP, xxx-xx-x.
 ROCHELLE A. DENMAN, xxx-xx-x.
 JAMES DEORE, JR., xxx-xx-x.
 MICHAEL R. DEFERRIO, xxx-xx-x.
 PATRICK L. DEVINE, xxx-xx-x.
 ANDREW A. DEWEES, xxx-xx-x.
 LARRY DEWEY, JR., xxx-xx-x.
 ERIK L. DIAS, xxx-xx-x.
 AARON G. DICKENS, xxx-xx-x.
 NICHOLAS J. DIFIORE, xxx-xx-x.
 MICHAEL P. DILLON, xxx-xx-x.
 RICHARD F. DIMARCO, xxx-xx-x.
 WILLIAM S. DINWIDDIE, xxx-xx-x.
 VALERIE D. DODD, xxx-xx-x.
 MICHAEL P. DOHERTY, xxx-xx-x.
 GERARD E. DOLAN, xxx-xx-x.
 WAYNE W. DON, xxx-xx-x.
 PATRICK A. DONAHUE, xxx-xx-x.
 ROBERT DONNELLY, xxx-xx-x.
 GERALD C. DOOLEY, xxx-xx-x.
 BENNY DORAN, JR., xxx-xx-x.
 LARRY D. DOSS, xxx-xx-x.
 ANTHONY R. DOTSON, xxx-xx-x.
 LYNN E. DOWNIE, xxx-xx-x.
 JAMES F. DRAUDDI, xxx-xx-x.
 DARRELL W. DRIVER, xxx-xx-x.
 STEPHEN R. DUBRAVAC, xxx-xx-x.
 MATTHEW B. DUCKWORTH, xxx-xx-x.
 SEAN C. DUGGAN, xxx-xx-x.
 MICHAEL J. DUGUID, xxx-xx-x.
 DANIEL J. DUNCAN, xxx-xx-x.
 CAROL S. DUNLAP, xxx-xx-x.
 CHRISTOPHER L. DUNLAP, xxx-xx-x.
 ADAM DUSEWICZ, xxx-xx-x.
 DAVID P. DUSZA, xxx-xx-x.
 HUGH DYER, IV, xxx-xx-x.
 MATTHEW S. EAST, xxx-xx-x.
 LISA R. ECKERMAN, xxx-xx-x.
 SEAN E. EDWARDS, xxx-xx-x.
 FRANK J. EGNATY, xxx-xx-x.
 KELLY B. ELIAND, xxx-xx-x.
 JAMES W. ELLERSON, xxx-xx-x.
 ALAN L. ELLIS, xxx-xx-x.
 CHARLES J. ELLSTROM, xxx-xx-x.
 WILLIAM J. EPOLITO, xxx-xx-x.
 EDWARD ERB, III, xxx-xx-x.
 ROBERT A. ERICKSON, xxx-xx-x.
 BRIAN C. ERNY, xxx-xx-x.
 CARRIE L. EVANS, xxx-xx-x.
 MARCUS S. EVANS, xxx-xx-x.
 CYNTHIA A. EVELYN, xxx-xx-x.
 CRAIG A. EVERSON, xxx-xx-x.
 BRIAN K. EWING, xxx-xx-x.
 STEVEN L. FANDRICH, xxx-xx-x.
 CHRISTINA L. FARRINGTON, xxx-xx-x.
 PRESCOTT R. FARRIS, xxx-xx-x.
 JOSEPH A. FASANO, xxx-xx-x.
 KEVIN N. FAUGHENDER, xxx-xx-x.
 MICHAEL D. FAVERO, xxx-xx-x.
 PETER H. FECHTEL, xxx-xx-x.
 KEVIN FIELD, xxx-xx-x.
 TRUDY L. FIELDS, xxx-xx-x.
 THOMAS M. FIFE, xxx-xx-x.
 SCOTT T. FIGLIOLI, xxx-xx-x.
 FELIX C. FILLMORE, xxx-xx-x.
 TIMOTHY H. FINNEGAN, xxx-xx-x.
 SAMUEL E. FIOU, xxx-xx-x.
 SCOTT FLANDERS, xxx-xx-x.
 REGINA M. FLANGO, xxx-xx-x.
 JEFFREY J. FLEISHER, xxx-xx-x.
 ANDREW S. FLETCHER, xxx-xx-x.
 MICHAEL S. FLYNN, xxx-xx-x.
 JASON T. FOESS, xxx-xx-x.
 GENE R. FORD, xxx-xx-x.
 TIMOTHY A. FORD, xxx-xx-x.
 CHERYL A. FOREMAN, xxx-xx-x.
 BRIAN R. FORMYDUVAL, xxx-xx-x.
 ROBERT B. FOUCHE, xxx-xx-x.
 DANIEL D. FOURNIER, xxx-xx-x.
 BRYAN E. FOWLER, xxx-xx-x.
 SHAWN N. FOWLER, xxx-xx-x.
 JOHN FRANCIS, xxx-xx-x.
 ROGER J. FRANK, xxx-xx-x.
 PARKER L. FRAWLEY, xxx-xx-x.
 FLITE H. FREIMANN, xxx-xx-x.
 WENDY L. FRITZ, xxx-xx-x.
 DANIEL M. FROEHLICH, xxx-xx-x.
 CHRISTOPHER C. FROST, xxx-xx-x.
 JONATHAN R. FUNK, xxx-xx-x.
 SCOTT M. FUSSELL, xxx-xx-x.
 NATHANIAL R. GAHR, xxx-xx-x.
 GONZALEZ H. GALARZA, xxx-xx-x.
 CAROLYN B. GALES, xxx-xx-x.
 JOHN T. GALLOB, xxx-xx-x.
 JAMES J. GALLUZZO, xxx-xx-x.
 BARBARA J. GALVICH, xxx-xx-x.
 ADRIAN GAMEZ, xxx-xx-x.
 GABRIEL T. GARCIA, xxx-xx-x.
 BETTY K. GARNER, xxx-xx-x.
 ALLEN GARRISON, JR., xxx-xx-x.
 TRENT G. GARRISON, xxx-xx-x.
 KRISTAL J. GATES, xxx-xx-x.
 CHARLES GATLING, xxx-xx-x.
 DAVID C. GEARHART, xxx-xx-x.
 MICHAEL C. GIBSON, xxx-xx-x.
 DAVID A. GIGLIOTTI, xxx-xx-x.
 MELVIN B. GILBERT, xxx-xx-x.
 ANDREA D. GILMORE, xxx-xx-x.
 TROY L. GLAZIER, xxx-xx-x.
 JAN K. GLEIMAN, xxx-xx-x.

TIMOTHY P. GLUBASKAS, xxx-xx-x.
 VINCENT S. GOLEMESKI, xxx-xx-x.
 VLADIMIR R. GOLONDRINA, xxx-xx-x.
 HECTOR A. GONZALEZ, xxx-xx-x.
 AMANDA R. GOODGE, xxx-xx-x.
 ROBERT P. GOODING, xxx-xx-x.
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 JENNIFER L. SPLINTER xxx-xx-x
 SHANNAN M. SPRINGER xxx-xx-x
 JEFFREY M. SQUIRES xxx-xx-x
 ROBERT J. STAGGS xxx-xx-x
 JONATHAN N. STANLEY xxx-xx-x
 TERESA L. STARKS xxx-xx-x
 BRADLEY F. STEADMAN xxx-xx-x
 NATALIE M. STEADMAN xxx-xx-x
 LORRIE M. STED xxx-xx-x
 JEFFREY D. STEID xxx-xx-x
 SARAH C. STEINER xxx-xx-x
 STEVEN L. STELKE xxx-xx-x
 RYAN T. STEWART xxx-xx-x
 CARY G. STOLARCK xxx-xx-x
 JEFFREY P. STOLASZ xxx-xx-x
 SUSAN M. STOLTZ xxx-xx-x
 ANGELA L. STONE xxx-xx-x
 SCOTT M. STOVER xxx-xx-x
 BRIDGET A. STRATTON xxx-xx-x
 DOUGLAS L. STRATTON xxx-xx-x
 HEATH J. STRECK xxx-xx-x
 REBEKAH J. STREIBER xxx-xx-x
 ROBERT J. STRICH xxx-xx-x
 CHRISTOPHER M. STUARTI xxx-xx-x
 JEFFREY J. STUARTI xxx-xx-x
 RODRIGUEZ L. STUCKEY xxx-xx-x
 JENNIFER J. SUGDEN xxx-xx-x
 MATTHEW T. SWAIN xxx-xx-x
 WILLIAM A. SWANBERG xxx-xx-x
 JOHN C. SWEENEY xxx-xx-x
 DARRELL L. SYDNOR xxx-xx-x
 SHAHRAM TAKMILIGHALAM xxx-xx-x
 CHRISTOPHER J. TATKA xxx-xx-x
 CHRISTOPHER L. TAYLOR xxx-xx-x
 EVAN O. TAYLOR xxx-xx-x
 HORACE D. TAYLOR xxx-xx-x
 RICHARD S. TAYLOR xxx-xx-x
 JON T. TERHUNE xxx-xx-x

BRUCE W. TERRY xxx-xx-x
 MICHELLE L. TERWILLIGER xxx-xx-xx
 NICOLE A. TESMER xxx-xx-x
 JEFFREY J. TESSER xxx-xx-xxxx
 JOSHUA D. TETRAK xxx-xx-x
 ADAM C. THEILER xxx-xx-x
 JOSEPH E. THEMANN xxx-xx-xx
 SAKURA S. THERIAULT xxx-xx-x
 STEVEN L. THIELEN xxx-xx-xx
 CHAD R. THIEMANN xxx-xx-x
 DONALD THOMAS II xxx-xx-xx
 LENARD THOMAS III xxx-xx-x
 WILLIAM J. THOMAS xxx-xx-x
 JEFFREY J. THOMPSON xxx-xx-xx
 JONATHAN R. THOMPSON xxx-xx-xx
 ANTHONY M. THORNTON xxx-xx-x
 PETER B. TINGSTROM xxx-xx-xx
 JOHN W. TINKER xxx-xx-x
 TODD A. TISCHER xxx-xx-x
 HELEN L. TOLBERT xxx-xx-xx
 GREGORY A. TOROK xxx-xx-x
 GALARZA M. TORRES xxx-xx-xx
 JIMMY D. TORSAK xxx-xx-x
 STEPHEN R. TREANOR xxx-xx-xx
 CHRISTINE L. TREGO xxx-xx-x
 MICHAEL A. TRUE xxx-xx-x
 ANTONIUS S. TSAI xxx-xx-x
 JOHN D. TUCKER xxx-xx-x
 AARON D. TUEMLER xxx-xx-x
 JAMES TURINETTI IV xxx-xx-xx
 JERRY A. TURNER xxx-xx-x
 JOHN W. TURNER xxx-xx-x
 WENDY M. UNDERWOOD xxx-xx-x
 DAVID E. VAILLANCOURT xxx-xx-x
 CARLOS G. VALENCIANO xxx-xx-xx
 TIMOTHY P. VALENTINE xxx-xx-x
 TODD C. VANHORN xxx-xx-x
 THADDEUS VANNICE II xxx-xx-x
 BRENDA S. VANSICKLE xxx-xx-x
 MARIA M. VANTERPOOL xxx-xx-xx
 GRANT A. VAUGHAN xxx-xx-x
 JOEY L. VAUGHT xxx-xx-x
 JOHN D. VENNEN xxx-xx-x
 GARRETT J. VERSEK xxx-xx-x
 MICHAEL D. VICK xxx-xx-x
 ERIC J. VONKLEBECK xxx-xx-x
 GEOFF D. VOORHEES xxx-xx-x
 JENNIFER J. WABALS xxx-xx-xx
 JAMES WALKER II xxx-xx-x
 MARC A. WALKER xxx-xx-x
 RAYMOND WALKER xxx-xx-x
 MATTHEW A. WALLACE xxx-xx-x
 MELISSA A. WALLACE xxx-xx-x
 RODNEY W. WALLACE xxx-xx-x
 ANDREW WALMSLEY xxx-xx-x
 JAMES P. WALSH xxx-xx-x
 CHRISTOPHER C. WALTER xxx-xx-x
 FLETCHER D. WALTERS xxx-xx-xx
 DAVID WAMER IV xxx-xx-x
 DONALD L. WARDEN xxx-xx-x
 THOMAS J. WARGO xxx-xx-x
 ILSA C. WATERMAN xxx-xx-x
 BRADLEY D. WATERS xxx-xx-x
 JASON C. WATERS xxx-xx-x
 DANIEL H. WATKINS xxx-xx-x
 SHAWN E. WATTS xxx-xx-x
 MARK M. WEBER xxx-xx-x
 SHANNON C. WEBER xxx-xx-x
 KELLY L. WEBSTER xxx-xx-x
 ROBERT M. WEBSTER xxx-xx-x
 TANYA M. WEEKS xxx-xx-x
 VALERIE N. WEISER xxx-xx-x
 SCOTT A. WERKMEISTER xxx-xx-x
 DOUGLAS R. WESNER xxx-xx-x
 COREY C. WEST xxx-xx-x
 PATRICK M. WEST xxx-xx-x
 PAUL C. WEYRAUCH xxx-xx-x
 JOHN N. WHILDEN xxx-xx-x
 JEANNINE M. WHITE xxx-xx-x
 JOANN WHITE xxx-xx-x
 HEIDI I. WHITESCARVER xxx-xx-xx
 GENE P. WHITESIDES xxx-xx-xx
 STEPHEN P. WHITING xxx-xx-xx
 REID C. WHITLEY xxx-xx-x
 KENNETH W. WICAL xxx-xx-x
 DESMOND WILLIAMS xxx-xx-x
 DEVINTI M. WILLIAMS xxx-xx-x
 JULIE M. WILLIAMS xxx-xx-x
 MALCOLM J. WILLIAMS xxx-xx-x
 MARGARET M. WILLIAMS xxx-xx-x
 MATTHEW D. WILLIAMS xxx-xx-x
 WILLIAMS xxx-xx-x
 WENDETTA N. WILLIAMS xxx-xx-x
 DANIEL J. WILLIAMSON xxx-xx-xx
 DIEDRE L. WINDSOR xxx-xx-x
 BRIAN D. WINNINGHAM xxx-xx-x
 MARK W. WINSTEAD xxx-xx-x
 MATTHEW B. WISE xxx-xx-x
 MEARL WISEHART III xxx-xx-x
 ROBERT T. WISSINGER xxx-xx-xx
 ADAM C. WOJCIECHOWSKI xxx-xx-x
 GARY L. I. WOLFF xxx-xx-x
 CHRISTOPHER D. WOOD xxx-xx-xx
 TODD D. WOODRUFF xxx-xx-x
 RODGER WOODS, JR. xxx-xx-x
 FORREST A. WOOLLEY xxx-xx-x
 THOMAS C. WORKMAN xxx-xx-x
 ANNETTE M. WRIGHT xxx-xx-x
 CHRISTOPHER W. WRIGHT xxx-xx-x
 MARESE R. WRIGHT xxx-xx-x
 JOSEPH E. WYKA xxx-xx-x
 SAMUEL YBARRA xxx-xx-x

KANANI M. YOUNG xxx-xx-x
 MARCUS R. YOUNG xxx-xx-x
 STEVEN L. YOUNGBLOOD xxx-xx-x
 GRACE YUSON xxx-xx-x
 DOUGLAS E. ZADOW xxx-xx-xx
 DAVID R. ZAHARCHUK xxx-xx-xx
 DAVID C. ZARTER xxx-xx-x
 MICHAEL J. ZIEGLER xxx-xx-xx
 CODY L. ZILHAVER xxx-xx-x
 CHRISTOPHER S. ZINNEK xxx-xx-xx
 DIANNA N. ZITO xxx-xx-x
 JEFFREY V. ZOTTOLA xxx-xx-xx

THE FOLLOWING-NAMED DISTINGUISHED HONOR GRADUATES FROM THE OFFICER CANDIDATE SCHOOL FOR APPOINTMENT IN THEIR ACTIVE DUTY GRADE OF SECOND LIEUTENANT IN THE REGULAR ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

MICHAEL KELLOGG xxx-xx-xx
 FRANK J. STANCO, JR. xxx-xx-xx

THE FOLLOWING-NAMED OFFICERS FROM JUDGE ADVOCATE GENERAL'S CORPS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

ROBERT J. BARHAM xxx-xx-xx
 ALLEN K. GOSHI xxx-xx-x
 HOWARD O. MCGILLIN xxx-xx-x

To be majors

To be captains

JOHN A. ADAMS xxx-xx-x
 JOHN B. ALUMBAUGH xxx-xx-x
 THOMAS E. AYRES xxx-xx-x
 GARY R. BROCK xxx-xx-x
 CHRISTOPHER M. DETORO xxx-xx-xx
 DOUGLAS A. DRIBBEN xxx-xx-xx
 MARK D. DUPONT xxx-xx-x
 BRUCE C. EVANS xxx-xx-x
 KAREN V. FAIR xxx-xx-x
 DAVID B. FREEMAN xxx-xx-xx
 CYNTHIA A. GLAISBERG xxx-xx-xx
 FRANK M. HRUBAN xxx-xx-x
 TRACY D. KNOX xxx-xx-x
 MAURICE A. LESCAULT xxx-xx-x
 MARK S. MARTINS xxx-xx-x
 DAVID A. MAYFIELD xxx-xx-x
 MICHAEL A. NEWTON xxx-xx-x
 EDWARD J. OBRIEN xxx-xx-x
 BRADLEY D. PAGE xxx-xx-x
 LISA M. SCHENCK xxx-xx-x
 JEFFREY D. SMITH xxx-xx-xx
 ERIC G. STOREY xxx-xx-x
 KATHERINE L. SPAULDING xxx-xx-xx
 THOMAS P. SWANTON xxx-xx-x

THE FOLLOWING-NAMED CADETS, GRADUATING CLASS OF 1994, UNITED STATES AIR FORCE ACADEMY WHO HAVE REQUESTED APPOINTMENT IN THE REGULAR ARMY IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, 531(A), AND 541:

JAMES M. BROGDON xxx-xx-x
 DAVID J. EMERY xxx-xx-x
 CARLTON L. HOSKINS xxx-xx-x
 JENNIFER T. HOWARD xxx-xx-xx
 WILLIAM D. PLEASANCE xxx-xx-x
 PETER D. SMITH xxx-xx-x

THE FOLLOWING-NAMED MIDSHIPMEN, GRADUATING CLASS OF 1994, UNITED STATES NAVAL ACADEMY WHO HAVE REQUESTED APPOINTMENT IN THE REGULAR ARMY IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, 531(A), AND 541:

THOMAS B. STROUD xxx-xx-x
 RICHARD WRONA, JR. xxx-xx-x

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

to be commander

JEFFERY R. ABEL SANDRA FRANCISCA
 RAYMUNDO AGUILAR ANSELMO
 ARLA MARIE ALBERS DENNIS RAY ANTHONY
 LANCE ROBERT ALDERMAN EDWARD LAWRENCE
 ERNEST RUSSELL ALLEN ARCAD
 MARVIN T. ALLEN GEORGE MARK ARVONEN
 THOMAS GALE ALLEN DOUGLAS G AUUYONG
 JAMES L. ALLISON KENNETH AVERY
 JOSEPH R. ALLISON ANDREW GEORGE BAAN
 JEFFREY ROBERT ALLMON DANIEL THOMAS BACH
 PHILIP JOSEPH ALTIZER, EDWARD CLYDE BADEN
 JR. BERNARD TRACY BAETZEL
 GLENN EDWARD ANDERSON BEVERLY FRANCES BAKER
 JAMES ARTHUR ANDERSON JEFFREY THOMAS BAKER
 JOHN ALLEN ANDERSON GIL ARCALA BALAOING
 MICHAEL ALLEN BRIAN KING BALL
 ANDERSON GEORGE WAYNE BALLANCE
 MICHAEL L ANDREWS WALTER W BALLARD

GEORGE BARANCHULK
 ERIC CHARLES BARON
 NICHOLAS DAVID BARONE
 RONALD JAMES BARRETT
 MARTIN JOSEPH BARRON
 STEVEN ROBERT BARTIE
 ERIC CURTIS BATEMAN
 JOHN WILLIAM BAXTER, JR.

JON WILLIAM BAYLESS, JR.
 LAWRENCE PAUL BEAL
 MARK DAVID BEATTY
 JAMES FRANCIS BECKA
 BRYAN DOUGLAS BEEMER
 PHILLIP ANTHONY BEGLEY
 THOMAS JULIAN BELKE
 JOHN RICHARD BELL
 CHARLES G. BELTZ
 JOHN DEWITT BENBOW
 PATRICIA RAWSON BENT
 DONALD J. BENZING
 MARTIN WALTER BERG
 OSCAR LUCIAN BERNIER, JR.

CHARLES R. BERNSTEIN
 EDWARD LOUIS BERNZEN
 GREGORY CHARLES BETTT
 KENNETH ROBERT BEYER
 BLAKE W. BIGGS
 ROGER DEAN BIRNBAUM
 JEFFREY EDWARD BLACKBURN
 JOHN W. BLACKSTONE
 DANIEL KINGSTON BLAKE
 ROBERT DONALD BLOT
 VICTORIA PALZKILL BONANNO
 BENJAMIN DALE BONEY
 FREDERICK YATES BORDEN III

ROBERT JOHN BOROWSKI
 BRUCE HENRY BOSSHARD
 MILTON JOSEPH BOUVIER III
 STEVEN LEIGH BRADLEY
 DANIEL VON BRAKE
 ROBERT BATSON BRALLIAR
 HARVEY JAMES BRAU II
 ROBIN R. BRAUN
 RICHARD JOSEPH BRENNAN, JR.
 CHARLES LOUIS BRENSIA
 FRANCIS CAREY BRINCK
 DAVID BROADBENT
 FRANCIS JOSEPH BROSNAN
 CLARENCE LEONARDY BROWN
 JAMES WEIR BROWN
 KENNETH ROBERT BROWN
 MICHAEL J. BROWNE
 CARL JOSEPH BRUST, JR.
 KEVIN WILBUR BUBB
 SANDRA TAIT BUCKLES
 KARL P. BUNKER
 MARK FAIRMAN BUNTING
 R. JANE BURCHPESSES
 THADDEUS CLAIR BURFORD

WILLIAM LEO BURGER
 JOHN WILLIAM BURKE
 MATHES MCGUIRE BURKE II
 MICHAEL EDWARD BURKE
 EUGENE CLAYTON BURNS
 WENDY RAE RUSSEL BURROUGHS
 PAUL JOHN BUTLER
 KARL BUTTERBRODT
 MICHAEL ALDEN BUZZELL
 JOHN LAWRENCE CALLAHAN, JR.
 CAROLYN ANN CALOMENI
 NESTOR H. CAMERINO, JR.
 KEVIN DAVID CAREY
 DAVID EARL CARTER
 MICHAEL GENE CARTER
 CHARLES LANE CARLEDGE
 WYLIE DARREN CAVIN
 ALETA LOUISE CHAMBERLAIN
 CARL NELSON CHAMBERLAIN
 BRANDAN J. CHANG
 SILVIA KATHARINA CHANG
 ROGER ANTHONY CHAPA
 RANDY JOE CHARLES
 CHRISTOPHER T. CHILES
 KEVIN WALTER CHIZEK
 EDWARD JOHN CHOMAS
 MICHAEL CHRISTIANSEN
 THOMAS JOSEPH CIANCIOLO
 MICHAEL ANTHONY CLAUDIO
 JEFFREY LAWTON CLITES
 TERI LYNN CLOW
 ROBERT NATHAN CLYMAN
 STEPHEN MICHAEL COBBE
 WILLIAM DOUGLAS COCHRAN
 JOHN ROTH COCHRANE

JOHN CHARLES COE
 KIMBERLY HAMMONS COFFEY
 STEPHEN EDWIN COLE
 DANIEL TODD COLEMAN
 JOHN COLEMAN
 KEITH ANDREW COLLEDGE
 JAMES FRANCIS COLLINS, III

BRYAN BARTON COMPTON
 DANIEL DON COMPTON
 EARL MORRIS CONNALLY
 STEPHEN MICHAEL CONRAD
 CHRISTOPHER MURRAY CONROY
 FERREL PHILIP CONYERS
 EDWARD ANTHONY COOK
 CURTIS ALLYN COOPER
 SCOTT L. COOPER
 STANLEY L. COOPER
 JOHN J. CORBETT
 JANET LOUISE COREY
 THOMAS LAWRENCE, COREY JR.
 SANDRA HAVER CORNETT
 DAVE LOUIS COTNER
 WILLIAM STUART COUCH
 JOHN CURTIS COUGHLIN
 JOHN THOMAS COUNTS
 TIMOTHY LEE COWDEN
 PETER WESLEY CRABB
 CURTIS ROGER CRANE
 ANDREW THOMAS CREPEA
 JUDITH LOUISE CRONIN
 MARK L. CROOK
 CONSTANCE BROOKE B. CROUTER

BYRON W. CROW
 ANATOLIO B. CRUZ
 PAUL M. CULBERTSON
 ALAN WALKER CUMMINGS
 WILLIAM DOUGLAS CUMMINGS
 JOHN BARNWELL L. CUNNINGHAM
 HERBERT STEPHEN CUPO
 GARY DEANS CURTIS
 WAYNE ALAN DAFFER
 THOMAS PAUL DAGOSTINO
 RICHARD CHARLES DALE
 FRANCIS DANIEL SANDY LEE DANIELS
 PETER JAY DARBY
 LEONARD ANTHONY DATO
 KEVIN NELSON DAULONG
 DANIEL STEVEN DAVIDSON
 MARK EVAN DAVIDSON
 MARK HAROLD DAVIDSON
 MERLE LEE DAVIS
 JOHN EDWARD DEAS
 CARL ANDREW DECK
 LOUIS NUMA DECUIR III
 ROBERT T. DEEGAN
 DAVID M. DELONG
 DAVID TUEVEY DENNIS
 PHILIP J. DESIPIO
 RODOLFO ROSARIO DIAZ, JR.

DEBORAH SUE DICKSON
 VIRGINIA ANN DIETRICH
 JACK CHARLES DILLICH
 GREGORY B. DILLON
 FREDERICK DIMITREW
 LAWRENCE THOMAS DIRITA
 JOSEPH ANTHONY DISCIORIO, JR.
 LAWRENCE ALAN DISNEY
 WILLIAM LYLE DOBBINS
 WILLIAM NORWOOD DONOVAN
 JOHN C. DORRANCE
 TERRY ALLEN DOUGHERTY
 ALAN DALE DOUGLAS
 ROLAND O. DOWNING, JR.
 MARK MILLARD DRAKE
 MICHAEL LEE DRISCOLL
 DANIEL NORMAND DUBE
 ETHAN ENSIGN DUBOIS
 JOHN CHRISTOPHER DUHNKE
 STEVEN WHITNEY DULL
 STEVEN ARTHUR DUNBAR
 PAMELA LAKER DUNCAN
 ROBERT GILBERT DUPUIS
 WILLIAM HENRY DUXBURY
 NANCY MCCARTHY DWYER
 CHARLES ARTHUR DYE
 KEVIN DALE EAGLE
 PAUL FREEMAN EARNSHAW
 DANNY GILBERT EAST
 JONATHAN BRENT EEDS
 TIMOTHY GEORGE EHRESMAN
 ROBERT EHRHARDT
 DONALD WILSON EISENHART, JR.
 SHARON ELAINE WALTER ERIC ELLISON
 ROLAND L. ELLIS

WILLIAM OWEN ENGVALL
BARRY CRAIG ERB
STEPHEN CURTIS ERTMAN
WILLIAM PATRICK
ESCHBACH
THOMAS PERRY ESQUINA
WARREN BLAKE ESTES
PEDER HERMAN
FAGERHOLM
JOSEPH JOHN FAGONE
ANDRA LEIGH FAHLBERG
TIMOTHY ROBERT FAIN
GEORGE R. FARMER
CHARLES DANIEL
FASNACHT III
BRUCE KERR FASTERLING
ANTHONY FAUL
THOMAS JAMES FEDELE
GUENTHER PEISTE
BERT HODLEY FELL, JR.
JAMES RALPH FENTON
HAROLD GEORGE FERENZ
MARCUS JOHN FERGUSON
PAUL ROBERT FISHER
SL FITZPATRICK
T FITZPATRICK
RONALD ALAN FLETCHER
JAMES MICHAEL FLOOD
THOMAS HENRY FLOURNOY
ALAN ROGER FORD
BARBARA GLEASON FORD
ROBERT LEE FOSTER, JR.
CHRISTOPHER JOHN
FRANKLIN
JAMES HAGAN FRASER
MICHAEL J FREIX
DAVID A FREY
PATRICIA KIM FRIEND
SUSAN DUBRULU FUTOMA
STEPHEN PATRICK
GALLAGHER
JAMES REX GARDNER
ROBERT DOWNING
GARDNER
CARY COLIN GATES
DAVID H GATES
LARRY LEE GATLIN
MATTHEW ALAN GEBEL
DOUGLAS J. GEIB
DAVID HARRISON GEISS
MICHAEL R. GENNETTE
PETER R. GERDEMAN
CHARLES RUSSELL
GILBERT
NEIL T GILLESPIE
RAYMOND DOYLE
GILLESPIE
PAUL SCOTT GLANDT
RICHARD ANTHONY
GLEBER
RICHARD STEPHEN
GOLDNER
NIEL L GOLIGHTLY
ERNEST W GOOLD
GRAIG CALVIN GORBY
PAUL D GRAAFF
JAMES R GRABE
JOSEPH ALLAIN GRACE
TIMOTHY MATTHEWS
GRAHAM
WILLIAM M GRAHAM
RUSSELL JOSEPH GRANIER
KATHRYN TERESA GRAY
TONY A GRAYSON
BETTY LUANN GRIER
PATRICK JOSEPH GRIFFIN
PETER THOMAS GRIFFITH
JAMES ERNEST GRISWOLD
THOMAS CHRISTOPHER
GROSS
MARK R. GUIDOBONI
JOHN T. GWYNN
ERIC M. HAAS
CHARLES B HAASER
LINDA JEAN HACK
PETER JOHN HAGEN
DAVID DEAN HAINES
RICARDO MIGUEL HALL
REBECCA CARSTEN
HAMPTON
DALE TSUKASA HANAOKA
WILLIAM BLAKE HANKINS
MARK D HAPPEL
RICHARD WAYNE HARDEN
GEORGE MARK HARDY III
WILLIAM LEE HARMON
JAMES ROBERT HARPER,
JR.
DAVID JOSEPH HAUCK
JAMES JOSEPH HAVRILAK
EDWIN RAYMOND
HAVRILLA JR.
NORMAN GREG HAWKINS
PETER J HAYASE
THOMAS C HAYFORD
JOSEPH PATRICK HEID
KEVIN ROBERT HEISE
DAVID LEE HENDERSON
MARTHA ELIZABETH GRAY
HERB
RICHARD JOSEPH HIEL
VERNON P. HILL III

CYNTHIA YVONNE
HILTI BRAND
ERIC STACY HINZ
PHILIP ANDREW HOFFMAN
JR.
PHILIP DOUGLAS HOGG
LAWRENCE RONALD
HOLDER
JOHN G HOLMES
WILLIAM WILTON HOLMES
MICHAEL HLOUBEK
BRADLEY BERNARD HOMES
DAVID ROY HOOKE
FREDERICK HOOVER
GEORGE THOMAS HOPPER
BRUCE THOMAS HOWARD
EUGENE G HUETHER
DAVID MICHAEL HUEY
ROBERT G HUETHER
PETER A HUSTON
BRUCE ALAN HUTSON
JOHN KAY HUTSON
MATTHEW CRANFORD
HUTTO
JOSEPH EDWARD HYNES, II
JAMES AARON ICSMAN
DAVID KIRK INMAN
KATHERINE ANN CHASE
IRBY
ROBERT DARELL ISACSON
ARTHUR MICHAEL
IVANSHECK
JESSE WILLIAM IVERS
DONNA WHITE JASITT
JOSEPH CHARLES JAUNICH
BRUCE RICHARD JENKET
PAUL LLEWELLYN
JENKINS
HENRY CARROL JENNINGS
PETER STEVEN JEROME
JEFFREY JAMES JEWITT
KIRK GUNNAR JOHANSEN
PETER CHRISTOPHER
JOHANSEN
STEVEN JOSEPH JOHNSON
STEVEN JOHNSTON
ETHAN ALLEN JONES
KENNETH LAWRENCE
JONES
MICHAEL G. JORDAN
ROBERT OTTO JORDAN
LOYD DENNIS JUSTICE
CRAIG SAMUEL KAIN
JOHN PATRICK KAISER
CARL NMN KALOTA
MICHAEL J. KANE
PAUL PHILLIP KAROLIDES
DAVID J. KARP
RICHARD A. KARWOWSKI
WILLIAM FRANCIS
KAUFFMAN
PAUL M. KAUS
DOUGLAS H. KAYE
SUSAN C. KELL KEANEY
BRIAN JOSEPH KEEPERS
LYNDEEN KATHLEEN T.
KEEVER
GREGORY RALPH KELLY
JOHN MATTHEW KELLY
JOHN SCOTT KELLY
BRIAN PAUL KENNEY
DAVID M. KERN
PETER FRANZ KILGER, JR.
WILLIAM ROBERT KILLEA
RONALD H. Y. KIM
ARTHUR THOMAS KING, JR.
EDWARD RAY KING, JR.
NANCY KAREN KING
MICHAEL EDWARD
KINGERY
FREDERICK HAROLD
KINNEY
JOHN COCHRAN KIRTLAND
TIMOTHY STEVEN
KOBOSKO
DAVID C. KOHLER
ALVAN FRANCIS
KOLPACKE
KEVIN EVAN KOODA
KENNETH KOTELAS
CARLTON CARROLL KOTT,
JR.
STEPHEN ROBERT KRAUSE,
JR.
RICHARD PAUL KRAUSER
PETER HENRY KRAEYER
ROBERT CHARLES KRIEGER
RICHARD STEPHEN KROLL
K. J. KROPKOWSKI
ROBERT EDWARD KUEHNEL
DANIEL H. KUHN
P. KURZENHAUSER
JOHN PAUL LABELLA
DONALD FOWLER LANE, JR.
WILLIAM ALLEN LAWLER,
JR.
WILLIAM CHARLES
LEATHERS, JR.
EARL E. LEE II
DAVID KEITH LEHMAN
JEFFREY ALLEN LEMMONS
STEPHEN PAUL LEONARD

MARK ALLEN LETHBRIDGE
JAMES KENNETH LIGHT
ROBERT FRANCIS LIGUORI
CRAIG STEVEN LIMOGES
CHRISTOPHER ROBERT
LINDSAY
PATRICK KIERAN LINDSAY
THOMAS DAVID LINDSEY
JAMES F. LIPPARD
DAVID M. LIVINGSTON
JAMES RICHARD
LIVINGSTON, JR.
THOMAS ANDREW
LOESLEIN
MICHAEL DENIS LOMAN
RICHARD SAMUEL LORENZ
DOUGLAS CHARLES LOWER
RAFAEL V. LUEVAND
BRADLEY JESSUP
LUNSFORD
PAUL STEVEN LYON
GREGG WILLIAM
MACDONALD
ROBERT WHITTIER
MACDOUGAL
MICHAEL J. MADDEN
STEWART LEE MAGRUDER,
JR.
TIMOTHY JOSEPH
MAHONEY
ROBERT EUGENE MAIER
ROBERT WALTER
MAKOWSKI
PATSY NMN MALARA III
CHARLES W. MALLORY
WILLIAM FRANCIS
MALLOY, JR.
MICHAEL W. MANY
WILLIAM MORRIS
MARCHANT
M.W. MARCINKOWSKI
RICHARD JOSEPH
MARINUCCI
CHARLES JOHN MARK
FREDERICK V. MARTIN III
JOHN WILLIAM MARTIN,
JR.
WILBUR CHARLES MARTIN
WILLIAM CHESTER MARTIN
PETER JOHN MATTIUZ
GARY ALAN MAYNARD
MARK LEONARD
MC ANDREWS
JOSEPH DAMIEN MC BRIDE
JAMES PAUL MCCANN IV
STEVEN JAMES MCCLELLAN
JEFFREY DAVID
MCLELLAND
MARK SEANNON
MCCONNELL
KEVIN STUART
MCCORMACK
GAVIN GABLE MCCRARY
KIRK MCCRIMMON
ROBERT GEORGE
MCCULLOCH, JR.
MICHAEL MCDANIEL
MARK MCDONAGH
ANNE LONG MCDONNELL
JOSEPT EDWARD MCCLROY
ROBERT BRUCE
MCCRARLAND
GEOFFREY SCOTT
MCFATHER
LEON EARL MCGALLIARD,
JR.
JAMES B. MCGEE
PARTICK E. MCGRATH
GERARD NMN MCHALE
KENNETH JESSE
MCILHENNY
THOMAS MCLERNON
HERBERT MCMILLIAN
ROBERT J. MCNEELY
SCOTT ALEXANDER
MCNEIL
THOMAS W. MCNITT
DAVID GORDON MCRAE
STEPHEN GEOFFREY
MEADE
KIP RAYMOND MEEBOER
CORBY J. MEGORDEN
MEL JOHN MEINHARDT
CHARLES FRANCIS
MEIXNER
ARMANDO EDMUNDO
MENDEZ, JR.
DOMINGO MATEO MENDOZA
JAMES EDWARD
MERCANTE
STEVEN LESLIE MICHALS
MICHAEL JAMES
MILASZEWSKI
JAMES CLAYTON MILLER
TERESA ELIZABETH
MILLINKEN
GREGG CHARLES MILO
LINDA T. MIRAGLIOTTA
GEORGE MURICE MITCHAM
CHARLES DALE MOBLEY
MARK DONALD MOHAN
KENNETH C. MOLLESON

MICHAEL E. MONACO
TIMOTHY DAVID MOON
JAMES RIDGE MORELAND
JUDITH M. MORETTI
RICHARD GEORGE MORIKI
GLENN P. MORRIS
SCOTT W. MOTZ
LORI LYNN MOYNIHAN
BRUCE VERITY MUIR
ANDREW J. MULLEN
JAMES PATRICK MURRAY
JAMES W. MURRAY
THOMAS FORTSON
MURRAY
ALVIN BENNETT MYERS,
JR.
STEVEN ALAN NAGORNY
ALBERT L. NELSON
RUSSELL D. NEVITT
DARRELL SCOTT NEWCOMB
JEFFREY CHARLES
NICHOLAS
BRUCE J. NICHOLS
PAUL ANDREW NICHOLS,
JR.
WALLY RAY NICKOLI
MICHAEL JOHN NICOLOFF
DANIES ARLEN NILES
GEORGE M. NORMAN
RICHARD GLEN NORRIS
JAMES MILTON NOVINGER
ROBERT EDWARD OBERTO
SEAN F. OBRANSKI
PETER JOHN OCONNOR
CARLTON EDWIN ODELL,
JR.
JAMES ALLAN OGHEN
KEVIN SPENCER OHARRA
ALAN K. OKA
RICHARD FLOREN OKSOL
ERIC JON OLAFSON
PEGGY ANN O'LEARY,
DAVID OLMSTEAD
DANNY T. O'NEIL
JAMES P. OSTERMAN
ORLAN W. OTT II
MICHAEL E. OTTLINGER
DAVID F. OZEROFF
CHARLES B. PAINTER
KAREN I. PALMER
STEVE F. PALMER
LOUIS A. PANNUCCI
ANTHONY L. PAPAULIAS,
JR.
GARY D. PARKER
MICHAEL PARROTT
ALAN E. PACHIN
MARK C. PAULS
TIMOTHY J. PAVELLE
MARK J. PAWLAK
JOHN C. PEDIGO
MICHAEL PETERS
NELSE C. PETERSEN
WALLACE E. PETERSON
JAMES S. PHILLIPS, JR.
JAMES B. PHILPITT
JOEL PICKERING
THOMAS R. PICKLES
GREGORY J. PIEPER
RAY A. PIETRZAK
PHILLIP J. PILEWSKI
MICHAEL E. PINHO
VAN D. PINNER, JR.
DON A. PISACANO
JEANPIERRE PLE
JOSEPH C. PODHASKY
PAUL E. POHLMEYER
FREDERICK L. PORITZKY
ANNE K. STEIGELM POWER
TIMOTHY J. POWERS
MICHAEL H. PRECHT
PAUL R. PRENTISS
JOHN W. PROCELL
TIMOTHY W. PUCKETT
CHRISTOPHER M. PUHER
DAVID L. QUESSENBERRY
LESLIE A. QUICK
NEIL F. QUINLAN
TODD W. RAHMES
KENNETH G. RASCHER
JARVIS D. RATHBONE
EDWIN M. RAU
JAMES K. REAGAN
HERMAN P. REDDICK
NICHOLAS REDONDO III
KIRK S. REDWINE
ROBERT K. REEVE
ELIZABETH A. REGIS
GLENN M. REID
JOHN A. REID
MARK R. REID
G. R. REINHARDT
BRUCE C. RENKEN
JAMES L. REUSS
SYED A. REZA
HENRY V. RHODES, JR.
ERNEST H. RICHARDS
MARK S. RIDDLE
LUTHER H. RIDENHOUR, JR.
DAVID N. RIDLEY
SCOTT A. RIGGIN
KENNETH G. RIGOULOT II

VALERIE R. RIVERS
EILEEN S. ROBERSON
CHARLES B. ROBERTS
DUKE E. ROBERTS
JOHN W. ROBERTSON
STEVEN M. ROBERTSON
EUGENE J. ROBICHAUD
KEVIN D. RODGERS
RICHARD G. ROENBECK
RICHARD C. ROGERS, JR.
RICHARD J. ROGERS
THEODORE E. ROGERS
MICHAEL J. ROLAND
ROBERT R. ROMAINÉ
JOSEPH J. ROMANO
PETER J. ROMANO
EMELDA S. ROSAS
GARY W. ROSHOLT
MICHAEL R. ROSS
SHARON L. FITZGERALD
ROSS
LEE V. ROSSETTI
WILLIAM A. ROTHWELL
MICHAEL D. ROWAN
KENNETH G. ROYER
JAMES R. ROYS
GREGORY T. RUBIOLÓ
ERNEST VICTOR RUPERT
III
MARK H. RUSSELL
JOSE W. SALDANA
MICHAEL WILLIAM
SANCHEZ
PENELOPE LANE SANDERS
SCOTT EUGENE SANDERS
GARY EDWARD SANG
LUKE JAMES SANNA
JOHN EDWARD SARCONÉ
SHANNON DALE SAUNDERS
LARRY LE SAVAGE
MARK MICHAEL SAVINO
KEVIN GARY SAXON
HOWARD DANIEL SCHAFFER
III
CHARLES HOWARD
SCHAFFER
ALAN THOMAS SCHERER
STEPHEN KENT SCHINI
DAVID M. SCHLAGEL
KAREN ANN SCHMIDT
STEVEN ANTHONY
SCHMIDT
BRIAN EUGENE SCHMITZ
JOHN FRANCIS SCHNEIDER
RICHARD ARTHUR
SCHONBERG, JR.
STEVEN RICHARD SCHOFER
JAMES ROBERT
SCHUCHMAN
ALVIN DARREL SEARS
STEPHEN WESLEY SEIM
STEVEN WAYNE SELVIG
MICHAEL SERAFIN, JR.
ROGER N. SEXAUER
THOMAS MARTIN SHANNON
STEVEN MICHAEL
SHARKEY
TRACY KUGLER SHARPE
STEPHEN DRAKE SHAW
OLIVER VASSAR SHEARER
III
STEPHEN EMORY SHEELY
LEMUEL CORNICK
SHEPHERD, IV
JAMES JOSEPH SHERIDAN
ROBERT KIRK SHIFLET
CALVIN SHINTANI
DANIEL FREDERICK SIGG
ROBERT ERWIN SIGRIST
RICHARD M. SIMCSAK
ALAN LEE SINGER
ALVIN R. SMITH
JAMIE LEE SMITH
JOAN KRISTINA SMITH
JOYCE HELLKAMP SMITH
KENNETH WAYNE SMITH
MICHAEL CHARITY SMITH
MICHAEL FREDERICK
SMITH
RICHARD BYRON SMITH
VICTOR CORDELL SMITH
WILLIAM REMBERT SMITH
BRIAN DOUGLAS
SNOPKOWSKI
STEVEN SOUTHARD
GARY SPARKS
BRIAN JOSEPH SPENCER
GEORGE OTIS SPENCER III
JEFFREY REID SPENCER
MICHAEL GERARD STARR
DENNIS MICHAEL STARR
ROBERT LAWRENCE
STEPHENS, JR.
MICHAEL ALAN STEVENS
CHRISTOPHER JAMES
STEVENSON
JOHN DEWITT STEVENSON
MARTIN DOUGLAS STOWE
STEVEN R. STROUP
ARTHUR FRANCIS STRUNK
HENRY BRYON STUEBER
STEVE JOSEPH SULLIVAN

STEPHEN CHRIS SUMMERS
WILLIAM CHARLES SUTTON
DANA E. SWENSON
DOUGLAS SMATHERS
SWETLAND
JAMES FRANCIS SZIVOS
STEVE TANNENBAUM
KEITH LEWIS TAURMAN
MICHAEL PATRICK TAYLOR
DAVID PETER TEDIN
KENNON P. TEMPLE
TIMOTHY SILCOX
THERRELL
MYRON JAY THIESSEN
JOSEPH BROWN THOMAS,
JR.
TIMOTHY KAHLE
THOMPSON
ROBIN DAVIDSON
THORNTON
EMERSON LEROY THROWER
C H TINDAL
JAMES PATRICK
TORTORELLI
MAURICE B. TOSE
ARMAND RANDALL
TOWNSEND
DAVID ALLEN TOWNSEND
KATHERINE ONEILL TRACY
STEPHEN THOMAS TRACY
JOHN CLEMMER TRIOL, JR.
JAMES W. TROAN
ALAN ARMSTRONG TUCKER
JAMES GARY TUCKER
GUY WILLIAM TURNQUIST
DAVID FRANCIS TUROCY
LOYD MICHAEL UGLOW
DAVID DWAIN UNDERWOOD
DAVID GERARD
URBANOWSKI
CLAUDE PHILIP VALLIERE
SAMUEL MATTHEW VANCE
REINETTA
VANEENBURG
CHARLES L. VANGORDEN,
JR.
RICHARD HARLEIGH
VANNATTA
BRADFORD LEE VANNNOY
DAVID LOUIS VINCI
DAVID WILLIAM VIVIAN
LYNN ROBERT VORHIES
ERIC DWIGHT WAGGY
KENNETH ORRIN WALKER
MICHAEL ANTHONY
WALLACE
RICHARD D WALLACE
LEONARD MICHAEL WALSH
KENNETH TOOLE
WAMMACK
THOMAS TRABUE
WARFIELD
MICHAEL EDWARD
WARNER
JAMES LINCOLN WARREN
MICHAEL EDWARD
WASHINGTON
RONNY DEAN WASHINGTON
ROBERT JOHN WATSON
LAWRENCE LEROY WEBB
DAVID J. WEBSTER
DOUGLAS EDWARD
WEBSTER
ROBIN KAY WEINHOLD
LEONARD DAVID WERT, JR.
PATRICK HILL WEST
RICHARD LYNN WESTON
RICHARD ROLAND
WETHERILL
ROLAND A. WEYMAN
RONALD ALAN
WHISENHUNT
DAVID M. WHITE
STEVEN ANGELO WHITE III
TERRY SHELDON WHITE
SAMUEL HERBERT
WHITING, JR.
CLAUDE MICHAEL WHITTLE
FRANK PETER WIEDER
STEVEN JAMES WIENEKE
RICHARD JUDD WILCOX
CALVIN R. WILDER
NORRIS ORVILLE
WILLIAMS
WINSTON RANDALL
WILLIAMS
COLIN WESLEY
WILLIAMSON
THEODORE MERRILL
WILLIAMSON
GERALD WAYNE WILSON
SCOTT WILLIAM WILSON
FRANCIS RONALD WINKEL
DALE WAYNE WINSTEAD
FRANK CHIPMAN WISE
DONALD JAMES WICZAR
GARY STEVEN WOLFE
RODNEY ALEXANDER
WOMACK
JEFFREY CHIN WON
THOMAS CLINTON WOOD

WILLIAM RICHARD WORLEY
JAMES BARNES WRIGHT III
EDWARD MCFADDIN WYNNE
WAYNE LEON YAKE
DANNY KIM YOUNG
WORCHESTER DUKE YOUNG
MICHAEL JOSEPH YRACEBURN
LEO THOMAS ZALOGA
CRISTINA LOUISE ZARATEBYERS

EDWARD JACOB ZEEK II
BRADLEY D. ZELL
WILLIAM FREDERIC ZELLER III
JOSEPH ROBERT ZERBO
RICHARD JOHN ZIEBRO
BRICE ZIMMERMAN
JOHN D. ZIMMERMAN
ROGER LEE ZINN
GLENN L. ZITKA
KURT WILLIAM ZOBEL
PAUL JOHN ZOHORSKY III
JOHN DANIEL ZWIEP

UNRESTRICTED LINE OFFICERS (TAR)

To be Commander

BLANE KEVIN ANDERSON
DANIEL DEE ATHEY
ROBERT EDWARD AYERS
KERRY NMN BALLANCE
JAREN LOUISE BILDER
DAVID WILLIAM BIRT
GREGORY ANTHONY BLACK
BRIAN JAMES BODALY
ALEX A. BOGDANOFF
PAUL W. BRANUM
MICHAEL GEORGE BRAUN
DONNA LYNN BROWN
MELODY FRANCES BUNKERS
KATHY MAHAFFEY BUSCHER
CARL EUGENE CARSON III
JOHN CHRISTOPHER RICHARD J. CHUDAY
GEORGE BARNARD CLIFFORD IV
JOHN WALTER COLEMAN II
JEREMIAH P. COLLINS
DAVID JOSEPH CONNER, JR.
THOMAS P. CONNOLLY
WALLACE G. COX
KEVIN ROBERT CRAWFORD
JACK FRANKLIN DALRYMPLE, JR.
DAVID WALTER DANNER
NANCY ANN DECKER
KEVIN WADE DOTY
MICHAEL DENNIS DOWNS
LAFE A. DOZIER
JONATHAN BRADFORD ECKHART
MARK SHANE EYER
FEDERICK CLAY FEARNOW
JACK ALAN FEDEROFF
JOHN MICHAEL FLYNN
ALVIN FORD
MARK W. FULENWIDER
PAUL ANDREW GABIOU
DANIEL JO GAHR
JAMES JOHN GORSKI
KEITH WALTER GRIMES
LISA NYE GUTIERREZ
SYLVESTER RICHARD HAGINS, JR.
STEVEN RICHARD HARRINGTON
JERRY GLENN HENDERSON
CHARLES E. HENRY
PATRICIA SUE HINE
STANLEY P. HUDSON
DAVID MACINTYRE
HULSHOUSER
PAMELA MARIE IOVINO
MELANIE MUNRO JOHNSON
FEDERICK MARK JOLOWSKI
JOHN FRANK KADLEC
GUY SAMUEL KEMP
JAMES JUDSON
KILPATRICK III
JAMES SEAN KING
WILLIAM MATTHEW KOVALCHIK

STEPHEN GREGORY KRAWCZYK
HAROLD THEODORE KRUMM, JR.
THOMAS MICHAEL KULE
ALAN ARTHUR LABEOUF
WILLIAM CHARLE LABERMEIER
JOSEPH GREGORY LAMPHAM, JR.
VICTORIA MAGDALENE LARSON
ROBERT JONES LEE
NED ANDERSON LEONARD
JENNIFER ANNE LEWISCOOPER
THOMAS JAMES LINDGERG, JR.
ROBIN ALEXANDER LINN
CRAIG R. LOVE
JAMES F. LOWDER
PETER D. MACKAY
CURTIS M. S. MACKENZIE
GLENN RICHARD MAGILL
ROBERT MICHAEL MAHOLCHIC
DAVID JOHN MAHONEY III
BRIAN P. MARKS
JOHN J. MCCORMACK, JR.
JON PAUL MCGLOCKLIN
GLENN ROBERT MICKLE
ROBERT CHRISTOPHER MILLER
FRED JOHN MINGO, JR.
JAMES EDWARD MONAHAN
ANTHONY NARDELLA
MARGARET ANN NILES
DALE ANN NORRIS
JEFFREY K. OLSON
KENNETH J. PANOS
STEVEN JAMES PHILLIPS
JOHN CHRISTOPHER PIPER
ARTHUR ROBERT RANDOLPH
CHRISTOPHER C. ROBERTS
CHRISTOPHER M. ROWELL
WILLIAM K. RUCKER
PAUL MICHAEL RUMBERGER
DAVID WAYNE SAFSTROM
FRANK SCARINGELLO
THEODORE LEO SCHMIDT
JAMES ARTHUR SEIDEL
LEE E. SMITH, JR.
PETER EDWARD SPAULDING
CHARLES S. STOKES
SCOTT MARK SUCKLING
DAVID DUNWAY THETFORD
PETER MICHAEL THOMPSON
JOHN JAMES TURONIS
KEITH A. ULLMAN
MARK JOSEPH VANEK
VICTOR JAMES VANHEEST
ROBERT ANDREW VANMETER

MARK B. VAUGHAN
STEVEN DOUGLAS WALTON
WILLIAM GILMORE WELCH

ENGINEERING DUTY OFFICERS

To be commander

JOSEPH JOHN BALDAUF
JOHN DAVIS BERARD
WILLIAM RICHARD BROZ
DEAN ALEXANDER GLACE
JOE GRANADOS
RALPH BERNARD GROOME
HAYDEN GRIFFIN HUBY, JR.
CLAUDE PATRICK HENRY
ROGER C. HINE
DAVID EDWARD HOLLINBERGER
MICHAEL JOHNSON
EDWARD HENRY KIESSLING
MARK STEVEN KOSTELNIK

ROBERT M. WHITE
MARK Q. WHITTLE
THOMAS HENRY WOOD

ENGINEERING DUTY OFFICERS

PAUL PETER MIESZCZANSKI
MARY HELEN MILLER
MARK LEE NESTLE
FREDERICK M. NIELSEN
THADDEUS ANDREW PEAKE III
WOODROW MERRITT POPLIN
JOHN EDWARD RIESTER, JR.
MELFORD ECHERD SMYRE
RON J. STICINSKI
MICHAEL HOWARD VINEYARD

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be commander

ROBERT WADE COWING
LEE E. ERDMAN
DENNIS JAY BAKER
PAUL KRUGER DANNER III
TAEYONG WALTER GINN
ALLAN S. KOWADLA
MICHAEL ANDREW LEIGH
LEONARD MERRIMAN III
JAMES ELDRIDGE MEYERS, JR.
DAVID ROBERT OBERST
OSWALD HENRY OLSEN, JR.
WILLIAM ROBERT PHILLIPS
HAROLD ALEXANDER RAHN
ALEXANDER VANLEER SHARP
JAMES MICHAEL WINTERROTH

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE) (TAR)

To be commander

RONNIE B. DAVIDSON
PATRICK J. AUSTIN
BRUCE CUMINGS
MICHAEL A. GREEN
DAVID P. JAMES
JAMES F. LACKEY III
PAUL A. LONDYNSKY
WILLIAM J. MCCANEY
GEORGE P. MCCARTHY
RICHARD D. MOORE
KIM M. PURDY
THOMAS ROTHROFFY
PETER G. SCHAEDEL
LIONEL H. SENES
KIRBY A. STROSS
HERBERT W. WADSWORTH
NANCY L. WAGNER
JAMES A. WEAVER
RONALD WELLS

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

GREGORY S. HOPPENSTAND
HUGH D. MC ELRATH
VERONICA B. OREM
THOMAS E. SCHROEDER
MICHAEL S. SWETNAM
PETER H. VANNESS
JERRY W. WIENAND

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

PEDRO ALVAREZ
ROY I. APSELOFF
WILLIE R. ASHBY III
JAMES A. BASS, JR.
DAVID W. BAUSCH
THOMAS J. BONANNO
ERNEST J. BRAUN
MARY J. BROWN
ERIC C. BURGESS
MARK D. BURROWS
JAY S. CAPUTO
JAMES W. CARLSON
JAMES D. CARNEGIE
IRVIN W. CHRISTOPHER
SEAN J. COLEMAN
SANDRA G. COYLE
REBECCA C. CRAIG
JAMES K. DARGAN

JOHN M. DEMAGGIO
WALTER G. DINKLA
JOSPEH R. DRINKHOUSE
THOMAS J. FACER, JR.
KARL B. FISCHER
DENNIS A. FRAINIER
GEOFFREY G. GARNEY
CHRISTOPHER K. GIFFIN
LELAND S. GOODMAN
JEFFREY A. GORHAM
WILLIAM SCOTT GOULD
GREGORY WRIGHT HAGLER
BARBARA JANE HENDERSON
TERRY BRUCE HENDERSON
GREGG BURTON HOLTHUS
MARK NMN HUBER
THOMAS MARK HUGHES
RICHARD BUD JACOBS
ELIZABETH ROSS JENKINS
WILLIAM PAUL JOHNS
KURT RANDALL JOHNSON
MICHAEL TIMOTHY KEATING
WILLARD F. KELCHNER III
THOMAS JOHN KELLY
ROBERT M. KESLINKE
DAVID MILTON KLEVEN
ALAN MICHAEL KOPER
ROBERT WAYNE LASSITER
FRANK JEFFREY LAUGHLIN
RICHARD PAUL LAURN
GREGORY LEROY LAWRENCE
AUSTIN CECIL LEMON III
BARBARA MACFARLA LOVERING
JOHN D. LYLE
BRADLEY DAVID LYNN
MICHAEL DRISCOLL MADDOCKS
LAURENCE MAGUIRE
JEROME K. MATHRE
JETT CHARLES MCCANN
JOHN HANSON MCCAW III
LEONARD ERWIN MCGEE
KAREN MAE MCGRATH
DENNIS MICHAEL MCLAUGHLIN
FLOYD JOSEPH MEADOWS
JAMES WILLIAM MEHRMANN

BLOMQUIST JOAN MANE MELASKY
CHARELS ANTHONY MENICKELLY
STEPHEN R. MERRILL
ROBIN DRUCE MEYER
MARK MITCHELL MILLER
STEPHEN DUANE NICHOLS
POMPEI LEONARD ORLANDO, JR.
JAMES SIDNEY OSBORNE, JR.
PAUL J. PACE
HAROLD RUSSELL PAUL
WILLIAM KENNEDY PERKISON
EUGENE T. RECORE
JAMES STANLEY REID
TIMOTHY LEE RIGGINS
MICHAEL PHILLIP RIOUX
JOHN EVANS ROBERTSON
LINDA JEAN ROSEBERRY
DAVID J. RUSSELL
DAVID ANTHONY RUTKAS
MICHAEL CRAIG SCHAUF
ROBERT REID SHEETZ
JAMES MICHAEL SHEPPARD
ALLEN GORDON SMITH, JR.
SHAWN L. BRADFORD SMITH
GARY ALAN STAHL
TODD PETER TARBY
ROBERT M. TATA
ROBERT E. TEMPLETON
LEE ALAN TOUGAS
JAMES EDWARD TUGMAN
ROBERT FRANCIS URSO
MICHAEL ALAN VANHORN
JOHN MICHAEL WALSH
DALE ALLEN WAPPES
SCOTT MALCOLM WATSON
LYNN HEMINGWAY WEATHERBE
WARREN STEVEN WESTURA
THOMAS HALL WHITNEY
KRISTINE LOU WILLIAMSON
WARD TAYLOR WILSON
CHESTER W. WONG
DAVID W. YIP
BOBBI JEAN YOUNG

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be commander

MARK ROBERT GARROW
GARY THOMAS RYAN
JACK MANVILLE STANTON
ROBERT E. WILCOX

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

CHERYL LYNN AUSTIN
ELWOOD JOHN BERZINS
THOMAS FREDERICK BURGESS
SUSAN ALILEEN HELLWEG
WILLIAM MARK KORACH
MARY TATE LOCKWOOD
CHRISTINE MARIE MILLER
NICHOLAS LLOYD MONROE
GREGORY MATTHEW ROSENBERG

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

RICHARD MICHAEL BARAZOTTO
VIRGINIA T. CZUBA
THEODORE ROBERT METTLACH
VICTOR MICHAEL NEVES
STEVEN S. PAINTER
SUSAN K. RUNCO

LIMITED DUTY OFFICERS (LINE)

To be commander

ARTHUR KELSO DUNN

CONFIRMATIONS

Executive nominations confirmed by the Senate June 8, 1994:

INTER-AMERICAN FOUNDATION

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.

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.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

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.

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.

DEPARTMENT OF STATE

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.

TIMOTHY A. CHORBA, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENI-

POTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

JOSEPH R. PAOLINO, JR., OF RHODE ISLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

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.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

JAN PIERCY, OF ILLINOIS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SALLY A. SHELTON, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

MICHAEL R. BROMWICH, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE.

FLORENCE M. CAUTHEN, OF ALABAMA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS.

JOSEPH GEORGE DILEONARDI, OF ILLINOIS, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS.

DALLAS S. NEVILLE, OF WISCONSIN, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS.

JOHN R. O'CONNOR, OF CONNECTICUT, TO BE U.S. MARSHAL FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF 4 YEARS.

MICHAEL A. PIZZI, OF NEW YORK, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

ROBERT BRUCE ROBERTSON, OF OKLAHOMA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

THE JUDICIARY

BILLY MICHAEL BURRAGE, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN, EASTERN AND WESTERN DISTRICTS OF OKLAHOMA.

TERRY C. KERN, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

THEODORE ALEXANDER MCKEE, OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

VANESSA D. GILMORE, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.